

## **Article 8 Subdivision Regulations**

Sec. 8.1	Purpose and Authority
Sec. 8.2	Applicability
Sec. 8.3	Legal Provisions
Sec. 8.4	Approval Process for Subdivisions
Sec. 8.5	General Requirements and Minimum Standards of Design
Sec. 8.6	Streets and Roads
Sec. 8.7	Alternatives to Minimum Road Frontage
Sec. 8.8	Sidewalks
Sec. 8.9	Stormwater Control
Sec. 8.10	Lots
Sec. 8.11	Water and Wastewater Facilities
Sec. 8.12	Street Lights
Sec. 8.13	Utility Easements
Sec. 8.14	School Sites
Sec. 8.15	Water Management
Sec. 8.16	Prohibition Against Clearcutting
Sec. 8.17	Street and Perimeter Bufferyards for Major Residential Subdivisions
Sec. 8.18	Open Space Dedication
Sec. 8.19	Homeowners' Association
Sec. 8.20	Improvements Required Prior to Approval of Final Plats
Sec. 8.21	Procedures for Final Acceptance of Subdivision Development

### **Sec. 8.1 Purpose and Authority**

Pursuant to authority granted by NCGS 160D-801, the purpose of this Article is to promote the public health, safety, and general welfare by providing for the orderly subdivision of land in the City of Trinity. Among other reasons, this Article is deemed necessary to (1) assure the appropriate layout and use of land; (2) provide safe, convenient and economic circulation of vehicular traffic; (3) provide for the dedication or reservation of street rights-of-way, utility easements and public facility sites; (4) assure the proper installation of streets and utilities; (5) avoid undue concentrations of population; and (6) insure proper legal description, identification, documentation and recordation of property boundaries.

### **Sec. 8.2 Applicability**

#### **A. Application of Article**

1. Unless exempted by NC 160D-802 (see Article 10 Definitions) Unless exempted under NC 160D-802 see Article 10, Definitions, for the definition of a subdivision) this Article is applicable to all divisions of a tract or parcel of land into two or more lots, building sites or other division, for the purpose, whether immediate or future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

2. No lot or plat within the City of Trinity's zoning jurisdiction and subject to the subdivision regulations shall be transferred, nor shall a plat or record thereof be recorded by the Randolph County Register of Deeds until a final plat of the subdivision has been submitted to and approved by the appropriate authority. Such approval shall be indicated on the face of the plat and signed by the City of Trinity Planning Director or designee.
3. The Register of Deeds shall not file a plat or record of subdivision of land within the city's jurisdiction nor shall the Clerk of Superior Court order such recording without the required certification and signature of the Planning Director or designee.
4. The approval of a plat pursuant to this Article shall not be deemed to constitute or affect the acceptance by the City or the public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.

**B. Exempt Subdivisions**

The following shall not be included nor be subject to the regulations prescribed by this Article:

1. The combination or recombination of portions of previously platted 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 described herein;
2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for the widening or opening of streets;
4. The division of a tract in single ownership, the entire area of which 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 this Article; and
5. 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 NC General Statutes.

Plats not subject to the provisions of this Article may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exemption from the Planning Director or designee and shall present such certificate to the Register of Deeds Office as proof that one of the conditions of exception noted above is present.

**C. Approval Required for Zoning Permit**

No zoning permit shall be used for the erection of any building on any lot within a subdivision unless a final plat of such subdivision has been approved as required by this Article or a certificate of exemption obtained, provided, however, that this shall not apply to any subdivision recorded by the County Register of Deeds prior to August 27, 1997, the first effective date of this Article.

**Sec. 8.3 Legal Provisions.**

**A. Penalties for Transferring Lots in Unapproved Subdivision**

Any person who, being the owner or agent of the owner of any land located within the subdivision regulation jurisdiction of the City of Trinity who subdivides such land in violation of this Article or transfers or sells any part of such land by reference to, exhibition of or any other use of a plat showing a subdivision of land before such plat has been properly approved under the provisions of this Article and recorded in the office of the Randolph County Register of Deeds, shall be subject to civil penalties.

This Article may also be enforced by injunction, order of abatement or other equitable remedy upon application to the General Court of Justice. Zoning permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided.

**B. Separability**

Should any section or provision of this Article be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself held void or invalid.

**C. State Platting and Disclosure Statement Requirement**

All developers planning to sell lots not platted and recorded prior to October 1, 1975, are advised to consult N.C. General Statute 136-102.6 "Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation," which requires that all new streets, whether public or private, and all changes in streets be platted. N.C.G.S. 136-102.6 also requires the developer to furnish to each lot purchaser a Subdivision Streets Disclosure Statement revealing the status of new streets, whether they are constructed to N.C. Department of Transportation standards, and who will bear maintenance responsibility for the streets. No provision of this Article or of any other local Ordinance shall exempt a division of land from the provisions of N.C.G.S. 136-102.6.

**Sec. 8.4 Approval Process for Subdivisions**

**A. Major Subdivision Preliminary Plats**

This Section describes the process for the review and approval of preliminary plats for subdivisions of land resulting in four (4) or more lots.

**1. Submission Requirements**

Three copies of a plat, prepared according to specifications in the City of Trinity Development Manual shall be presented to the Technical Review Committee for all major subdivisions.

**2. Technical Review Committee Review**

The Technical Review Committee shall review the preliminary plat and suggest recommended changes prior to Planning Board review. The Technical Review Committee shall make a recommendation on the major subdivision to the Planning Board and City Council within sixty (60) days of its submission.

**3. Planning Board Review**

The Planning Board shall review the preliminary plat and send their recommendation to the City Council for a final decision.

**4. City Council Decision**

Decisions or approval or denial of subdivision plats may be made only on the basis of standards explicitly set forth in the Land Management Ordinance.

**B. Major Subdivision Final Plats**

This Section describes the process for the review and approval of final plats for subdivisions of land resulting in four (4) or more lots.

**1. Submission Requirements**

Following approval of the preliminary subdivision plat, the applicant shall submit three copies of the final subdivision plat and any deed restrictions applying thereto to the Planning Director or designee for approval.

**2. Improvements and Certificates**

No final plat shall be approved until all improvements are installed or guaranteed as set forth in Section XXX and all certificates required for final plats by this Article or approvals by state law have been properly completed and signed.

**3. Recordation**

The approval of the final plat by the Technical Review Committee shall be on condition that such plat is recorded in the Office of Register of Deeds within 60 days after approval.

**C. Minor Subdivision Plats**

This Section describes the process for the review and approval of plats for subdivisions of land resulting in three (3) or fewer lots.

**1. Submission Requirements**

Three copies of a plat, prepared according to specifications in the City

of Trinity Development Manual. shall be presented to the Technical Review Committee for all minor subdivisions.

**2. Review Procedure**

The Technical Review Committee shall review each minor subdivision and shall make a recommendation of approval, denial, or conditional approval to the Planning Director or designee

**3. Planning Director Approval**

If the Planning Director or designee approves the proposed minor subdivision, a certificate of approval for recording, found in the City of Trinity Development Manual shall show such approval.

**Sec. 8.5 General Requirements and Minimum Standards of Design**

**A. General**

Subdivisions of land shall be configured in a manner that promotes orderly development, adequately considers the natural topography and drainage features of the site, and the type of development proposed.

**B. Compliance with Official Plans and Ordinances**

Land shall be subdivided in compliance with the City of Trinity Land Management Ordinance, Water Management Ordinance and other pertinent official development plans and ordinances.

**C. Road Frontage**

No building shall be erected on a new lot created after the adoption of this Ordinance that does not have access, directly or by an easement, to a road whether publicly or privately maintained. All private roads shall be constructed and maintained under the specifications outlined in Section XXX.

All lots in a subdivision must have a minimum frontage of 50 (fifty) feet on an approved public or private paved road unless lot access is provided via an exclusive access easement meeting the requirements of Section XXX . Reserve strips controlling access to streets shall not be allowed within subdivisions approved after adoption of this Article.

**D. Special Purpose Lots**

Requirements of this Article with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for cemeteries, sewer lift stations, radio, television, and communication towers, and similar utility uses. Such lots shall comply with the following requirements:

- 1. Minimum Size.** The special-purpose lot shall be permitted only after the Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, planting yards.

2. **Access.** Access lots established for the purpose of sewage treatment shall have a minimum of 20' of direct access or platted easement to a public or private street/lane unless the Administrator determines wider access is practically necessary for the purpose of the lot. Direct access or easements that provide access for the supply lines only from the lot it serves to the special-purpose lot may be a minimum of 20'. All easements shall be labeled "easement for ingress, egress, and regress for, etc."
3. **Platting.** The subdivision to create the lot shall be approved in accordance with Article 10 Subdivisions. The final plat shall label the lot as a "special-purpose lot for use as..." A lot created for an individual septic system shall carry the number of the lot or lots it serves and the letter "A".
4. **Conveyance.** A special-purpose lot for an individual off-site septic system shall be conveyed by deed and easement with the lot for which sewage treatment is provided.

**E. Lot Area in Right-of-Way**

No land area of the lot which lies within the public street right-of-way may be used for the purposes of calculating lot area or any other lot dimensional requirements. If a portion of the lot is dedicated as public right-of-way as a condition of site plan approval, that area may not be used for lot area or building setback requirements.

**Sec. 8.6 Cluster Development Option**

- A. A Major subdivision may either be developed as a conventional subdivision meeting the zoning district dimensional standards of Section XX [dimensional standards in article V], or as a cluster development meeting the requirements of Section XX [see article VI for specific reference]. Cluster development allows lots within a subdivision to be clustered in a manner which facilitates the preservation of significant open space, allowing the same number of lots as would be permitted in a conventional subdivision within the underlying zoning district, but such lots are exempt from the dimensional standards of Section XX.
- B. Aside from the unique dimensional standards and open space requirements referenced in subsection A. above, cluster development shall be subject to the same review, approval, and construction requirements for conventional major subdivisions detailed in this Article.

**Sec. 8.6 Streets and Roads**

- C. The design of all public streets and roads within the City of Trinity shall conform to the minimum standards set forth in the most recent edition of "Subdivision Roads Minimum Construction Standards" as published by the N.C. Department of Transportation, Division of Highways.
- D. Effective XXX, any internal subdivision streets shall be constructed,

approved and accepted by the City of Trinity in accordance with Article XX of the City's municipal code: Streets, Sidewalks and Streetlights---- of the City's general ordinances.

- E. Disclosure and approval by the Division of Highways shall comply with G.S. 136-102.6.
- F. All street-names and signs shall conform to Randolph County and City of Trinity standards and shall be posted at intersections showing the name of every street. New streets, which are obviously in alignment with others already named and existing, shall bear the names of the existing streets. In no case shall the names of new streets phonetically resemble existing street names.
- G. Where possible, roads should be located outside of watershed critical areas and watershed vegetated conveyance areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

**H. Access to Adjoining Property**

Means of ingress and egress for properties adjoining the subdivision shall be provided, except where one (1) or more of the following conditions exists:

- 1. Existing cross-access drives, service roads, or side streets provide sufficient access to the subject property and adjoining property;
- 2. There are incompatible land uses on adjoining properties that should not be connected by a cross-access drive (e.g., commercial or industrial uses where the only access is through residential areas;
- 3. The adjoining property does not abut the subject property with adequate frontage for a connecting public road;
- 4. An unimpeded motor vehicle connection cannot be made through the subject property to the adjoining property within the required cross-access drive easement. Examples of impediments include existing building or utility obstructions, significant natural or man-made features and existing topographic grades that would impede traffic circulation on the subject property;
- 5. Applicants may be asked to provide supplemental information to determine whether or not the above exceptions apply.

**I. Subdivision Entrance and Names**

All subdivisions requiring the development of new public roads must be named. A sign clearly indicating the name of the subdivision shall be posted at each entrance to the subdivision, but not in the median or green zone. The entrance roadway shall consist of a landscaped median extending at least

twenty (20) feet in length and the median width or green zone of at least eight (8) feet in width measured from the edge of pavement from the main road accessing the subdivision. The start of the median should not create any sight distance issues with the intersection as determined by NCDOT as part of Technical Review Committee review. The size of any trees planted within the median shall be limited to a two (2) inch caliper at breast height maximum so as to not block sight lines or potentially damage entering trucks. Crepe myrtles or similarly sized vegetation, or trees of a smaller size are recommended. As an alternative to building a median, a developer may choose to provide at least a twenty (20) foot wide natural or planted bufferyard twenty (20) feet in length on both sides of the entrance roadway. Said bufferyard shall conform with the requirements presented in the City of Trinity Land Management Ordinance Article XX Section XX.

#### **J. Cul-de-Sacs**

Cul-de-sacs or other dead-end streets shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds.

1. Circular rights-of-way at the closed end shall have a minimum radius of sixty (60) feet and the surfacing shall have a minimum radius of forty-eight (48) feet.
2. Future pedestrian or trail connections to development of adjacent property shall require the dedication of at least twenty (20) feet of easement at the end of the cul-de-sac to the edge of the property to facilitate pedestrian and trail connections with future developments.
3. Cul-de-Sacs shall be no more than 800 feet in length, except as approved by the Technical Review Committee to address topographic challenges, accommodate natural features, or to better utilize an irregularly shaped property.

#### **I. Development Entry Points**

All subdivisions shall provide a minimum number of entry points to the development from the street system outside the development corresponding to the number of residential units within the subdivision. 50 or fewer units requires a minimum of one (1) entry point. 51-150 units requires a minimum of 2 entry points. 151 units or more requires a minimum of 3 entry points. The Technical Review Committee may allow stub streets to count as a development entry point when there is a reasonable likelihood of the stub street connecting to a future roadway. Development shall be exempted from this requirement if it is demonstrated the following conditions apply:

1. No other street access points can be located to the site due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
2. NCDOT will not authorize the required number of entrances; or



3. Alternative access can be provided in a manner acceptable to the City that is supported by a transportation impact analysis.

**J. Curb and Gutter**

All new public streets shall require a standard or valley curb and gutter system in all Urban Residential (UR) general and conditional zoning districts and all non-residential zoning districts

**K. Blocks**

Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use. Blocks shall not be more than 1,000 feet in length, except as considered necessary to secure efficient use of land or desired features of street pattern by the Technical Review Committee. In blocks over 800 feet in length one or more protected crosswalks not less than ten (10) feet in width with curb bulb-outs extending entirely across the street may be required at locations deemed necessary by the Technical Review Committee.

**L. Private Roads**

Private roads or drives shall be permitted only in the following circumstances:

1. Developments which by the nature of their design could not occur if required to meet DOT subdivision road standards, as for example residential developments under unified or homeowner association control (mobile home parks, apartment complexes, attached housing, Planned Development, etc.) and commercial or industrial development under unified control.
2. Private or public roads are required for access to three (3) or more lots.
3. The further subdivision of residential lots approved prior to August 21, 1997, which abut existing private roads shall be allowed when the resulting subdivision is a minor subdivision of no more than three (3) lots.

However, when the resulting subdivision is a major subdivision of four (4) or more lots, the subdivision shall not be permitted without upgrading the private road to a public road per standards established by the City of Trinity or NCDOT and until said streets are built according to approved plans or proper assurance of completion is accepted by the City of Trinity Public Works Director or NCDOT.

This section shall not apply to commercial and industrial subdivisions and lots served by sewer.

4. Where permitted, private roads shall be constructed in compliance with the following conditions:
  - a. The developer shall sign a certificate attesting to the fact that

an instrument will be recorded with the final plat which guarantees:

- 1) a right of access by all lots served by the private road; and
  - 2) a full disclosure of the state of the road and specific road maintenance responsibilities (as required by G.S. 136-102.6) and that these listed items shall run with the land. (A maintenance agreement shall have been previously agreed to by the City of Trinity Council and the City Attorney).
- b. All developers who incorporate private roads into their subdivisions, including minor subdivisions, shall be required to present plans to the Technical Review Committee for review and approval.
  - c. Design standards for private roads, which are listed in the City of Trinity Development Manual.
  - d. No private road within the City of Trinity shall be longer than 1,320 feet. Also, no private road, created after the adoption of this Ordinance shall serve more than six lots. All private roads shall connect to a public road. This provision shall not apply to driveways accessing 2 or fewer lots

## **Sec. 8.7 Alternatives to Minimum Road Frontage**

### **A. Exclusive Access Easement**

An exclusive access easement shall be the only access to a lot only in the following circumstances:

1. An exclusive access easement shall be a minimum of 25 feet in width.
2. The minimum distance between an exclusive access easement and any other platted right of way shall be one hundred twenty-five (125) ft.
3. The centerline and width of an exclusive access easement must be shown on a plat recorded with the Randolph County Register of Deeds.
4. A maximum of one (1) single-family dwelling and one (1) accessory dwelling unit with uninhabited customary accessory structure(s) shall be accessed with an exclusive access easement.

### **B. Flag Lots**

Flag lots are not permitted within the zoning jurisdiction of the City of Trinity.

## **Sec. 8.8 Sidewalks**

Sidewalks shall be constructed in accordance with the standards detailed in the City

of Trinity Development Manual.

**Sec. 8.9 Stormwater Control**

Subdivisions shall meet the stormwater control standards detailed in the City of Trinity Water Management Ordinance.

**Sec. 8.10 Lots**

Lots shall be designed in shape, size, and location with due regard to topographic conditions, features of the surrounding area, contemplated use and official plans and ordinances.

- A. Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered platted for occupancy by a building and shall not be used in determining the minimum lot area or maximum lot depth.
- B. Frontage on a Public Street. Every lot shall front or abut a public street (except where private roads are permitted) and shall have a minimum frontage equal to the minimum lot width required by the dimensional requirements for each zoning district but no less than 30 feet.
- C. Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

Area and Dimensions of Lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in the Table of Area and Yard Requirements of the City of Trinity Land Management Ordinance.

**Sec. 8.11 Water and Wastewater Facilities**

- A. New subdivisions shall connect to the City of Trinity municipal wastewater system and the public water system provided by Davidson Water, Inc. according to the specifications and approval of the appropriate state agencies. In areas where public water and/or sewer are not available, the developer shall install private systems that have been approved by the appropriate County or State agency.
- B. Where public water and wastewater facilities are not available and individual water supplies or individual sewage disposal systems are planned, the developer, at his own expense, shall have the site investigated by the Randolph County Health Department or other authorized, qualified, individual, firm or agency, to determine whether or not such individual facilities are feasible and shall present proof to the Planning Director or designee that such analysis has taken place.
- C. Where individual septic tank systems are planned, minimum lot sizes

specified in this Article may need to be increased as required by the Randolph County Health Department.

- D. Water supply and sewage facilities shall comply with applicable state and county health and environmental laws and regulations. (See the City of Trinity Development Manual. for water and waste disposal approval requirements).

**Sec. 8.12 Street Lights**

All public streets, sidewalks, and other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the security of property and the safety of person using such streets, sidewalks, and other common areas or facilities. Streetlights are to be installed by the developer in accordance with the City of Trinity Development Manual and Article XX of the City’s Municipal Code: Streets, Sidewalks and Streetlights.

**Sec. 8.13 Utility Easements**

Easements are required to provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas, water or heat mains, or other utilities. The location and size of utility easements shall meet the requirements of the City of Trinity Design Manual and approved by the Technical Review Committee.

**Sec. 8.14 School Sites**

Where a school site is shown on a publicly approved plan, recorded with the Register of Deeds and requested by the local Board of Education, such site shall either be dedicated for the public purposes at the option of the property owner or reserved for acquisition by the appropriate public body for a period not exceeding 18 months from the date of approval of the preliminary subdivision plan.

**Sec. 8.15 Water Management**

All subdivision shall comply with the City of Trinity Water Management Ordinance, to include any water course or dry branch of any type running through or within 150 feet of the property proposed for subdivision. Lots located entirely in the flood plain shall not be sold for residential purposes.

Under no circumstances shall lots be sold for construction that ~~is~~ are entirely within a floodplain.

**Sec. 8.16 Prohibition Against Clearcutting**

There shall be no clearcutting in any development or vacant parcel in excess of one acre within the Trinity City Limits or its ETJ without first having applied for and received approval from the Trinity 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).

**Sec. 8.17 Street and Perimeter Bufferyards for Major Residential Subdivisions**

Street and Perimeter Bufferyards shall be installed for Major Residential Subdivisions in accordance with the Landscaping Standards of Article VI.

**Sec. 8.18 Open Space Dedication**

Open space meeting the standards of Section XX [see Article VI] shall be included in all Major Residential Subdivisions within the UR zoning district, and all cluster developments within the RA, RR, and SR districts.

**Sec. 8.19 Homeowners' Association**

In all new major residential subdivisions, a homeowner's association or similar entity shall be established to manage and maintain private streets, perimeter bufferyard, open space, and other common areas and facilities.

**A. Homeowners' Association Requirements:**

1. Common ownership of the open space by a Homeowners' Association that assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the Homeowners' Association fails to maintain the open space according to the standards of this Article, the City may, following reasonable notice:
  - a. Demand that deficiency of maintenance be corrected; or
  - b. Enter the open space to maintain same. The cost of such maintenance shall be charged to the Homeowners' Association.
2. The Homeowners' Association shall be responsible for the upkeep and maintenance of the perpetual bufferyard around the perimeter of the subdivision. It is the intent of the City that all buffers will be maintained in their natural state and will not be excessively pruned or trimmed. Pruning and trimming is permitted as necessary to maintain compliance with all other town regulations, such as those prohibiting obstruction of roadway sight distances or obstruction to the free use of public sidewalks or streets. Infectious, invasive, exotic, dead, and damaged trees may be removed if no damage is done to other vegetation.

**B. Restrictive Covenants**

A Restrictive Covenants document shall be included as deed restrictions on any and all lots in the subdivision. The document shall determine responsibility and provide provisions for the upkeep and maintenance of all commonly owned

land and improvements by the Homeowners Association or as assigned to an individual property owner by deed.

**C. Escrow Account**

The HOA shall establish an escrow account, which shall only be used for the upkeep, maintenance, repair, and reconstruction of all commonly owned land and improvements to include private roads within the development. If commonly owned land and improvements are not properly maintained, the City of Trinity, in its sole discretion, may remedy the situation, and in such instances, the City of Trinity shall be fully reimbursed from the escrow account. Escrowed funds shall not be spent for routine landscaping maintenance items such as mowing. See XXX for all improvements that require an escrow account.

**D.** Restrictive covenants shall include a financial statement certifying compliance with the escrow account requirements therein.

**E.** HOA information shall be recorded with the Register of Deeds and noted on the final subdivision plat at the time of recording.

**Sec. 8.20 Improvements Required Prior to Approval of Final Plats**

**A. Installation of Improvements**

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this Article.

**B. Guarantee of Improvements**

Guarantee of Improvements. Grading and base construction for streets must be installed prior to submission of the plat for final approval. Where other required improvements have not been completed, the approval of said plat shall be subject to the requirements of NCGS 160D-804.1 by one of the following methods:

1. Cash or certified check.
2. Performance or surety bond executed by a company duly licensed to do business in the State of North Carolina.
3. Irrevocable letter of credit

**C. Submission Requirements**

Data demonstrating compliance with the improvement requirements, as-built drawings of infrastructure improvements, and roadway and utility engineering certifications must be prepared and submitted along with the final plat for final approval by the Technical Review Committee. See the WMO ordinance and Streets, Sidewalks, Streetlights for additional requirements. Three (3) hard copies, .pdf and .dwg or .dsf files of the final

plat and all plans, profiles, specifications, and other required information shall be provided for Technical Review Committee review. Specifications for final plats are listed in the City of Trinity Development Manual.

#### **D. Required Improvements**

The following improvements and requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Technical Review Committee and the Planning Director for recording:

1. **Public Streets.** Streets and all associated improvements, to include storm drains, grading, base, and paving, shall be constructed by the developer in accordance with the specifications and standards of the N.C. Department of Transportation, Division of Highways and shall be approved by the City. As-built drawings shall be required prior to acceptance.
2. **Private Streets** constructed in accordance with Section XXX and approved by the City of Trinity Public Works Department. The word private shall be clearly stamped on the final plat and this shall be recorded with all conveyances along with road maintenance provisions. Design standards for private roads are noted in the City of Trinity Development Manual. As-built drawings shall be required prior to acceptance.
3. **Utilities.** The developer shall install public water mains and sanitary sewers where existing public utilities are available. In other areas the developer shall install either individual private lot or private community water and/or sewer systems. If such installation is made, the developer shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the Water Resources Division of the North Carolina Department of Environmental Quality, the Randolph County Health Department, and the Sewer Use Ordinance of the City of Trinity and with all regulations and construction specifications of any municipality to whose utility system such water mains and/or sanitary sewers may eventually be connected. DEQ approval, engineering certification, and as-built drawings shall be required prior to acceptance.

Electrical utilities and communication lines shall be installed with arrangements made by the developer with the utility company or cooperative authorized to serve the area of the subdivision. Installation shall be in keeping with the latest accepted design standards and procedures along lot lines.

Electrical and communication lines shall be installed underground within major subdivisions unless the Public Works Director determines underground installation is not feasible due to physical constraints.

Utilities, which encroach upon the State Highway system, shall require an Encroachment Contract executed by the person or firm responsible for maintenance.

4. Water Supply and Sewage Disposal on Individual Lots When Public Water and Sewer are Unavailable. The size, location, soil conditions and drainage of all lots in the subdivision shall be approved by the Randolph County Health Department relative to individual water supply and sewage disposal systems. Water supply and waste treatment approval requirements are noted in the City of Trinity Development Manual.
5. Erosion Control. The developer shall mulch, seed, sod or otherwise protect all grading, excavations, open cuts, side slopes and other land surface disturbances.

It is also the developer's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act and the City of Trinity Water Management Policies. The developer is to contact the Energy Mineral and Land Resources Division of the North Carolina Department of Environmental Quality (NCDEQ), which agency provides technical assistance and enforcement of the Sedimentation and Pollution Control Act. An approved copy of the Sedimentation and Erosion Control Plan approval by NCDEQ when required.

6. Removal of Rubbish. The applicant or property developer shall remove all cut or fallen trees, stumps, or rubbish from the subdivision.
7. Storm Water Drainage Facilities: The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters, incorporates Storm water Control Measures to minimize water quality impacts, and meets the requirements of the City of Trinity Water Management Ordinance. As-built drawings shall be required prior to acceptance.
8. Erosion and Sedimentation Control: The application shall, where required, be accompanied by an approved Sedimentation and Erosion Control Plan approval by the N.C. Division of Land Quality.

#### **Sec. 8.21 Procedures for Acceptance of Subdivision Development**

Procedures for final acceptance of subdivision development are included in the City of Trinity Development Manual.

##### **A. Punch list**

Near completion of the subdivision development, a punch list will be provided to the owner detailing the deficiencies needing completion.



**B. Final plat**

The owner will submit a final plat, deed of dedication and maintenance agreement to the Planning Director or designee at the completion of the punch list.

**C. Final inspection**

After receiving the Final Plat, Deed of Dedication and Maintenance Agreement, the City of Trinity Technical Review Committee will conduct a final inspection. If there are no deficiencies, the Final Plat will be added to the Technical Review Committee agenda for approval. Once the Technical Review Committee approves the Final Plat, permission is granted to begin residential home construction and a building permit can be issued.

DRAFT 6/24/24