

City of Archdale Subdivision Ordinance

Adopted – 05/28/2019

Amended – 6/23/2021



Contents

| | |
|---|----|
| 1- Purpose & Applicability | 3 |
| 1.1 Purpose..... | 3 |
| 1.2 Applicability | 3 |
| 1.3 Authority and Jurisdiction | 3 |
| 1.4 Conflicts of Interest..... | 4 |
| 2 - General Standards | 5 |
| 2.1 Purpose..... | 5 |
| 2.2 General Subdivision Requirements | 5 |
| 2.3 Subdivision Plat Submission..... | 6 |
| 2.4 Subdivision Exemption Plats | 6 |
| 2.5 Recordation of Unapproved Plat Prohibited..... | 6 |
| 2.6 Sale of Property in Violation of This Ordinance Prohibited..... | 7 |
| 2.7 Issuance of Permit in Violation of This Ordinance | 7 |
| 2.8 Prohibition Against Clearcutting..... | 7 |
| 3 - Procedure for Review | 8 |
| 3.1 Purpose..... | 8 |
| 3.2 Types of Review | 8 |
| 3.3 Exempt Subdivisions..... | 9 |
| 3.4 Expedited Subdivision | 9 |
| 3.5 Minor Subdivision..... | 9 |
| 3.6 Major Subdivision..... | 11 |
| 4 - Required Improvements & Design Standards | 21 |
| 4.1 Purpose..... | 21 |
| 4.2 Construction Development Guidelines..... | 21 |
| 4.3 Standards for Utilities | 21 |
| 4.4 Street Network | 21 |
| 4.5 Greenways | 22 |
| 4.6 Lot Design..... | 22 |
| 4.7 Cluster Development..... | 24 |
| 4.8 Open Space | 25 |
| 4.9 Fee-in-Lieu of Improvements..... | 27 |
| 4.10 Home Owner’s Association..... | 28 |
| 5 - Appendix | 30 |
| 5.1 Certificate of Ownership and Dedication | 30 |
| 5.2 Certificate of Survey and Accuracy | 30 |
| 5.3 Certificate of Exemption for Exemption Plats..... | 30 |
| 5.4 Certificate of Approval for Required Improvements..... | 31 |
| 5.5 Certificate of Approval for Recordation..... | 31 |
| 5.6 Certificate of Approval for Expedited Review | 31 |
| 5.7 Minor Subdivision Plat Review Process | 32 |
| 5.8 Major Subdivision Plat Review Process..... | 33 |

1- Purpose & Applicability

1.1 Purpose

- a. This Ordinance shall officially be known, cited, and referred to as the Subdivision Regulations of the City of Archdale, North Carolina.
- b. As required by North Carolina General Statutes 160D Article 8, the purposes of establishing this Ordinance are:
 - i. To ensure the orderly growth and development of the City, including the requirement that adequate public facilities are available to serve new subdivisions of land, and the use of techniques such as the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, the assurance of urban form and open space, the protection of environmentally critical areas and areas premature for urban development.
 - ii. To provide for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities.
 - iii. To provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area.
 - iv. To provide rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to North Carolina General Statutes 136-66.10 or 136-66.11.
 - v. To provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare.
 - vi. To provide that the Final Plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

1.2 Applicability

- a. This Ordinance shall apply to any subdivision, within the corporate limits of the City or its Extraterritorial Jurisdiction (ETJ) established pursuant to North Carolina General Statute 160D-202.
- b. Land that has been subdivided prior to the effective date of these regulations (May, 2019) should, whenever possible, be brought within the scope of these regulations to further the purposes of this Ordinance. However, all existing Preliminary Plats that were approved under the prior Ordinance shall remain valid unless or until the approval expires.

1.3 Authority and Jurisdiction

- a. The Planning and Zoning Board is vested with the authority to review and recommend for approval, conditionally approve, and disapprove applications for Preliminary Major Subdivisions.
- b. The City Council is vested with the authority to approve, conditionally approve, and disapprove applications for Preliminary Plats for Major Subdivisions. Further, they have the authority to accept all public dedications including, but not limited to right-of-way, easements, park facilities, and open space.
- c. The Subdivision Administrator (Planning Director), or his/her designee, is vested with the authority to review and approve, approve with conditions, or deny Exemption Plats; Final Plats for Minor Subdivisions; Final Plats for Major Subdivisions; Construction Plans; Subdivision Improvement

Agreements; and Maintenance Bonds. The Public Works Director, or his/her designee, is also granted the authority to inspect and accept or deny all improvements as required by this Ordinance.

- d. For the remainder of this Ordinance, “Subdivision Administrator” shall also mean “Planning Director or his/her designee”. In addition, for the remainder of this Ordinance, “Subdivision Administrator” shall be referred to as “Administrator”.
- e. For the remainder of this Ordinance, “Public Works Director” shall mean “Public Works Director or his/her designee”.

1.4 Conflicts of Interest

- a. A City Council member shall not vote on any decision required by this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- b. A Planning Board member shall not vote on any decision required by this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- c. No administrative staff of the City shall make a final decision on any matter required by this Ordinance where the outcome of the decision would have a direct, substantial, and readily identifiable financial impact on the staff member.
- d. No administrative staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the City to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the City, as determined by the City Council.
- e. A member of any board exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter

2 - General Standards

2.1 Purpose

The following section contains requirements regarding general provisions applicable to all development and subdivisions within the City of Archdale or its ETJ. It shall also contain general state statutes regarding the subdivision of land deemed “exempt”.

2.2 General Subdivision Requirements

- a. It is the intent of this Ordinance that land to be subdivided shall be of a character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements are existing or proposed, and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, and transportation facilities. Accordingly, the Administrator, Planning and Zoning Board, or City Council shall not approve a subdivision plat unless all of the following findings with respect to the proposed development are made:
 - i. The proposed land uses are in accord with the adopted Comprehensive Plan and the Official Zoning Map, or that the means for reconciling any differences have been addressed. A Preliminary Plat may be processed concurrently with a rezoning request.
 - ii. The proposed subdivision conforms to all relevant requirements of this Ordinance and to any variances that have been granted to permit any nonconformance. The plat shall meet all requirements of this Ordinance with respect to lot size and area, and in no way create a violation of any applicable current ordinances, statutes, or regulations.
 - iii. The proposed development, including its lot sizes, density, access, and circulation, are compatible with the existing and/or permissible future use of adjacent property.
 - iv. That the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties.
 - v. That the soils and topography have been adequately studied to ensure that all lots are developable for their designated purposes.
 - vi. That any land located within the floodplain as shown on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, is determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, or any other floodplain-related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this Ordinance.
- b. The proposed name of a subdivision shall be approved by the Archdale Planning Department and Randolph County E-911 Coordinator and shall not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the E-911 jurisdiction except for the words "court", "addition", "place", "heights", "hills", and similar words, unless the land platted is contiguous to and platted by the same applicant that platted the existing subdivision bearing the name, or the applicant has obtained the written consent of the party who platted the subdivision bearing that name, or the Administrator requires the use of the same name for purposes of clear identification.
- c. In considering an application for a subdivision plat, the decision-making agency shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of this Ordinance, provided that such conditions shall be agreed to by the owner / applicant in writing prior to approval of the plat.

2.3 Subdivision Plat Submission

- a. From and after the effective date of this Ordinance (May, 2019) the owner (or any other person authorized to act on the owner's behalf by North Carolina General Statute 160D-403(a)) of any tract of land who desires to subdivide land (to create a "Subdivision") shall be required to submit a plat of such Subdivision to the Administrator, whom is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Administrator must be made in accordance with the regulations set forth in this Ordinance.
- b. A final subdivision plat shall be approved by the Administrator before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Administrator in accordance with these regulations.

2.4 Subdivision Exemption Plats

- a. Pursuant to North Carolina General Statute 160D-802, a subdivision plat shall not be required for any of the following:
 - i. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance.
 - ii. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
 - iii. The public acquisition by purchase of strips of land for the widening or opening of streets.
 - iv. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this Ordinance.
 - v. The Division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- b. Prior to recordation, any document or plat pursuant to such exemptions must bear the notation, "Exempt from review pursuant to the City of Archdale Subdivision Ordinance," along with a signature of the Planning Director.
- c. Pursuant to North Carolina General Statute 160D-802(c), the City may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
 - i. The tract or parcel to be divided is not considered exempt under Section 2.4(a) of this ordinance.
 - ii. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
 - iii. The entire area of the tract or parcel to be divided is greater than five acres.
 - iv. After division, no more than three lots result from the division.
 - v. After division, all resultant lots comply with all of the following:
 1. Any lot dimension size requirements of the applicable land use regulations, if any.
 2. The use of the lots is in conformity with the applicable zoning requirements, if any.
 3. A permanent means of ingress and egress is recorded for each lot.

2.5 Recordation of Unapproved Plat Prohibited

The Register of Deeds shall not file or record any subdivision plat required by this Ordinance until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Ordinance. The penalties for the recordation of an unapproved plat shall be the same as those provided for in North Carolina General Statute 160D-807.

2.6 Sale or Transfer of Property in Violation of This Ordinance Prohibited

Unless such subdivision was created prior to the adoption of this ordinance and any other subdivision ordinance applicable thereto then no land described in this Section shall be subdivided, sold, or transferred until each of the following conditions has occurred in accordance with these regulations:

- i. The applicant or his agent has submitted a conforming Sketch Plat of the subdivision to the Administrator; and the applicant or his agent has obtained approval of the Sketch Plat, a Preliminary Plat (when required), and a Final Plat as provided in this Ordinance; and
- ii. The applicant or his agent files the Final Plat with the Register of Deeds.

The penalties for the sale or transfer of property in an unapproved subdivision shall be the same as those provided for in North Carolina General Statute 160D-807.

2.7 Issuance of Permit in Violation of This Ordinance

No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this Ordinance, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.

2.8 Prohibition Against Clearcutting

There shall be no clearcutting in any development or vacant parcel in excess of one acre within the Archdale City Limits or its ETJ without first having applied for and received approval from the Archdale City Council. The term “clearcutting” shall refer to the large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural purposes. The provisions of this Section shall not regulate bona fide forestry activity as defined in North Carolina General Statute 160D-921, provided, however, that following a permitted timber harvest that has the result of removing all, or substantially all, of the trees protected under this or another City ordinance, no preliminary or final Subdivision Plat for the parcel(s) shall be approved for three years following the conclusion of the harvest per the authority granted in North Carolina General Statute 160D-921(c)(1)(a).

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 2.4(c) shall qualify for an expedited review in which applicant shall only be required to submit a plat for recordation.
- c. Minor Subdivision - Subdivision involving no new public street rights-of-way dedication (except widening of existing, platted street rights-of-way).
- d. Major Subdivision - Subdivision that is not defined as “exempt” or “minor” by this ordinance.

Table 3.2 - Classification of Subdivision Review

| (A) | | (B) DESIGNATED AGENCY (DECISION- MAKER) | (C) TIME LIMIT FOR PROCESSING |
|--|------------------|--|---|
| CLASSIFICATION | STAGE | | |
| Minor Subdivision | Sketch Plan | Administrator | 15 working days |
| Minor Subdivision | Final Plat | Administrator | 15 working days |
| Major Subdivision | Sketch Plan | Administrator | 15 working days |
| Major Subdivision | Preliminary Plat | City Council | 30-45 days |
| Major Subdivision | Final Plat | Administrator | 30 working days |
| Construction Plans | N/A | Administrator/ Public Works Director, as delegated by this Ordinance | 30 days |
| Exemption Plats and Expedited Plat Review | N/A | Administrator | Reasonable period of time, depending on circumstances and scope of application |

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 2.4(c) 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 2.4(c) of this ordinance.

3.4.3 Certificate of Approval for Recordation Required

Following review, subdivisions that meet the requirements of Section 2.4(c) 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

Subdivision involving no new public street rights-of-way dedication (except 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 Plat 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 falls under the ownership and maintenance of the City of Archdale and shall require 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, they shall be required to submit a copy of Utility Construction Drawings alongside a 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 Guidelines.
 - 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 Public Works Director - shall render a determination within a period of no greater than 15 days 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 Public Works Director 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.
- d. Further information regarding the duties of the TRC shall be found in Article XVI Section 16.3 of the City's Zoning Ordinance.

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 the City Council 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, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the City Council shall not approve exceptions unless it shall make findings based upon the evidence presented to it in each specific case that:

- i. The granting of the subdivision 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.
- b. 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. Reasons for approval shall be maintained on file with the Administrator and the approved plat shall be indexed and filed by 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 utilities (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 subdivision 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 City Council may grant a one-year extension prior to the expiration of their 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. Reasons for 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. No Final Plat may be approved until a corrected copy of the Preliminary Plat has been filed with the Administrator.
- d. Upon meeting the required conditions for approval, the applicant may proceed under instructions detailed in Sec. 3.6.10.

3.6.12 Preliminary Plat - Denial

- a. Reasons for disapproval 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.

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 any party of open space acreage of 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 within 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 professional engineer or professional landscape architect 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 and any additional technical standards as adopted by the City.
- b. Construction Plans shall be submitted to the Public Works Director, whom the Administrator shall delegate the authority to review and approve all Construction Plan applications.
- c. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, 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 Public Works Director

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 Public Works Director by email in the .dwg AutoCAD format.

3.6.17 Inspection of Improvements

- a. Prior to beginning construction, the applicant shall arrange with the Public Works Director 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 Public Works Director, the applicant shall provide the Public Works Director with written reports of each final inspection. It shall be the responsibility of the applicant to notify the Public Works Director of the commencement of construction of improvements 1 full working 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. City Staff (Planning and Public Works Departments) shall inspect the streets and/or utilities for compliance with current City of Archdale Construction and Development Guidelines.
- d. Upon approval from the City Council, the streets and/or utility system will be subject to a one-year warranty period. During this one-year warranty period the applicant is responsible for all repairs, maintenance, and upkeep of the private streets and/or utilities.
- e. At the end of the one-year warranty period, the applicant may request an inspection of the streets and/or utilities by City staff to insure they still meet the current standards of the City of Archdale Construction and Development Guidelines. Any deficiencies occurring during this warranty period shall be repaired by the private owners.
- f. If it is determined that the street and/or utility system meets the current City of Archdale Construction and Development Guidelines, City Staff will prepare a report to City Council recommending acceptance of the streets and/or utilities as part of the City's public street and/or utility system.
- g. City Council will consider acceptance of the street and/or utility to the City's public system at any duly called or scheduled City Council meeting.
- h. 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 street or other improvements have been accepted.
- i. When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of this Ordinance, and the applicant has submitted As-Built drawings to the Public Works Director, the City Council shall accept the improvements for maintenance by the City, except that this shall not apply to improvements maintained by another entity.
- j. These provisions shall not be construed to relieve the applicant or the applicant's agent or contractor of any responsibility in notifying any agency for 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 securities found in Section 3.6.22 of this ordinance.

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. If a delay in the completion of required improvements 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 initial period of such agreement shall be for one year, unless a longer period is determined to be necessary by the applicant. . Such period shall be extended prior to its expiration upon the request of the applicant, provided that the applicant has made good faith progress toward the completion of the required improvements. The duration of any extension shall be for only that period of time determined necessary to complete the required 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 Administrator shall delegate the authority to review and approve all subdivision improvement agreements to the Public Works Director.
- 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 Final Plats, the Public Works Director may enter into a Subdivision Improvement Agreement concerning the timing and sequence of roadway, water, wastewater, drainage, public school, park, or open space dedication and improvements. Notwithstanding any provision in this Ordinance to the contrary, the Subdivision Improvement Agreement shall determine the time at which the required improvements or dedications shall occur.

3.6.22 Performance Guarantee

- a. Whenever the Public Works Director permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of an irrevocable letter of credit, cash, cash escrow, or a surety bond.
- b. The letter of credit, cash, cash escrow, or surety bond shall be in an amount approved by the Public Works Director as reflecting 125% of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.
- c. The duration of a performance guarantee shall be the same as that established in the Subdivision Improvement Agreement, and any extension thereto.
- d. If security is provided in the form of a cash escrow, the applicant shall deposit with the City Finance Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Public Works Director.
- e. Any submitted surety bonds or cash escrow account shall accrue to the City for administering the construction, operation, and maintenance of the improvements.

- f. In addition to all other security, when the City participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the City as a co-obligee. The issuer of any surety bond shall be subject to the approval of the City Attorney and the Public Works Director.
- g. Where oversized facilities are required, the Public Works Director and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

3.6.23 Release of Performance Guarantee

Upon completion of all improvements as covered by the Subdivision Improvement Agreement, the Public Works Director shall inspect the work. If the Director determines that the work is satisfactory and complete, the letter of credit, cash, cash escrow, or surety bond shall be released. The Director shall also require evidence from the applicant that all contractors have been paid in full prior to the release of the performance guarantee.

3.6.24 Failure to Complete Improvements

If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Public Works Director may:

- a. Declare the Agreement to be in default 30 days prior to the expiration of the guarantee instrument and require that all public 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 funds pursuant to the surety and complete the public improvements by itself or through a third party;
- c. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public 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.

3.6.25 Final Plat - Submission Requirements

- a. There shall be a Final Plat for each subdivision that receives Preliminary Plat approval.
- b. The applicant may submit Final Plat copies for only that portion of the approved Preliminary Plat that is proposed for recordation and development at that time - if such portion conforms to all requirements of this Ordinance.
- c. The Final Plat application shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, and the subdivision plat shall be marked with a notation indicating the formal offers of dedication.
- d. Upon submittal of the copies of the Final Plat and other required materials (reference section or table showing 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).
- e. 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 conditions attached to the approval of the Preliminary Plat;

- iii. The plat is in conflict with the provisions of this Ordinance and no variance has been approved.

3.6.26 Final Plat - Conditions for Approval

- a. The Final Plat and related materials shall be approved or disapproved by the Administrator within the time period set forth in Table 3.6.10.
- b. Final Plats for Major Subdivisions shall be reviewed by a Review Officer as designated by Randolph and/or Guilford County per North Carolina General Statute 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 signed by the applicant. The applicant will also be required to submit a final subdivision plat fee, payment of all design costs for improvements, and appropriate performance surety.
- d. Except as provided in Subdivision Improvement Agreements, all applicants shall be required to complete, to the satisfaction of the Administrator and Public Works Director, all street, sanitary, and other public improvements of the subdivision as required by this Ordinance before the Final Plat is recorded.
 - i. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the City may compel the delivery of the deed and guarantees in order to complete the improvements as required.
- 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.
- g. The applicant shall place reference monuments in the subdivision as required by North Carolina General Statute 47-30.

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 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 Guilford/Randolph County.

4 - Required Improvements & Design Standards

4.1 Purpose

The following section shall include the improvements required for any development occurring within the City of Archdale's Zoning Jurisdiction.

4.2 Construction Development Guidelines

This section makes reference to the City of Archdale's Construction Development Guidelines – a set of documents contained outside of this ordinance.

4.3 Standards for Utilities

Standards for the design and installation of public utilities shall be in accordance with the Design Standards for Utilities and Streets as described in the City of Archdale Construction and Development Guidelines. Electrical, cable, telephone, and other utility lines shall be installed underground unless the TRC determines underground installation is inappropriate. Nothing in this section shall be deemed to require the burying of aboveground electrical utilities that are in existence at the time of plat approval and located outside of the boundaries of the parcel(s) being subdivided, regardless of whether such existing utilities are relocated during development, per North Carolina General Statute 160D-804(h).

4.4 Street Network

4.4.1 Blocks

The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. The maximum length of any blocks within a subdivision shall not exceed that as shown in Table 4.4.1. Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

Table 4.4.1 - Block Length Requirements

| Zoning District | Maximum Length (in feet) |
|--------------------|--------------------------|
| R-40 | N/A |
| R-15, R-12.5, R-10 | 1,800 |
| M-1, M-2 | N/A |
| PUD | 1,500 |

4.4.2 Standards for Street Design

Public and/or private streets shall be designed in accordance with the accepted Design Standards for Utilities and Streets as described in the City of Archdale's Construction and Development Guidelines.

4.4.3 Standards for Sidewalks

- a. Sidewalks shall have profiles drawn for residential collector type streets, having a minimum width of 28 feet from face of curb to face of curb. Given the nature of these streets, sidewalks shall be required on both sides of the street. This will reduce the possibility of pedestrian crossing accidents.
- b. Sidewalks shall have profiles drawn for local streets having a minimum width of less than 28 feet face of curb to face of curb. Sidewalks will only be required on one side of the street. Sidewalks shall continue around the entire cul-de-sac providing access to all lots located within it.
- c. Sidewalks shall be required in all business districts.
- d. All sidewalks shall be a minimum 5 feet in width and 4 inches thick and shall be constructed as specified in the Construction and Development Guidelines.

4.4.4 Standards for Street Lighting

Decorative street lights are mandatory in all newly-platted subdivisions. All public streets require an outdoor street lighting plan that shall be designed in accordance with the accepted Street Lighting standards described in the City of Archdale Construction and Development Guidelines. All decorative fixtures shall be located in the public right-of-way in a manner so as not to interfere with pedestrian or vehicular traffic.

4.4.5 Traffic Impact Analysis

- a. Developments containing 50 dwelling units or more must provide a Traffic Impact Analysis (TIA) administered by a Certified Traffic Engineer. The Planning and Zoning Board and City Council retain the authority to require a TIA in developments below 50 dwelling units as they deem necessary.
- b. The report shall document the traffic operational impacts on the key roadway segments and intersections that have been identified as the primary accesses to the proposed development.
- c. The applicant must present the traffic impact study to the TRC for approval prior to review by the Planning and Zoning Board and City Council.

4.5 Greenways

4.5.1 Standards for Greenways

- a. Greenways and connectors shall be planned pursuant to the designated circulation system shown on the City's Pedestrian Network Plan.
- b. Greenway stubs must extend to the neighboring property line.
- c. Developments that adjoin future greenways must provide a connection trail to the said greenways.
- d. Greenways shall be a minimum of 10 feet wide.
- e. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.
- f. Construction standards can be found in the Construction Development Guidelines.

4.6 Lot Design

4.6.1 Minimum Lot Standards

- a. The provisions of this Section shall apply to any newly created or proposed lot or parcel resulting from a subdivision of land as provided for in this Ordinance.

- b. Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided and adequate room for required setbacks and buffer yards will exist on the lot.

4.6.2 Lot Frontage Requirements

- a. Unless otherwise permitted herein, every lot resulting from a subdivision of land as provided for in this Ordinance shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided in this Section.
- b. For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to 5 lots. Any proposed subdivision proposing more than 5 lots shall require the additional lots to be served by a newly constructed internal public street.
- c. Frontage on a public street shall not be required in the following situations; provided, however, that an easement or other right-of-way arising out of operation of law providing access to the public street shall be recorded and submitted with the application for development approval:
 - i. Parcels within non-residential subdivisions
 - ii. Multi-family lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the multi-family lots, and/or
 - iii. Lots fronting on approved private streets.
- d. A lot of record existing on January 1, 2001 without public street frontage may be subdivided once provided that the created lot meets all other zoning district lot standards. The created lot may only be developed for one single-family residence and may not be subdivided. When a private easement serving the lot, parcel, or tract is acquired from intervening property owners, such easement shall be in compliance with the following requirements:
 - i. The easement must have a minimum continuous width of 25 feet.
 - ii. The recorded documents creating the easement shall specify that public service, utility, and emergency personnel and vehicles shall have freedom of ingress and egress from the property.
 - iii. The recorded documents creating the easement shall also specify that utilities (i.e., natural gas, electricity, telephone, cable) may be installed within the easement.
 - iv. The recorded documents creating the easement shall also include a statement specifying the party responsible for maintaining the easement and its traveled surface.
 - v. The easement must have an all-weather surface of gravel, concrete, or asphalt with a minimum continuous width of 12 feet and a minimum overhead clearance of 14 feet to ensure access of public service, utility, and emergency personnel and vehicles.
 - vi. The grantor and grantee of the easement will agree to continuously keep the easement free and clear of any-and-all obstructions that would in any way impede vehicular traffic.
- e. Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment.

4.6.3 Flag Lots

- a. Flag lots may be developed on a limited basis in subdivisions where individual development of each lot is contemplated and the Administrator determines that no future street access through the property will be needed. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations, or to eliminate or reduce access to a thoroughfare or collector street. Flag lots shall not be permitted in any proposed Subdivision except as provided for in this Section.
- b. The maximum number of flag lots shall be set forth in the below Table, where the Administrator finds that the flag lot(s):

- i. Allow for the more efficient use of irregularly shaped parcels of land, or;
 - ii. Where the integrated nature of multiple buildings on a site dictates the need for such lots.
- c. The minimum width of the “pole” portion of a flag lot shall be the minimum public street frontage of 25 feet as established in this article.

Table 4.6.3 - Maximum Number of Flag Lots

| Size of Subdivision | Maximum Number or Ratio of Flag Lots |
|----------------------------|---|
| 2 – 20 lots | 1 lot |
| Over 20 lots | 1 per every 20 lots |

- i. This table does not apply to the R-40 District. The R-40 district does not have a limit on the number of flag lots.
- ii. The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.

4.6.4 Cul-de-sac Lots

A lot located on a cul-de-sac that does not maintain the minimum required width along the public street frontage shall provide:

- i. Lot frontage of at least 50% of the minimum required, but in no case less than 25 feet,
- ii. Lot area equal to or greater than the minimum lot area (if one is specified), and
- iii. The minimum required lot width at the building line.

4.6.5 Corner Lots

Side lot lines of lots abutting a public or private right-of-way shall, to the extent practicable:

- i. Run at right angles to the right-of-way line, or
- ii. In the case of cul-de-sacs or curvilinear street rights-of-way, radial to the curve.

4.6.6 Thoroughfare Buffer Yard for Major Residential Subdivision

- a. A buffer yard shall be required along the perimeter of a major residential subdivision in order to separate residential lots from abutting thoroughfares and abutting non-residential uses.
- b. The buffer yard for abutting non-residential uses shall be designed and landscaped per Article X of the Zoning Ordinance.
- c. All required buffer yards shall be platted as common areas and may be included as “open space.”

4.7 Cluster Development

4.7.1 Cluster Development - Maximum Number of Lots

- a. The maximum number of lots that may be created in a cluster development shall be computed from the gross area of land to be developed, subtract 20% that represents the approximate area needed for roadways.

- b. Divide the remainder by the minimum lot area requirement for single-family dwellings of the zoning district where the development is located.
- c. The result is the maximum number of lots that may be created in the development. The 20% factor shall be constant regardless of the actual amount of land used for the street system.

4.7.2 Cluster Development - Minimum Standards for Lots

- a. A cluster development with approved utility systems, including wells and septic tank systems, shall be exempt from the minimum lot sizes specified in the Zoning Ordinance except as required in Table 4.8.4. In no case, shall the lot size be less than 75% of the minimum zoning lot size.
- b. At least 20% of the total project area shall be set aside as common open space.
- c. Minimum lot width and structure setbacks for the zoning district may also be reduced by 25% and may be increased if additional land area is devoted to common open space. For every additional 1% of land area devoted to common open space, above the required 20%, a 1% decrease in the minimum dimensional requirements shall be allowed.
- d. In no event shall these dimensional reductions exceed 50% of the zoning district requirements.

4.7.3 Cluster Development - Open Space Designation

- a. All land set aside to meet the required open space standards for cluster development shall be designated as parks or open space.
- b. Such parks or open space shall be deeded to the City of Archdale or held in nonprofit corporate ownership by the owners of lots within the development.
- c. In consideration of the purposes served by a cluster development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purposes.
- d. Improvements clearly incidental to the purpose of these provisions (i.e. greenways, benches, etc.) may be made within the open space provided that the maximum coverage of such improvements shall not exceed 25% of the open space.

4.8 Open Space

4.8.1 Connection to Public Open Space

- a. The Administrator may require connection to a community open space network and/or trails system if the proposed development is adjacent to the boundary of a trail and/or established recreational facility.
- b. The open space/trail system shall be maintained by the applicant or subsequent owners. The applicant may request to publicly dedicate any trail that may advance the creation of a city-wide greenway trails system.

4.8.2 Preservation of Open Space

- a. Required open space shall be reserved for any Major Subdivision of land within the zoning districts set forth in column "A" of Table 4.8.4 based upon the percentage of net acres in the proposed development corresponding the zoning district as set forth in column "B" in the same table.
- b. Subdivisions with less than 25 dwelling lots shall be exempt from the requirements of this Section.

- c. Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained as determined by the City Council by any of the following mechanisms or combinations thereof:
- i. Dedication of open space to the City, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such open space.
 - ii. Common ownership of the open space by an Owner's Association that assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the Owner's Association fails to maintain the open space according to the standards of this Ordinance, the City may, following reasonable notice:
 1. Demand that deficiency of maintenance be corrected; or
 2. Enter the open space to maintain same. The cost of such maintenance shall be charged to the Owner's Association.

4.8.3 Open Space Characteristics

Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed.

4.8.4 Required Open Space for Subdivisions

Table 4.8.4 - Required Open Space for Subdivisions

| (A) Zoning District(s) | (B) Required Percentage of Open Space | (C) Required Percentage of Open Space for Cluster Developments | (D) Maximum Percent in Inaccessible and Unusable Land* |
|------------------------------|--|---|---|
| R-40 | N/A | 20% | N/A |
| R-15, R-12.5 R-10 | 8% (0 - 2 units per acre)** 10% (2.1 - 4 units per acre)** 12% (greater than 4 units per acre)** | 20% | 25% |
| B-1, B-2, O-I, HB | N/A | N/A | N/A |
| GRD, RAH | See Article VI of the Zoning Ordinance | See Article VI of the Zoning Ordinance | See Article VI of the Zoning Ordinance |
| M-1, M-2 | N/A | N/A | N/A |
| PUD | 25% | N/A | 25% |

- a. The terms "Inaccessible or Unusable Land*" shall include:
- i. Any land where no zoning and/or building construction permits may be issued (such as dedicated easements and rights-of-way (except those existing to only protect underground utilities such as water or sewer lines), wetlands, bodies of water, etc. as determined by the Administrator); or

- ii. Land with a post-development slope greater than 3:1 that severely limits its usefulness as open space.
 - iii. Land that is located within floodway areas.
- b. Based on the proposed density of the project subject to the maximum density of the respective zoning district.

4.8.5 Spacing and Dimensional Limitations

In order to ensure that all designated open space has suitable size, location, dimension, topography, and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standards shall apply:

- i. Open space should be within ½ of a mile from any lot upon which a dwelling is intended to be built,
- ii. The minimum dimension for usable open space shall be 15 feet of width, and
- iii. The percentage of open space comprised of inaccessible or unusable land as defined in the table 4.8.4 shall not exceed the amount set forth in column (D) of the same table.

4.8.6 Access to Open Space

- a. All areas to be preserved for open space are to be accessible to pedestrians by one of the following:
- i. Frontage (width as required in this Section) on a public street right-of-way
 - ii. Recorded pedestrian easement (min. 25 feet wide), or
 - iii. Fee simple property.
- b. Upon review of the design by the Administrator, additional pedestrian access points may be required.

4.9 Fee-in-Lieu of Improvements

- a. Where it is determined by the City Council that the construction of public improvements would not be feasible, the City may accept a fee paid in lieu.
- b. Payments-in-lieu of dedication shall be approved as part of the Preliminary Plat.
- c. A combination of public improvements and payments-in-lieu of dedication may be permitted
- d. If, at the option of the City Council, it is determined that a cash dedication shall be made for sidewalk or greenway improvements, said cash shall be paid to the City Finance Director and shall be deposited into a special Pedestrian Network Improvement Fund prior to Final Plat approval. Money in the fund, including accrued interest, shall be expended solely for acquisition, development, or rehabilitation of sidewalks and greenways.
- e. The value of such payment shall be equal to the value of the length of sidewalk or greenway required by the Pedestrian Network Plan.
- f. Collected fees for sidewalks and greenways shall be appropriated by the City for a specific project to serve residents of the subdivision in a budgetary year within 7 years upon receipt of payments or within 7 years after the issuance of building permits on ½ of the lots created by the subdivision, whichever occurs later. If such fees are not so committed, these fees shall be distributed and paid to the owners record owners of the subdivision, in the same proportion that the size of their lots bears to the total area of all lots in the subdivision.
- g. For fees paid in lieu of open space dedication, the value of such payment shall be the pre-development tax value for the amount of dedicated land from the parcel from which the open space is being dedicated as required and the cash value of the minimum required financial investment for active open space improvements. The specified contribution shall be determined

by the tax value at the time Final Plat approval is granted. Such tax value shall consider zoning district changes that occur at any time up until Final Plat approval. Tax deferrals of any kind shall not be used in the calculation of the fees.

- h. If, at the option of the City Council it is determined that a cash dedication shall be made in lieu of open space, said cash shall be paid to the City Finance Director and shall be deposited into a special Parks and Recreation Service Area fund prior to Final Plat approval. Money in the fund, including accrued interest, shall be expended solely for acquisition, development, or rehabilitation of parkland or improvements related thereto.

4.10 Home Owner's Association

4.10.1 Conditions Requiring Owner's Association

An Owner's Association shall be established to fulfill the requirements of the NC Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas. The Owner's Association shall be in legal existence prior to conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

4.10.2 Home Owner's Association Requirements

- a. Common ownership of the open space by an Owner's Association that assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the Owner's Association fails to maintain the open space according to the standards of this Ordinance, the City may, following reasonable notice:
 - i. Demand that deficiency of maintenance be corrected; or
 - ii. Enter the open space to maintain same. The cost of such maintenance shall be charged to the Owner's Association.
- b. The Owner's Association shall be responsible for maintaining the completed permanent runoff control structure as directed by the governmental office having jurisdiction for watershed protection and, if the owner's association should be dissolved or cease to exist, then in that event, all of the owners of record at the time of required maintenance shall be jointly liable for any and all costs attendant thereto.
- c. All subdivisions requiring the development of new public roads must be named. The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the City or ETJ. A sign clearly indicating the name of the subdivision shall be posted at the main entrance to the subdivision.
- d. Construction of the subdivision sign shall be the responsibility of the applicant. A sign easement equal to one and one-half times the size of the sign shall be provided for the location of the sign. Ownership of the easement and sign shall be the responsibility of the Owner's Association that assumes full responsibility for its maintenance. In the event that the Owner's Association fails to maintain the sign and easement to the standards of this Ordinance, the City may, following reasonable notice:
 - i. Demand that the deficiency of maintenance be corrected; or
 - ii. Enter the easement to maintain same.
 - iii. * The cost of such maintenance shall be charged to the Owner's Association.

4.10.3 Cluster Development - Requirements for Non-Profit Ownership of Open Space

- a. Where the open space is to be deeded to Owner's Association or other such nonprofit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open

space and the association of nonprofit organizations. This declaration shall be submitted with Preliminary Plat approval and shall include, but not be limited to the following:

- i. The Owner's Association or the nonprofit organization shall be established before any lots are sold.
 - ii. Membership shall be mandatory for each lot buyer and any successive buyer.
 - iii. The association shall provide for liability insurance, any taxes, and maintenance of all grounds and facilities.
 - iv. Any sums levied by the Owner's Association that remain unpaid shall become a lien upon the lot owner's property.
- b. If all or any portion of the property held by the Owner's Association is to be disposed of or if the association is dissolved, all such property shall be deeded in fee simple absolute title to the City at no cost to the City.

5 - Appendix

5.1 Certificate of Ownership and Dedication

Certificate of Ownership and Dedication.

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Archdale and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted.

Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines to the City of Archdale.

Owner(s)

Date

5.2 Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____ Page ____), that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____ Page ____ that this plat was prepared in accordance with General Statute 47-30 as amended.

Witness my original signature, registration number, and seal the _____ day of _____
_____.

Seal or Stamp

Surveyor

Registration Number

5.3 Certificate of Exemption for Exemption Plats

Certificate of Exemption

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____ and that the subdivision of the property shown on this plat is an exemption to the Subdivision Regulations of Archdale, North Carolina.

Owner(s)

Date

Subdivision Administrator

Date

5.4 Certificate of Approval for Required Improvements

I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to Archdale's specifications and standards, or that guarantees of the installation of the required improvements in amount and manner satisfactory to the City of Archdale has been received.

City Manager, Archdale

Date

5.5 Certificate of Approval for Recordation

I hereby certify that the _____ Subdivision has been found to comply with the Subdivision Regulations of Archdale, North Carolina and the plat has been approved by the Planning and Zoning Board and City Council of Archdale and can be recorded in the office of the Register of Deeds of Randolph County.

Subdivision Administrator, Archdale

Date

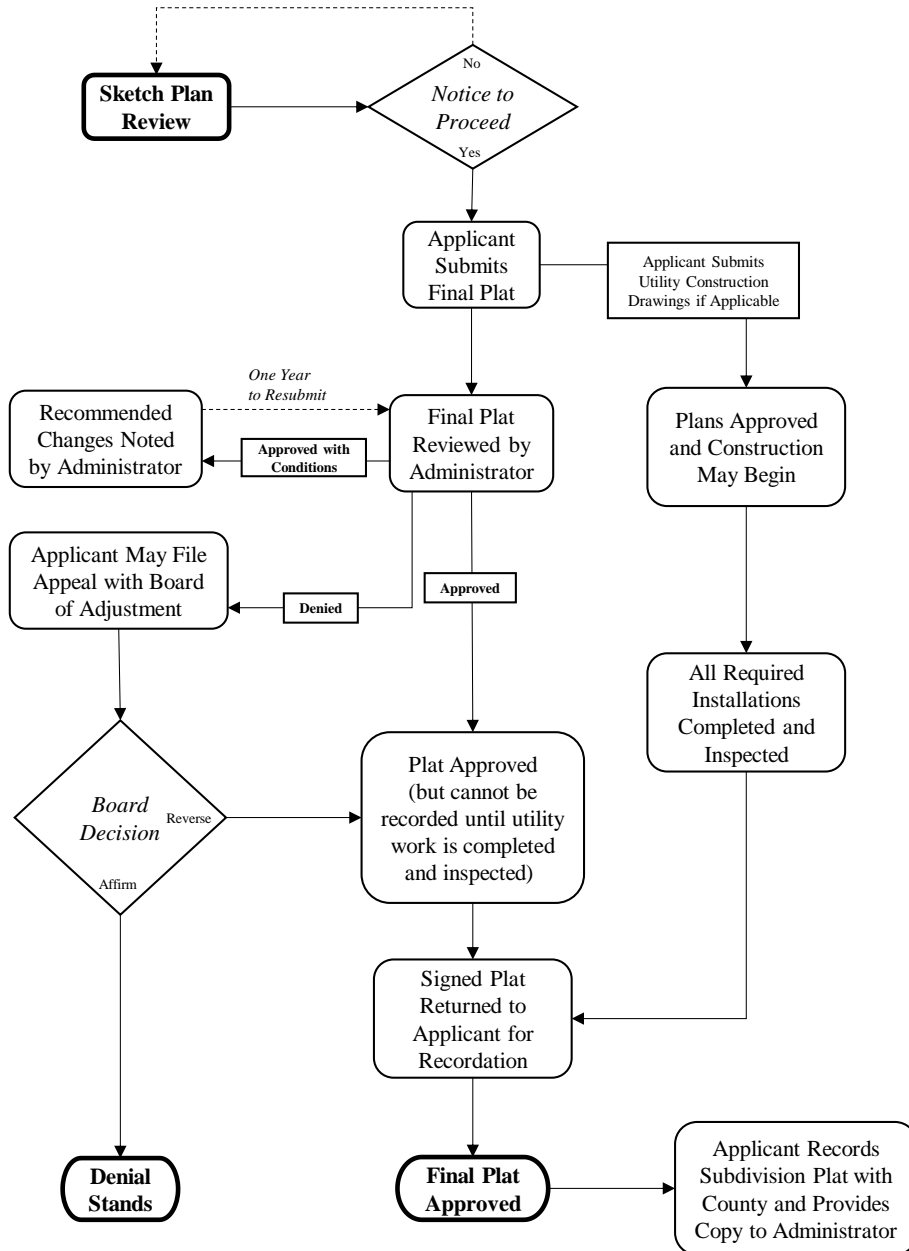
5.6 Certificate of Approval for Expedited Review

I hereby certify that the following plat meets the requirements for expedited review pursuant to North Carolina General Statute 160D-802(c). Furthermore, I hereby certify that this plat has been found to comply with the Subdivision Regulations of Archdale, North Carolina and can be recorded in the office of the Register of Deeds of Randolph County.

Subdivision Administrator, Archdale

Date

5.7 Minor Subdivision Plat Review Process



5.8 Major Subdivision Plat Review Process

