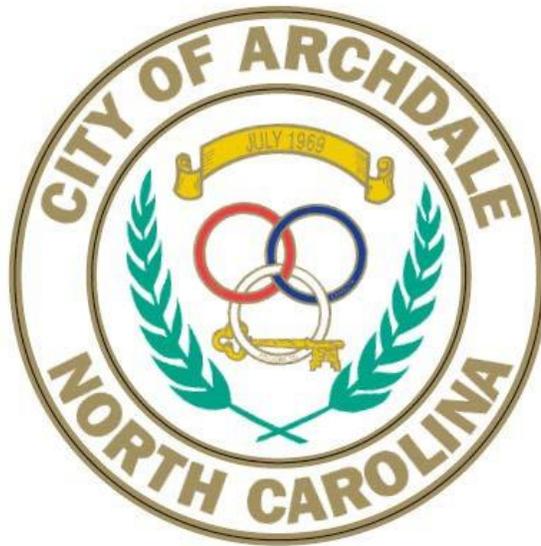


# City of Archdale Subdivision Ordinance



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## **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 rural areas from premature urban development.
  - ii. To provide for the coordination of transportation networks and utilities 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 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 Expedited and Exemption Plats; Final Plats for Minor Subdivisions; and Final Plats for Major Subdivisions.

- d. The City Engineer, or his/her designee is granted the authority to approve all Construction Plans, and is also granted the authority to inspect and accept or deny all improvements as required by this Ordinance.
- e. The City Manager is vested with the authority to enter into Subdivision Improvement Agreements, at his / her discretion.
- f. 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”.
- g. For the remainder of this Ordinance, “City Engineer” shall mean “City Engineer 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.

#### **1.5 Appeals**

- a. Appeals of decisions made by administrative staff or staff committee shall be heard by the Board of Adjustment pursuant to G.S. 160D-405.
- b. Appeals of decisions by the City Council shall be made to Superior Court, pursuant to G.S. 160D-1403.

## **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 (December 20, 2022) 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 Exemptions

- a. Pursuant to North Carolina General Statute 160D-802, the following are exempt from regulation under this Ordinance:
  - 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 recording a plat pursuant to such exemptions, it must bear the notation, "Exempt from review pursuant to the City of Archdale Subdivision Ordinance," and be signed by the Planning Director.

## 2.5 Expedited Subdivision Plats

- a. Pursuant to North Carolina General Statute 160D-802(c), the City only requires the submission 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.

## **2.6 Recordation of Unapproved Plat Prohibited**

No person shall 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.

## **2.7 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.

## **2.8 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.

## **2.9 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 Planning Director. The term "clearcutting" shall refer to the 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 2.5 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) <b>DESIGNATED AGENCY (DECISION- MAKER)</b>
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>
<b>Preliminary Plat</b>	<b>Valid for one year</b>
	<b>*Optional one-year extension</b>
<b>Preliminary Plat w/ Phasing</b>	<b>Two-year extension per phase</b>
<b>Final Plat</b>	<b>30 days to record</b>

### **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.

## **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 and Development Standards**

This section makes reference to the City of Archdale's Construction Development Standards – a set of documents adopted and maintained outside of this ordinance. All public improvements intended for acceptance by the City of Archdale shall be designed and constructed to the specifications of these standards.

### **4.3 Standards for Utilities**

Specifications for the design and installation of public utilities shall be in accordance with the City of Archdale Construction and Development Standards. Electrical, cable, telephone, and other utility lines shall be installed underground unless the TRC determines that underground installation is infeasible. 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**

<b>Zoning District</b>	<b>Maximum Length (in feet)</b>
R-40	800
R-12.5 / R-15	640
R-10	600
M-1, M-2	N/A
All other Districts	600

#### **4.4.2 Standards for Street Design**

Public and/or private streets shall be designed in accordance with the City of Archdale Construction and Development Standards.

#### **4.4.3 Standards for Sidewalks**

- a. Sidewalks shall be constructed on both sides of all newly constructed streets, and shall be installed along all non-limited access road frontages on existing streets adjoining or traversing through the limits of a subdivision.
- b. The provisions of 4.4.3.a. shall not apply to newly constructed streets within a major subdivision that is platted within an R-40 zoning district or within subdivisions where a paved off-street shared-use path is installed within 500 feet of each lot, and the path connects to any internal private recreation amenities, mail kiosks, internal or adjoining public greenways, and external public sidewalk.
- c. All sidewalks shall be constructed as specified in the Construction and Development Standards.

#### **4.4.4 Standards for Street Lighting**

Street lights shall be installed along all newly constructed streets within 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 Standards..

#### **4.4.5 Traffic Impact Analysis**

- a. Prior to the submission of a Preliminary Plat, a traffic impact analysis (TIA) shall be prepared for any subdivision that will generate more than 50 AM or PM peak hour trips, as determined by the most recent version of the ITE Trip Generation Manual .
- b. The Administrator and City Engineer shall approve the scope of the TIA prior to its preparation. Where a subdivision will take access from an NCDOT maintained road and the District Engineer or his designee also requires a TIA for the NCDOT driveway permit, all elements of the NCDOT required TIA scope shall be incorporated into the City's approved scope.
- c. The TIA 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.
- d. Where safety and operational deficiencies are identified by the TIA as being the result of the proposed subdivision, the applicant shall provide for the construction of such improvements as are deemed necessary by the TIA to mitigate the impact of the subdivision on the function of the impacted roadway, subject to NCDOT concurrence, where required.

### **4.5 Off-Street Shared Use Paths (Greenways)**

#### **4.5.1 Standards for Shared Use Paths**

- a. Off-street shared use paths shall be installed in such locations as designated on the City's adopted Pedestrian and Trails Master Plan, and may be installed in such other locations as desired by the subdivider.
- b. Where the route of a shared use path continues onto a neighboring property, the path shall extend to the property line.
- c. Subdivisions located adjacent to a property which contains a shared use path or the future route of a shared use path shall install a pedestrian connection to the neighboring property.
- d. Easements for off-street shared use paths shall be dedicated to the public and the paths shall be maintained by the City of Archdale.

- e. Off-street shared use paths shall be constructed in accordance with the City of Archdale Construction and Development Standards.

## **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 the standards of the Zoning District in which they are located, as established in the City of Archdale Zoning Ordinance, 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 and Street Access 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. Minor subdivisions shall not result in the creation of more than three (3) lots (inclusive of the “parent” or “remainder” parcel) that take direct access from a street classified as a collector or arterial as shown on the NCDOT Functional Classification Map or in a plan adopted by the City of Archdale. The subdivider shall note on the final plat that further subdivision of the parent parcel and any new parcels created by such subdivision shall be prohibited unless access is provided by means of an internal local street.
- c. Within major subdivisions intended for residential development, no lot shall be permitted to take direct access from a new or existing street that is classified as a collector or arterial street as shown on the NCDOT Functional Classification Map or in a plan adopted by the City of Archdale. The subdivider shall note on the final plat that parcels situated adjacent to a collector or arterial street are prohibited from directly accessing such street.
- d. 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.
  - iv. Parcels provided access via an approved easement pursuant to the requirements of this Ordinance
- e. In the R-40 District, the subdivision of an existing parcel having the required lot frontage that creates no more than two new lots without direct street access shall be permitted where:
  - i. A permanent dedicated access easement with minimum continuous width of 25 feet is provided for any lot that does not have direct street access. Such access easement may be shared with up to three (3) lots.
  - 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 or parties responsible for maintaining the easement and its traveled surface.

- v. The access 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.
  - vii. Any resulting lot not having direct access to a public street shall be restricted to single-family residential use.
- f. Lots shall be designed with adequate provisions for physical access to the property from public streets for vehicles and utilities and for public safety equipment.

#### **4.6.3 Lot Area Characteristics**

- a. Within Major Subdivisions intended for residential use, no lot intended for private ownership and development for residential purposes shall contain:
- i. Designated flood hazard areas (1% annual chance of flooding) or floodways;
  - ii. A body of water, whether natural or manmade, including lakes, ponds, and creeks;
  - iii. Stormwater control structures, excluding conveyances (pipes, channels, etc.);
  - iv. Dedicated open space or conservation land;
  - v. Required buffers (excluding general zoning setbacks)

#### **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, provided that the common area parcel(s) created by such division meet the minimum open space dimension and design standards.

### **4.7 Cluster Subdivisions**

#### **4.7.1 Cluster Subdivisions - Maximum Number of Lots**

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

- 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 subdivision. The 20% factor shall be constant regardless of the actual amount of land used for street right-of-way.

#### **4.7.2 Cluster Subdivisions - Minimum Standards for Lots**

- a. A cluster subdivision with approved public utility systems, shall be exempt from the minimum lot sizes specified in the Zoning Ordinance. In no case, shall the lot sizes be reduced below 75% of the minimum size specified for the district in which the subdivision is located.
- b. Minimum lot width and principal structure setbacks for the zoning district may also be reduced by 25%. These may be reduced further if additional land area is devoted to common open space. For each additional 1% of gross land area devoted to common open space, above the required 20%, a 1% decrease in the minimum lot width and setback requirements shall be permitted.
- c. In no event shall these dimensional reductions exceed 50% of the zoning district requirements.

#### **4.7.3 Cluster Subdivisions - Open Space Designation**

- a. At least 20% of the total project area shall be set aside as common open space.
- b. All land set aside to meet the required open space standards for a cluster subdivision shall be designated as common open space.
- c. Such common open space shall be held in nonprofit corporate ownership by the owners of lots within the development or an accredited land conservation organization. Land designated as common open space shall not be conveyed to the City of Archdale without the prior consent of the City Council.
- d. In consideration of the purposes served by a cluster subdivision, 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.
- e. Improvements clearly incidental to the purpose of these provisions (i.e., paved greenways, trails, benches, shelters, etc.) may be made within the open space provided that the maximum coverage of such improvements shall not exceed 10% of the open space.

### **4.8 Public Parks and Open Space**

#### **4.8.1 Connection to Public Parks**

- a. The Administrator may require connection to a public park if the proposed subdivision is adjacent to the boundary of a park .

#### **4.8.2 Dedication of Parks and Public Open Space**

- a. Pursuant to the authority under NCGS 160D-804(d), each proposed Major Subdivision intended for residential use, or which contains a residential component, shall either dedicate land for public recreational and open space purposes or pay a fee in lieu of such dedication.
- b. The Administrator shall, in consultation with the City Manager and Parks and Recreation Director, determine whether land shall be dedicated or whether the subdivider shall pay the fee in lieu.
- c. The City shall utilize its adopted Parks and Recreation Master Plan as a guide in determining whether land dedication or the receipt of a fee in lieu will better serve the public interest and advance the implementation of the plan.
- d. The amount of land required to be dedicated for public recreation and open space purposes shall be 1 acre per 25 lots, or fraction thereof.

- e. Where the City determines that dedication of land is required, the City shall work with the subdivider to establish the location and boundaries of the land to be dedicated. The City Council shall render the final decision on the location of land to be dedicated in the event that negotiations regarding location do not produce an agreement. The City shall be responsible for all costs associated with making surveys or assessments of the land in making such determination.
- f. Where the City chooses to require a fee in lieu of dedication, the subdivider shall pay, prior to final plat approval, a fee in an amount equivalent to the assessed value of the land which would have been required to be dedicated. The assessed value shall be determined by the latest assessment of the property for taxation purposes. Property in a present use value or other deferred value status at or prior to final plat approval shall utilize the full valuation of the land as shown in the tax assessor's records.
- g. Where dedication of land is required by the City, the subdivider shall prepare a general warranty deed and deliver such to the City for the park land to be dedicated prior to filing the first final plat for the subdivision.
- h. In those circumstances where land in excess of the amount required to be dedicated is necessary to provide an adequate park or recreational facility, in furtherance of the Parks and Recreation Master Plan, the City may require the reservation of such additional land within the subdivision as park land and negotiate the terms of the acquisition of the additional land with the developer.
- i. All funds received as a fee in lieu of land dedication shall be designated for use for the acquisition, construction, or improvement of park land or facilities in the vicinity of the subdivision with which the fee is associated. For purposes of meeting this requirement, the City shall consult the park service areas depicted in the adopted Parks and Recreation Master Plan as a guide prior to expending any funds collected under this provision.

## **4.9 Required Common Open Space**

### **4.9.1 General Requirements**

- a. All Major Subdivisions intended for residential use or having a residential component with a project area of 20 acres or larger shall provide common open space dedicated for the use of the residents of the subdivision. This requirement shall not apply to any subdivision that is required to dedicate land for public park purposes.
- b. The minimum amount of land required to be set aside as common open space shall be 10% of the total area of the subdivision.
- c. Common open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed.
- d. Common open space shall be owned and maintained by a property owners association.
- e. Land designated as common open space shall be maintained as open space and may not be separately sold, subdivided, or developed.

### **4.9.2 Open Space Characteristics**

- a. Land that is required to be reserved to meet the requirements of this section shall not consist of any areas that are otherwise required to be designated as common area within a subdivision, as set forth in Section 4.6.3.
- b. Land used to meet the requirements of this section may not consist of any areas that have a post development slope greater than 3:1.
- c. Land used to meet the requirements of this section shall not contain any structured active recreation facilities (pools, tennis courts, etc.), but may consist of unstructured / open recreation areas.

d. Communal gathering areas, such as squares, greens, picnic areas (including standalone shelters) and similar spaces are permitted to occupy up to 25% of the total required common open space.

#### **4.9.3 Location and Dimensions of Required Common Open Space**

- a. Common open space shall be located in areas where it can be easily accessed by the residents of the subdivision, and, generally, all lots within a proposed subdivision shall be located within a 5-to-10-minute walk of a designated open space area (1/4 to 1/2 mile by sidewalk or pedestrian route).
- b. Areas designated to meet the common open space requirement shall have minimum dimensions of 50 feet, with the exception of public gathering spaces (squares, greens, etc.) that are integrated into the neighborhood and front on a street, where a minimum dimension of 20 feet is permitted.
- c. No individual area used to meet the requirements of this section shall comprise less than 25% of the total required amount of common open space, with the exception of public gathering places, subject to the overall limitation on the amount of land that may be designated as such.

#### **4.9.4 Access to Common Open Space**

- a. All areas designated as common open space are to be accessible to pedestrians by one of the following:
  - i. Frontage 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.

#### **4.10 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 of making such improvements. Examples of situations where a public improvement may be determined to be infeasible include circumstances where:
  1. A street improvement project is planned where a sidewalk is required to be installed and would result in the removal of the new sidewalk and require the City to replace the new sidewalk during the street improvement project.
  2. A small portion of a subdivision abuts a road that lacks curb, gutter, and sidewalks, and installing them at the present time would create issues with the function of the existing storm drainage system.
  3. The City is planning on installing a bridge over a creek on its greenway network to access a trail in the subdivision, but the precise location has not been determined, and the connection from the trail in the subdivision to the bridge needs to be delayed until the crossing location is determined.
- b. Payments-in-lieu of construction and dedication of improvements shall be approved as part of the Preliminary Plat.
- c. A combination of public improvements and payments-in-lieu of construction and dedication may be permitted.
- d. All fees collected in lieu of the construction and dedication of required public improvements shall be earmarked for the construction of the designated improvements, or where, such improvements remain infeasible, for the provision of similar facilities or infrastructure that will provide equivalent benefit to the properties from which the fee was required.

## **4.11 City Initiated Improvements**

Where the City Manager determines that improvements to be completed by a subdivider should be constructed in an alternate manner, for example the installation of a larger diameter water line than required to serve an individual subdivision, he may require the inclusion of such improvement in the construction plans for the subdivision. Whenever such determination is made, the City shall enter into an agreement with the subdivider to fund the difference in cost between the necessary improvement and the City's desired improvement. If an agreement cannot be reached regarding the cost, timing, or other aspect of the project, the City Manager may request that the City Council require the subdivider to pay the cost of the necessary improvement for the subdivision to the City in lieu of constructing the City's desired improvement.

## **4.12 Property Owner's Association**

### **4.12.1 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.

### **4.12.2 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.

#### **4.12.3 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

\_\_\_\_\_  
City Engineer, Archdale

\_\_\_\_\_  
Date

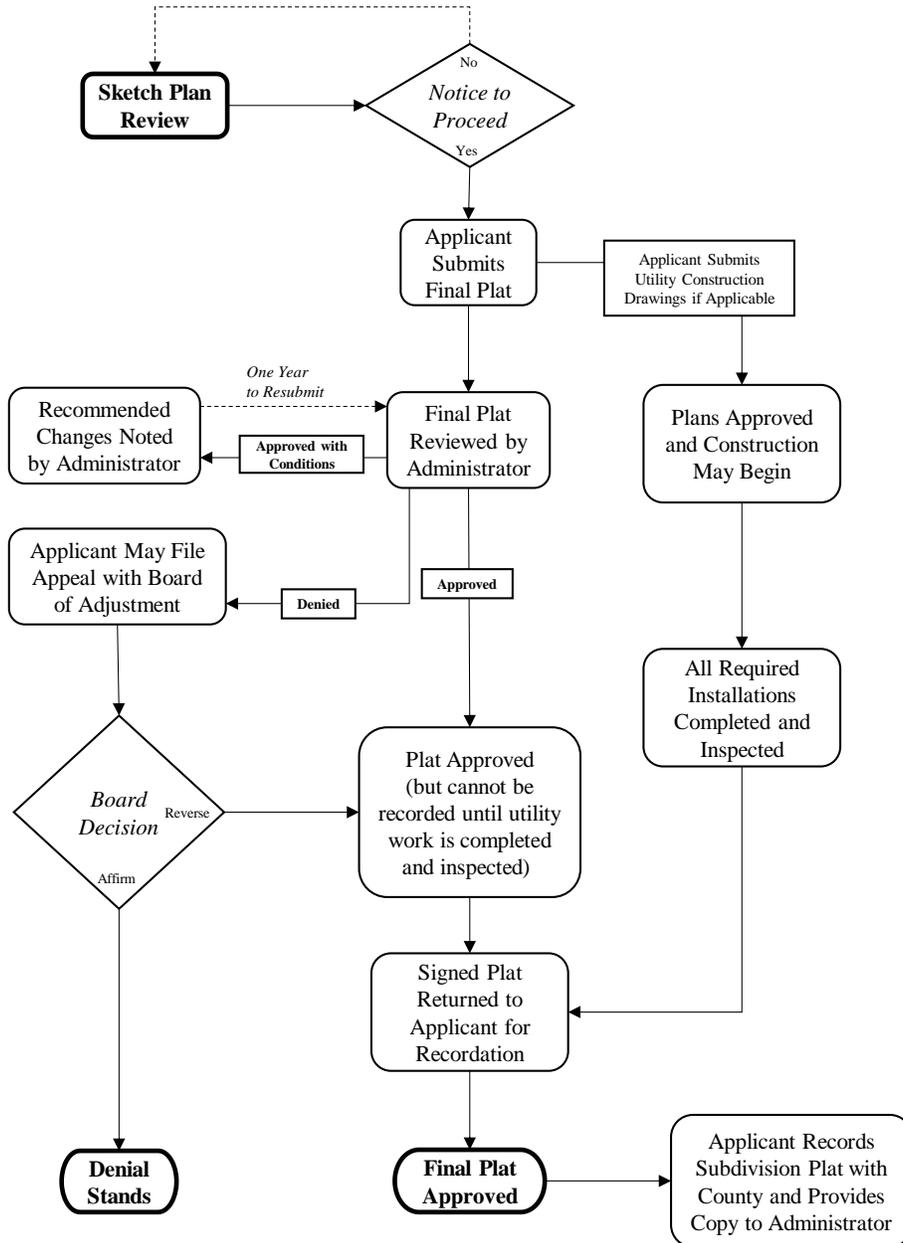
#### 5.6 Certificate of Approval for Expedited Review

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.

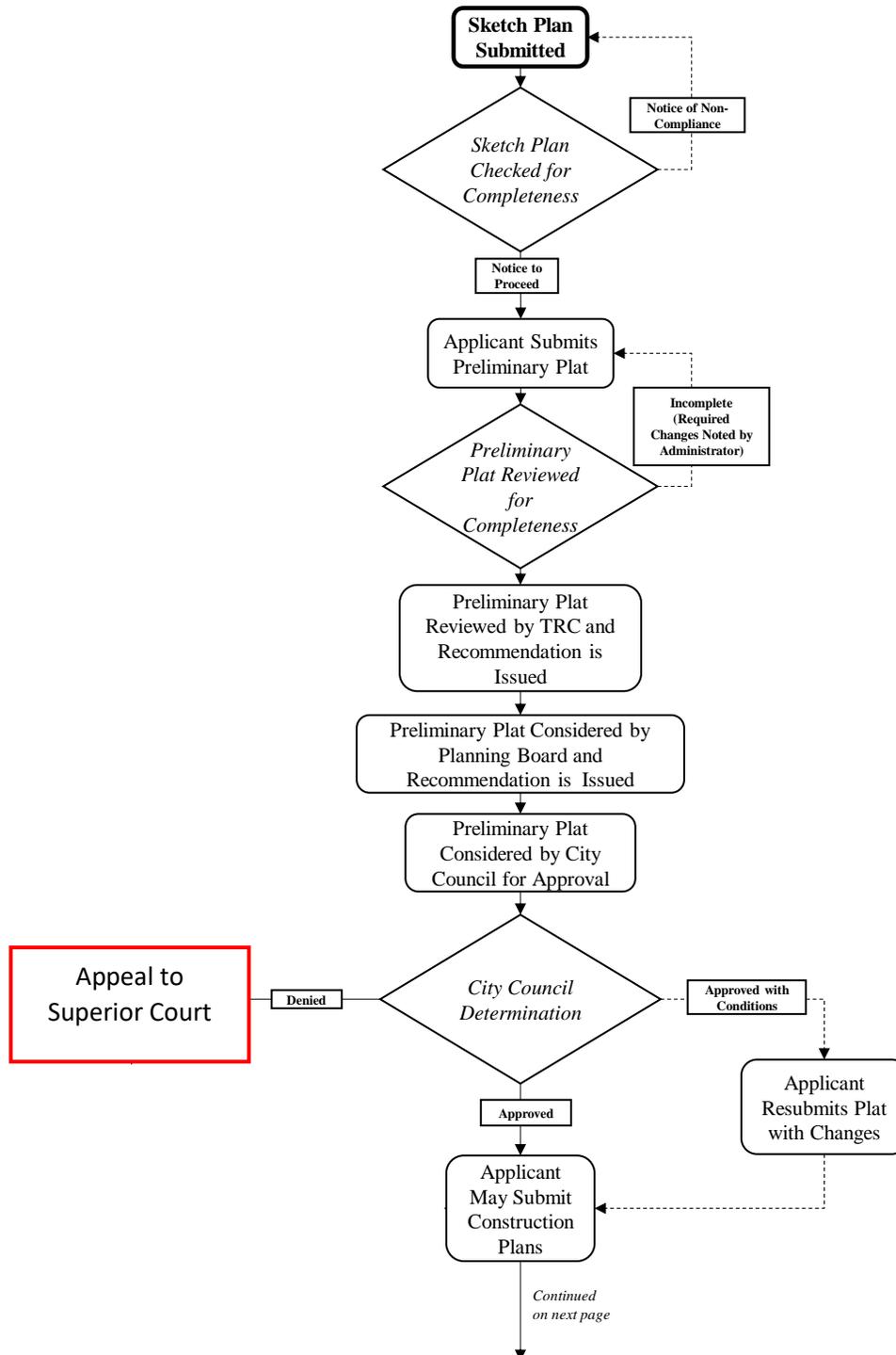
\_\_\_\_\_  
Subdivision Administrator, Archdale

\_\_\_\_\_  
Date

### 5.7 Minor Subdivision Plat Review Process



## 5.8 Major Subdivision Plat Review Process



## Major Subdivision Plat Review Process - Continued

