

3 - Procedure for Review

3.1 Purpose

The following section is intended to clearly and thoroughly outline the process for submission and review of land subdivision and development so that it is fair and equitable for all parties involved.

3.2 Types of Review

For the purpose of this section, the following terms shall apply:

- a. Exempt Subdivision - Subdivision of property exempt from the provisions of the ordinance. Must meet the requirements detailed in Section 2.4(a) of this ordinance.
- b. Expedited Subdivision - Subdivision of property meeting the requirements outlined in Section 2.5 shall qualify for an expedited review in which applicant shall only be required to submit a plat for recordation.
- c. Minor Subdivision - Subdivisions creating 10 or fewer lots involving no new public street rights-of-way dedication (except the widening of existing, platted street rights-of-way).
- d. Major Subdivision - Subdivisions that are not classified as exempt, expedited, or minor subdivisions.

Table 3.2 - Classification of Subdivision Review

(A)		(B) DESIGNATED AGENCY (DECISION- MAKER)
CLASSIFICATION	STAGE	
Minor Subdivision	Sketch Plan	Administrator
Minor Subdivision	Final Plat	Administrator
Major Subdivision	Sketch Plan	Administrator
Major Subdivision	Preliminary Plat	City Council
Major Subdivision	Final Plat	Administrator
Construction Plans	N/A	City Engineer
Exemption Plats and Expedited Plat Review	N/A	Administrator

3.3 Exempt Subdivisions

3.3.1 Definition

Any subdivision meeting the standards of Section 2.4(a) of this ordinance.

3.3.2 Plat Submission Requirements

Prior to recordation, applicants shall submit a plat for review by the Administrator for compliance to the standards of Section 2.4(a) of this ordinance.

3.3.3 Certificate of Exemption Required

Before any plat that is exempt from the provisions of this Ordinance may be recorded, a Certificate of Exemption shall be obtained from the Administrator and presented to the Register of Deeds, certifying that exemption conditions have been satisfied. Certificates of Exemption may be found in Section 5.4 of this ordinance.

3.4 Expedited Subdivision

3.4.1 Definition

Any subdivision meeting the standards of Section 2.5 of this Ordinance.

3.4.2 Plat Submission Requirements

Prior to recordation, applicants shall submit a plat for review by the Administrator for compliance to the standards of Section 2.5 of this ordinance.

3.4.3 Certificate of Approval for Recordation Required

Following review, subdivisions that meet the requirements of Section 2.5 of this ordinance shall be granted a Certificate of Approval for Expedited Review, which may be found in Section 5.7 of this ordinance.

3.5 Minor Subdivision

3.5.1 Definition

A subdivision resulting in 10 or fewer lots where no new public street rights-of-way dedication is required (except the widening of existing, platted street rights-of-way).

3.5.2 Sketch Plan - Review

- a. The applicant shall schedule an appointment and meet with the Administrator to discuss their ideas for development and the preparation of a Final Plat. The Administrator shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve aspects of the subdivision plat coming within their jurisdiction.
- b. In the meeting, the applicant shall provide the Administrator with a rough "sketch" of their proposed development. This sketch shall provide a rough geographic representation of current and proposed: lot lines, physical features, buildings, land uses, etc.

3.5.3 Sketch Plan - Notice to Proceed

- a. The Administrator shall issue a Notice to Proceed only if the Sketch Plan complies with all applicable laws governing the subdivision of land.
- b. The approval shall include, as appropriate, recommended changes in the Sketch Plan to be incorporated into the Final Plat.

- c. The applicant shall have 1 year from the date that the Sketch Plan is approved to submit a Final Plat, after which time a new Sketch Plan must be submitted for approval.
- d. Should the Sketch Plan be found to not be in compliance of applicable laws and regulations, these issues shall be noted by the Administrator. The applicant may resubmit the Sketch Plan with the revisions noted by the Administrator.

3.5.4 Final Plat - Submission

The applicant shall submit a copy of a Final Plat to the Administrator.

3.5.5 Final Plat - Utility Construction Drawings Submission

- a. A utility extension shall be defined as the extension of a water or sewer line that requires permitting by the State of North Carolina (or the City if approved by the State for “Self-permitting”). Such extension shall require a right-of-way or easement.
- b. Should the applicant require a utility extension in conjunction with a minor subdivision application, Utility Construction Drawings shall be submitted with the Minor Subdivision application.
- c. Utility Construction Drawings shall:
 - i. Be submitted in accordance with the provisions of this ordinance.
 - ii. All lines/improvements shall be constructed in accordance with the provisions of this ordinance and the City of Archdale Construction and Development Standards (or standards of the applicable public or private utility).
 - iii. A Final Plat shall not be approved until all utility extension improvements have been inspected and accepted in accordance with the provisions of this ordinance.

3.5.6 Final Plat - Determination

Upon review of the Final Plat, the Administrator - following consultation with the City Engineer - shall render a determination as to whether the plat is:

- a. *“Approved”*
 - i. The Final Plat complies with all applicable laws governing the subdivision of land.
 - ii. If a plat is approved, the Administrator and the City Engineer shall certify such approval by signing the plat
- b. *“Approved with conditions”*
 - i. The Administrator shall include recommended changes to the Final Plat required for approval.
 - ii. The applicant shall have 1 year from the date of the determination of approval with conditions, to resubmit an altered Final Plat.
- c. *“Denied” pursuant to this Ordinance:*
 - i. If disapproved, the Administrator shall advise the applicant in writing of such action and shall indicate the reasons for denial.
 - ii. If disapproved, the applicant may appeal to the Board of Adjustment. The Board of Adjustment shall review the application and shall affirm or reverse the decision of the Administrator.
 - iii. The applicant shall be granted a period of no more than 30 days from receipt of the written decision to appeal the decision to the Board of Adjustment.

3.5.7 Final Plat - Recordation

- a. Within 30 days of Final Plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The Final Plat approval shall expire following the 30-day period, unless the

Administrator has granted an extension. The Administrator may grant up to 2 extensions of Final Plat approval, each a period of no greater than 6 months. Failure to record the Final Plat within the time frame noted shall cause the Final Plat approval to be void.

- b. The applicant shall return a copy of the recorded plat to the office of the Administrator.
- c. No zoning permit or building permit shall be issued or approved until the expiration of 10 business days after a Final Plat has been recorded. The purpose of this time period is to permit the assignment of addresses and Parcel Identification Numbers (PINs) in the Land Records office of Randolph or Guilford County.
- d. As required by North Carolina General Statute 47-30.2, a plat to be recorded shall be submitted to a Review Officer before the plat is presented to the Register of Deeds for recordation. The Review Officer shall certify the plat if it complies with all statutory requirements for recording. The Register of Deeds shall not accept for recording any map or plat required to be submitted to the Review Officer unless the map or plat has the certification of the Review Officer affixed to it.

3.6 Major Subdivision

3.6.1 Definition

All land subdivisions located within the City's zoning jurisdiction that are not exempted by state statute or previously described under the minor or exempt subdivision procedures shall be processed as a Major Subdivision.

3.6.2 Sketch Plan - Submission

- a. The applicant shall submit copies of a Sketch Plan to the Administrator for review.
- b. Submitted Sketch Plans shall be reviewed by the Administrator for completeness. The Administrator shall determine whether the application is complete and complies with the submission requirements.
- c. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. Incomplete and/or non-compliant submissions shall not be processed.
- d. Administrator shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

3.6.3 Sketch Plan - Notice to Proceed

- a. The Administrator shall issue a Notice to Proceed only if the Sketch Plan complies with all applicable laws governing the subdivision of land. The approval shall include, as appropriate: recommended changes in the Sketch Plan to be incorporated into the Preliminary Plat, which shall assist the applicant in obtaining Preliminary Plat approval.
- b. The Administrator shall issue a Notice to Proceed no later than 15 days after the date on which the Sketch Plan was submitted.
- c. After receipt of a Notice to Proceed, the applicant shall be eligible to file an application for Preliminary Plat review.

3.6.4 Sketch Plan - Notice of Non-Compliance

- a. If the Administrator determines that the Sketch Plan does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the Sketch Plan, the Administrator shall issue a Notice of Non-compliance.

- b. The Administrator shall issue a Notice of Non-compliance not later than 15 days after the date on which the Sketch Plan was submitted to the Administrator.

3.6.5 Preliminary Plat - Preparation

- a. If the Administrator has issued a Notice to Proceed for a Sketch Plan for a Major Subdivision, then the applicant may proceed with the preparation of a Preliminary Plat.
- b. Approval of a Preliminary Plat shall be required for any tract where the eventual platting of the property involves a Major Subdivision. No Final Plat shall be approved until a Preliminary Plat for the property has been approved.

3.6.6 Preliminary Plat - Completeness Review

- a. The Administrator shall review the submitted Preliminary Plat completeness and adherence to all applicable standards.
 - i. If the Administrator deems the plat to be *complete*, then the applicant shall schedule a date on which a Technical Review Committee (TRC) meeting will be held.
 - ii. If the Administrator deems the plat to be *incomplete*, they shall record the changes required for resubmission. Upon meeting these changes, the applicant may resubmit the revised Preliminary Plat for a completeness review.

3.6.7 Preliminary Plat - Technical Review

- a. Following submission, Preliminary Plats shall be subject to a technical review by staff through a TRC meeting.
- b. The TRC shall review Preliminary Plats for adherence to all applicable standards.
- c. The TRC shall issue a recommendation to the Planning Board and City Council for consideration of approval.

3.6.8 Preliminary Plat – Decision Making Body

- a. The Preliminary Plat shall be reviewed by the City’s Planning and Zoning Board which shall issue a recommendation to the City Council.
- b. The Preliminary Plat shall then be reviewed by the City Council which shall issue one of the following decisions:
 - i. Approval (Section 3.6.10)
 - ii. Approval with Conditions (Section 3.6.11)
 - iii. Denial (Section 3.6.12)

3.6.9 Preliminary Plat - Regulatory Exceptions

- a. Where an applicant for Subdivision Preliminary Plat approval finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, they may apply for an exception. The City Council shall not approve an exception to these regulations unless it makes affirmative findings based upon the evidence presented to it in each specific case that:
 - i. The granting of the exception will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - ii. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - iii. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved - a particular hardship to the owner would result should the

- strict letter of these regulations be carried out. This hardship shall be distinguished from a mere inconvenience; and/or
- iv. The relief sought will not in any manner vary from the provisions of the Comprehensive Plan except that those documents may be amended in the manner prescribed by law.
 - v. The exception will, to the extent practical, maintain compliance with the overall intent of the regulation from which the exception is sought.
 - vi. The exception will not result in the violation of any state or federal laws, or create a variance from the provisions of the Zoning Ordinance or any other local ordinances.
- b. When considering a request for an exception to these regulations, the City Council shall follow quasi-judicial hearing procedures.
 - c. Applications for exceptions to the provisions of the Subdivision Ordinance shall be signed by the owner(s) of the land for which such exception is sought.
 - d. In approving a subdivision exception, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in this Ordinance.

3.6.10 Preliminary Plat - Approval

- a. The record of approval shall be maintained on file with the Administrator and the approved Preliminary Plat shall be indexed and filed in the office of the Administrator.
- b. Approval of the Preliminary Plat by the City Council shall allow an applicant to proceed with:
 - i. The preparation of the Final Plat.
 - ii. Site preparation/grading (subject to obtaining Grading Permit and/or Erosion Control Permit).
 - iii. The installation of required site improvements (subject to approval of Construction Plans as described in Section 3.6.14 of this ordinance).
- c. Approval of the Preliminary Plat by the City Council without approved Construction Plans, as set forth, shall not constitute the necessary approval for submittal of the Final Plat.
 - i. The Preliminary Plat shall serve as a guide in the preparation of the Final Plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this Section.
- d. The Preliminary Plat shall be valid for the period prescribed by Table 3.6.10. A Preliminary Plat shall become void if a Final Plat is not approved within the specified time-period. Final approval of a phase or portion of a Preliminary Plat shall re-establish the date for measuring the time-period of a Preliminary Plat approval.
- e. The City Council may approve a staging plan extending the effective period of the Preliminary Plat approval up to 2 years where it is the intent of the landowners to proceed to Final Plats covering only a portion of the tract at any one time. Beyond 2 years, the applicant shall resubmit the Preliminary Plat to the Administrator for review by the City Council.
- f. The Administrator may grant a one-year extension prior to the expiration of the time limit. After expiration of a one-year extension, a previously approved Preliminary Plat shall become void.

Table 3.6.10 - Time Limits for Major Subdivision Plat Approval

<i>Type of Approval</i>	<i>Time Limit of Approval</i>
Preliminary Plat	Valid for one year
	*Optional one-year extension
Preliminary Plat w/ Phasing	Two-year extension per phase
Final Plat	30 days to record

3.6.11 Preliminary Plat - Approval with Conditions

- a. The record of granting approval with conditions shall be maintained on file with the Administrator.
- b. Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Administrator with all corrections within 60 days of the City Council's approval.
- c. Upon meeting the required conditions for approval, the applicant may proceed through the process detailed in Sec. 3.6.10.

3.6.12 Preliminary Plat - Denial

- a. The record of denial shall be maintained on file with the Administrator and provided to the applicant in writing.
- b. The appeal of a denial of a Preliminary Plat by the City Council shall be made to Superior Court in accordance with NCGS 160D-1403.

3.6.13 Preliminary Plat - Revising an Approved Plat

- a. The Administrator shall have the authority to approve the following deviations from an approved Preliminary Plat:
 - i. A change in the location of not more than 10% of the number of lots.
 - ii. A change in the location of open space comprising not more than 10% of the gross acreage.
 - iii. A change in the location of any part of the proposed street alignment and lot configuration of not more than 10% of the gross acreage so long as the number of external access points is not decreased.
 - iv. Changes are restricted to the internal parcel boundaries and shall not affect external property lines.
- b. All other changes to an approved Preliminary Plat that do not meet the standards outlined in Sec. 3.6.13(a), shall require the filing and approval of a Preliminary Plat by City Council.

3.6.14 Submittal of Construction Plans

- a. Following approval of the Preliminary Plat, the applicant shall have Construction Plans prepared by a design professional registered in the State of North Carolina. Construction Plans shall consist of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks, and other improvements required by this Ordinance, as well as any additional technical standards adopted by the City.
- b. Construction Plans shall be submitted to the City Engineer, who shall have the authority to review and grant final approval to all Construction Plan applications in consultation with the Public Works Director and Subdivision Administrator.
- c. All improvements required pursuant to these regulations shall be designed and constructed in accordance with the applicable requirements of this Ordinance, the City of Archdale Construction and Development Standards, and where applicable, the requirements and authorization of the appropriate state agency, utility company, or local franchisee.
- d. All installations of improvements shall conform to the approved Construction Plans.
- e. No work shall be initiated relative to the preparation of land or the installation of general improvements until such time as all aspects of the applicant's Construction Plans and Erosion Control submissions have received approval.

- f. If the applicant chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the City Engineer pursuant to the requirements outlined in Section 3.6.13 of this ordinance. It shall be the responsibility of the applicant to notify the Administrator in advance of any changes to be made from the approved drawings.
- g. In the event that actual construction work deviates from that shown on the approved Construction Plans, such unapproved work shall constitute a violation of this Ordinance. The applicant shall be required to correct the installed improvements to conform to the approved Construction Plans.
- h. The Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

3.6.15 Submittal of “As-Built” Drawings

- a. Prior to final inspection of the required improvements, the applicant shall submit to the Administrator two copies of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be re-certified by the applicant's engineer indicating the date when the as-built survey was made.
- b. In conjunction with the submittal of Construction Plans and specifications, the applicant shall be required to demonstrate compliance with the Erosion Control Standards of the overall area proposed to be developed. All grading, excavations, open cutting, and similar land surface disturbances completed by the applicant shall be mulched, seeded, sodded, or otherwise protected to ensure compliance with the City's Erosion Control Standards.

3.6.16 “As-Built” Drawing Requirements

- a. As-Built drawings shall show the constructed vertical elevation, horizontal location, and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins, and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision.
- b. As-Built drawings shall depict water lines, valves, fire hydrants, and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and location and description of valves with dimensional ties.
- c. As-Built drawings shall depict the location of all street rights-of-way, alignments, widths, and vertical elevations.
- d. As-Built drawings shall show all control points and monumentation.
- e. As-Built drawings shall be submitted to the City digitally in the .dwg AutoCAD format or compatible equivalent.

3.6.17 Inspection of Improvements

- a. Prior to beginning construction, the applicant shall arrange with the City Engineer a pre-construction meeting for the purpose of coordinating construction activities.
- b. During the preparation of land and the installation of general improvements; periodic inspections shall be made to ensure conformity with the approved plans, specifications, and standards. Appropriate agencies of the City and state may make inspections at any time during the progress of work.
- c. All improvements required by these regulations shall be inspected prior to acceptance by the City. Where inspections are made by individuals or agencies, other than the City Engineer or his designee, the applicant shall provide the City Engineer with written reports of each final

inspection. It shall be the responsibility of the applicant to notify the City Engineer of the commencement of construction of improvements at least one (1) full business day prior thereto. Inspections shall be required at each of the following stages of construction or as otherwise determined through and owner contract or development improvement agreement:

- i. Site grading/erosion control completion
 - ii. Underground utility installation
 - iii. Subgrade preparation prior to aggregate base installation
 - iv. Aggregate base compaction
 - v. Concrete curb and gutter installation
 - vi. Bituminous binder placing
 - vii. Final surfacing prior to seal coat
- d. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

3.6.18 Acceptance of Improvements

- a. The installation of improvements in any subdivision shall, in no case, serve to bind the City to accept such improvements for maintenance, repair, or operation thereof. Such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.
- b. The specific standards for acceptance of easements shall be subject to requirements outlined in Chapter 4 of this Ordinance and any other adopted policy or manual of the City. All easements shall be in full compliance with this Ordinance prior to acceptance.
- c. The City shall inspect all public improvements for compliance with current City of Archdale Construction and Development Standards.
- d. Upon a finding by the City Engineer that the public improvements intended for acceptance by the City were installed in compliance with the City of Archdale Construction and Development Standards, the subdivider shall provide a one-year warranty for those improvements. . During this one-year warranty period the subdivider is responsible for all repairs, maintenance, and upkeep of the public improvements.
- e. At the end of the one-year warranty period, the applicant may request an inspection of the public improvements by the City to insure they still meet the current standards of the City of Archdale Construction and Development Standards. Any deficiencies occurring during this warranty period shall be repaired by the subdivider.
- f. If it is determined that the public improvements meet the current City of Archdale Construction and Development Standards, the City Engineer will prepare a report to City Council recommending acceptance of the public improvements.
- g. The City shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the public improvements have been accepted.
- h. These provisions shall not be construed to relieve the applicant or the applicant's agent or contractor of any responsibility in notifying any agency or the City of completed work and formal request for inspection of same. The agency having jurisdiction shall inspect and approve all completed work prior to the release of any applied performance guarantees.

3.6.19 Site Cleanup

The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way, or property therein or adjacent

thereto. Dumping of such debris into sewers, onto adjacent property, or onto other land in the City is prohibited.

3.6.20 Subdivision Improvement Agreements

- a. Where the filing of a Final Plat prior to the completion of required infrastructure is desired, the applicant may enter into a Subdivision Improvement Agreement - by which the applicant covenants and agrees to complete all required on-site and off-site public improvements. The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The City Attorney shall approve any Subdivision Improvement Agreement as to form.
- b. The City Manager shall have final approval authority for the acceptance of all Subdivision Improvement Agreements.
- c. In order to provide for emergency access, no Subdivision Improvement Agreement shall be approved - and no performance guarantee shall be accepted - until the base course for the streets within the applicable phase for which a Final Plat is proposed has been installed.

3.6.21 Subdivision Improvement Agreements for Phased Development

For developments containing multiple phases, the City may enter into a Subdivision Improvement Agreement concerning the timing and sequence of the construction and dedication of improvements. Notwithstanding any provision in this Ordinance to the contrary, the Subdivision Improvement Agreement shall determine the time at which the required construction or dedications shall occur.

3.6.22 Performance Guarantee

- a. Whenever the City Manager permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient financial security to ensure completion of the required improvements. The security shall be in the form of an irrevocable letter of credit, cash, cash escrow, or a surety bond.
- b. No more than one performance guarantee shall be held by the City for any subdivision.
- c. Improvements equal to no more than 30% of the current estimated cost of the installation of all required improvements in the approved Construction Plans may be subject to a performance guarantee at one time.
- d. The applicant shall furnish a cost estimate prepared by a licensed Professional Engineer for all required improvements for the entire subdivision and a separate estimate for the portion of the improvements that will be subject to the guarantee. The City Engineer shall review and approve the estimate prior to the applicant furnishing the guarantee to the City.
- e. Cost estimates shall be updated annually, or when a new guarantee for a subsequent phase of the subdivision is submitted. Updated estimates shall be approved by the City Engineer prior to the acceptance of a new guarantee or extension of an existing guarantee. Where an extension is requested, a new guarantee may be required if the updated estimate exceeds 100% of the prior estimate upon which the guarantee was based.
- f. All performance guarantees shall be in an amount equal to 125% of the approved cost estimate for the installation of the improvements subject to the guarantee.
- g. The initial duration of a performance guarantee shall be for one year, unless a longer period is deemed necessary by the applicant to complete the guaranteed improvements, subject to concurrence by the City Engineer. The City Manager shall have the discretion to limit the duration of any performance guarantee to one year.
- h. Prior to the expiration of the performance guarantee, the applicant may request an extension, provided that he has made good faith progress toward the completion of the required

improvements subject to the guarantee. If sufficient progress has been made, the City Manager may approve the extension.

3.6.23 Release of Performance Guarantee

- a. Performance guarantees may be released in whole or in part upon the completion of the improvements subject to the guarantees. Where a partial release is approved, the applicant shall furnish a new guarantee unless the current guarantee is in the form of cash.
- b. The City Engineer shall inspect and approve all improvements included in the release request prior to making a recommendation to the City Manager on the release of the guarantee.
- c. The partial release of a performance guarantee may be combined with the submission of a new guarantee for a subsequent phase of the subdivision. The new guarantee, inclusive of the remaining improvements in the prior guarantee, shall be furnished to the City prior to the release of the previous guarantee, at which point the existing guarantee shall be released to the applicant / guarantor.
- d. In no case may the combination of a partial prior guarantee with a new guarantee exceed the 30% limitation for performance guarantees in 3.6.22.c
- e. When a portion of an existing guarantee is combined with a new guarantee, updated cost estimates shall be utilized for the remaining improvements in accordance with 3.6.22.e.

3.6.24 Failure to Complete Improvements

If a Subdivision Improvement Agreement including performance guarantees has been executed and the required improvements are not installed pursuant to the terms of the Agreement, the City Manager may:

- a. Declare the Agreement to be in default 30 days prior to the expiration of the guarantee instrument and require that all improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- b. Obtain the funds secured by the guarantee and complete the public improvements;
- c. Assign its right to receive the funds secured by the guarantee, in whole or in part, to any third party, including a subsequent owner of the subdivision or addition for whom the improvements were not constructed, in exchange for the subsequent owner's agreement to complete the required public improvements; and/or
- d. Exercise any other rights available under the law to ensure the installation of the required improvements.

3.6.25 Final Plat - Submission Requirements

- a. The applicant may submit a Final Plat for only that portion of the approved Preliminary Plat that is proposed for recordation at that time.
- b. The Final Plat application shall be accompanied by formal irrevocable offers of dedication to the public of all land, easements, and improvements intended for public use and maintenance, and the plat shall be marked with a notation indicating the formal offers of dedication.
- c. Upon submittal of the copies of the Final Plat and other required materials, the Administrator shall review the application for completeness and shall initiate and coordinate review by affected city and state agencies in order to determine substantial compliance with the approved Preliminary Plat and general compliance with the provisions of this Ordinance and other applicable laws and regulations (for deviations from and revisions to the approved Preliminary Plat, please refer to Section 3.6.10).

- d. The Administrator may find the application incomplete if:
 - i. Any of the information required by this Ordinance is not provided;
 - ii. The Final Plat does not conform to the Preliminary Plat, including any conditions attached to the approval of the Preliminary Plat;
 - iii. The plat is in conflict with the provisions of this Ordinance and no exception has been granted by the City Council.

3.6.26 Final Plat - Conditions for Approval

- a. The Final Plat and related materials shall be approved or disapproved by the Administrator based upon the standards of this Ordinance.
- b. Final Plats for Major Subdivisions shall be reviewed by a Review Officer for compliance with NCGS 47-30 as designated by Randolph and/or Guilford County per NCGS 47-30.2.
- c. In addition to the criteria as set forth in this Ordinance, the Administrator shall not approve a Final Plat unless and until satisfactory evidence is filed that the Final Plat is in a form acceptable for recording with the Register of Deeds, and that all improvements have been satisfactorily installed or Subdivision Improvement Agreements have been executed by the applicant and the City. The applicant is also required to submit a final subdivision plat fee, payment of all design costs for improvements, and appropriate performance guarantee, as applicable.
- d. Except as provided in a properly executed Subdivision Improvement Agreement, all applicants shall be required to complete, to the satisfaction of the Administrator and the City Engineer, all public improvements required by this Ordinance before the Final Plat is recorded.
- e. The Administrator shall sign the plat. The action of the Administrator shall be noted on all copies of the Final Plat to be retained as required for records or further action of the department or other affected agencies of the city or state.
- f. Following execution of the Final Plat, the applicant shall record it with the Register of Deeds.

3.6.27 Final Plat - Recordation

- a. Within the time period prescribed by Table of this Ordinance 3.6.10, after Final Plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The Final Plat approval shall expire within the above-referenced time period, unless the Administrator has granted an extension. Failure to record the Final Plat within the time frame noted shall cause the Final Plat approval to be void and shall require a new application
- b. The applicant shall return a copy of the recorded plat to the office of the Administrator.

3.6.28 Final Plat - Scope of Approval

- a. Approval of the Final Plat for a subdivision or section thereof shall not be deemed to be acceptance by the city or state of any street, alley, public space, utility or other physical improvements shown on the Final Plat and engineering plans for the maintenance, repair or operation thereof.
- b. No zoning permit or building permit shall be issued or approved until the expiration of 10 business days following the recordation of a Final Plat. The purpose of this time period is to permit the assignment of addresses and Parcel Identification Numbers (PINs) in the Land Records office of Guilford/Randolph County.