

City of Trinity
Subdivision Ordinance
(Amended 11.14.22)

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ARTICLE I: SHORT TITLE

This ordinance shall be known and may be cited as the Subdivision Ordinance of the City of Trinity, North Carolina.

ARTICLE II: PURPOSE

The purpose of this Ordinance 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 Ordinance 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 of 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.

ARTICLE III: AUTHORITY AND JURISDICTION

Section 3-1 Authority

The enactment of this Ordinance is authorized under provisions pursuant to Chapter 160D-801 of the General Statutes of North Carolina.

Section 3-2 Jurisdiction

This Ordinance shall govern the platting and recording of any subdivision of land lying within the City of Trinity.

ARTICLE IV: LEGAL PROVISIONS

Section 4-1 Application of Ordinance

- (A) This Ordinance 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.
- (B) No lot or plat (except as provided by Section 2 below) within City of Trinity's subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the County Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Planning and Zoning Board or the City Council (Major Subdivisions, Article V, Section 3). Such approval shall be indicated on the face of the plat and signed by the City of Trinity Subdivision Administrator (See Appendix F for certification form).
- (C) 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 Subdivision Administrator.
- (D) The approval of a plat pursuant to this Ordinance 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.

Section 4-2 Exceptions

- (A) The following shall not be included nor be subject to the regulations prescribed by this Ordinance:
- (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 Subdivision Ordinance; 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.
- (B) Plats not subject to the provisions of this Ordinance may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exemption (See Appendix F) from the Subdivision Administrator and shall present such certificate to the Register of Deeds Office as proof that one of the conditions of exception noted above is present.

Section 4-3 Approval Required for Building Permit

No building 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 Ordinance 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 Ordinance.

Section 4-4 Variances Due to Site Conditions

Where the subdivider can show that a provision of these requirements would cause unnecessary hardship, if strictly adhered to due to topographical or other conditions peculiar to the site, the Subdivision Administrator may grant a variance of up to 10% of the square footage as long as the average square footage per lot meets the minimum Zoning Requirements. Otherwise, if the variance is greater than 10% or if the variance is related to something else besides square footage, then the Board of Adjustments shall approve a variance when it finds that such variance may be granted without destroying the intent of this Ordinance. Any variance thus approved by the Board of Adjustments shall be noted in the minutes of the meeting at which the variance is granted and such notation shall include the reasons for the variance.

Section 4-5 Penalties for Transferring Lots in Unapproved Subdivision

- (A) 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 Ordinance 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 Ordinance and recorded in the office of the Randolph County Register of Deeds, shall be guilty of a misdemeanor.
- (B) This Ordinance may also be enforced by injunction, order of abatement or other equitable remedy upon application to the General Court of Justice.

- (C) Building permits required pursuant to G.S. 160A-147 may be denied for lots that have been illegally subdivided.

Section 4-6 Subdivision Administrator

The administrator shall be appointed by the Trinity City Manager. The powers and duties of the administrator shall be to implement the provisions of the ordinance with the assistance of the appropriate technical staff. The specific responsibilities of the administrator shall include, but not be limited to, conferring with the subdividers, reviewing plans and plats, coordinating and collaborating with the appropriate experts on the plans and plats, making field investigations of plans and improvements, and presenting plans and plat with findings and recommendations to the Planning Board.

Section 4-7 Conflicting Ordinances

Where another applicable regulation, ordinance or statute imposes more restrictive regulations than those contained in this Ordinance, the more restrictive regulation shall govern.

Section 4-8 Separability

Should any section or provision of this Ordinance 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.

Section 4-9 Effective Date

This Ordinance shall take effect and be in force from and after August 27, 1997, and as subsequently amended by the City of Trinity, North Carolina, City Council.

Section 4-10 Amendment Procedure

This Ordinance may be amended or revised from time to time by the City of Trinity City Council as provided by North Carolina General Statutes, Chapter 160D-601, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the City of Trinity Planning Board for review and recommendation. If the Planning Board fails to provide a recommendation within 45 days of submission to the Council, it shall be deemed to have favorably recommended the amendment.

Section 4-11 State Platting and Disclosure Statement Requirement

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975, are advised to consult N.C. General Statutes 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 subdivider 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 the City of Trinity Subdivision Ordinance or of any other local Ordinance shall exempt a division of land from the provisions of N.C.G.S. 136-102.6.

ARTICLE V: PROCEDURE FOR APPROVAL OF PLATS FOR SUBDIVISIONS

Section 5-1 Major Subdivision Definition

A subdivision with four (4) or more lots created for the purpose of sale or building development or a subdivision that requires the creation of a new public or private street.

Section 5-2 Preliminary Map, Major Subdivision

The developer shall prepare a preliminary map to show general plans for the subdivision. A minimum scale of 1 inch = 100 feet is required for the preliminary map. The preliminary map should contain:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts and roads;
- (2) Boundaries of the tract and portion to be subdivided;
- (3) Total acres to be subdivided;
- (4) Acreage of public use sites;
- (5) Number of parcels;
- (6) Average parcel size;
- (7) Proposed general street and lot layout;
- (8) Liner feet of street;
- (9) Location of entrance and exit spots;
- (10) Zoning classification of tract and abutting properties; and
- (11) Name, address and telephone number of owner.

The Technical Review Committee shall review the preliminary map and recommend changes, if necessary, prior to the preliminary map going in front of the Planning Board. Once a review and recommendation has been performed by the Planning Board, the map will go in front of the City Council for approval.

The Subdivision Administrator shall also notify in writing all adjoining property owners of the submission of the map. Such notice shall state the date of the Planning Board meeting when the map will be considered and shall be mailed in sufficient time to provide adequate notice.

Section 5-3 Preliminary Plans, Major Subdivisions

- (A) Submission Requirements. A preliminary plan of a proposed major subdivision shall be prepared by the developer. Specifications for preliminary plans are contained in Appendix A.

Three copies of the preliminary plans, along with proposed deed restrictions shall be submitted to the TRC. Upon review, if conditions are laid upon the subdivider, the subdivider has the choice of accepting those conditions or appealing the conditions to the Board of Adjustments.

The Subdivision Administrator shall give a progress report to the Planning Board and the City Council.

Section 5-4 Final Plat, Major Subdivisions

- (A) Submission Requirements. When the requirements of this Ordinance have been satisfied, the subdivider shall submit three copies of the final subdivision plat and any deed restriction applying thereto to the Technical Review Committee to determine that the final plat conforms to the

requirements of this Ordinance. Three copies of the final plat and final drawings shall be submitted no less than fourteen days before the TRC meeting at which the plat is to be reviewed.

Decisions or approval or denial of final plats may be made only on the basis of standards explicitly set forth in the subdivision or zoning ordinance.

- (B) Improvements and Certificates. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in this Ordinance and all certificates required for final plats by this Ordinance or approvals by state law have been properly completed and signed. To assure compliance with G.S. 160D-804 and other development regulation requirements, a subdivision regulation may provide for performance guarantees to assure successful completion of required improvements.
- (C) Recordation. The approval of the final plat by the TRC shall be on condition that such plat is recorded in the Office of Register of Deeds within 60 days after approval.

Section 5-5 Minor Subdivisions Definition:

A subdivision of three (3) or fewer lots created for the purpose of sale or building development with all lots having access to an existing state or City maintained road.

Section 5-6 Minor Subdivisions:

The developer of a minor subdivision may apply for final approval of any minor subdivision through the procedures set forth in this section.

- (A) Submission Requirements. Three copies of a plat, prepared according to specifications in Appendix C shall be presented to the Technical Review Committee for all minor subdivisions.

Plats for minor subdivisions must be accompanied by a certificate of survey and accuracy as specified in Appendix F-6 by a registered land surveyor or professional engineer licensed and registered to practice in North Carolina.

- (B) Review Procedure. The Technical Review Committee shall review each minor subdivision and shall find that it either does or does not meet the requirements of this Ordinance. Based on these findings, the TRC shall approve, disapprove or approve conditionally the proposed minor subdivision within sixty (60) days of its submission. The decision of the TRC is subject to appeal by the subdivider to the Board of Adjustments, which must act on any appeal within sixty (60) days. Subdivision procedures must conform for expedited review of certain minor subdivisions (160D-802).

- (C) Certificate of Approval for Recording. If the administrator approves the proposed minor subdivision, a certificate of approval for recording, Appendix F-2, shall show such approval.

ARTICLE VI: GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Section 6-1 General

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of a natural topography and drainage features and type of development proposed.

Section 6-2 Compliance with Official Plans and Ordinances

Land shall be subdivided in compliance with the City of Trinity Zoning Ordinance and other pertinent official development plans and ordinances. In addition, where land lies within the area of a public water supply reservoir, so designated by a Governmental authority, subdivider of such land shall be required to give notice

on the face of the final subdivision plat that land within the subdivision lies within a designated public water supply reservoir area and may be the subject of future public purchase. (See Appendix F-5 for Certificate of Disclosure of Public Purchase.)

Section 6-3 Road Frontage

All lots in a subdivision must front on a public paved road, unless a private road is specifically provided for in Section 6-5 of this Article. There shall be no reserve strips controlling access to streets except where cause can be shown that such control would best serve the purpose of this Ordinance.

Section 6-4 Streets and Roads

- (A) 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 Standard" as published by the N.C. Department of Transportation, Division of Highways.
- (B) Upon signing of 'Final Plat', effective August 14th, 2017 any streets constructed, inspected and approved by the Public Works Director or an authorized representative of the City of Trinity to meet the minimum standards set forth in 6-4 (A) shall become City of Trinity streets for ownership and maintenance.
- (C) Disclosure and approval by the Division of Highways shall comply with G.S. 136-102.6.
- (D) All streets shall be named and signs conforming to Randolph County and City standards 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.
- (E) 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 starting from the NCDOT Right of Way from the main road accessing the subdivision. The start of the median should not create any sight distance issues with the intersection, with a minimum of a 10' x 70' sight triangle. 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 buffer yard twenty (20) feet in length on both sides of the entrance roadway. Said buffer yard shall conform with the requirements presented in the City of Trinity Zoning Ordinance Article XIV Section 14-2.
- (F) Access to Adjoining Property. Means of ingress and egress for adjoining properties within the subdivision shall be provided.
- (G) 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. Circular rights-of-way at the closed end shall have a minimum radius of fifty (50) feet and the surfacing shall have a minimum radius of forty (40) feet. 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.
- (H) 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:

- No other street access points can be located to the site due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
 - NCDOT will not authorize the required number of entrances; or
 - Alternative access can be provided in a manner acceptable to the City that is supported by a transportation impact analysis.
- (I) Curb and Gutter. All new public streets shall require a standard or valley curb and gutter system in the following districts:
- R-12
 - R-10
 - Mixed Residential (RM)
 - Residential Mixed – Urban (RM-U)

Section 6-5 Private Roads

- (A) 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, PUDS, etc.) and commercial or industrial development under unified control.
 - (2) Division of land into tracts that are five acres or greater in size.
- (B) In subdivisions in which a new street provides access to two or fewer lots provided that the new street connects directly to a public street currently accepted and maintained by the N.C. DOT or the City of Trinity, and further provided that the new street is no longer in length than 0.2 miles. Future resubdivision of lots served by private roads in subdivisions approved after August 21, 1997, into smaller tracts shall not be permitted unless plans for upgrading the private road to a public street are approved by the N.C. Division of Highways and until said roads are built according to approved plans or proper assurance of completion is accepted by the Trinity City Council. This requirement shall be stated on the recorded plat.
- (C) New minor subdivisions abutting an existing private road approved prior to August 21, 1997 shall be permitted. This section shall not apply to commercial and industrial subdivisions and lots served by sewer.
- (D) New major residential subdivisions abutting a private road approved prior to August 21, 1997 or designed to utilize a private road for access to the subdivision shall not be permitted without upgrading the private road to a public road per standards established by the City of Trinity and until said streets are built according to approved plans or proper assurance of completion is accepted by the Trinity City Council. This section shall not apply to commercial and industrial subdivisions and lots served by sewer.
- (E) Where permitted, private roads may be constructed in compliance with the following conditions:
- (1) The developer shall sign a certificate attesting to the fact that an instrument will be recorded with the final plat which guarantees:
 - (a) a right of access by all lots served by the private road; and
 - (b) 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).
- (F) All developers who incorporate private roads into their subdivisions will be required to present

plans to the City of Trinity City Council for review.

- (G) Design standards for private roads are listed in Appendix D.

Section 6-6 Sidewalks (See City of Trinity Zoning Ordinance Article VII Description and Purposes of Districts)

When constructing sidewalks, the sidewalk shall be located on one side of the street within the subdivision and along thoroughfares that access any entrances to the subdivision along existing NCDOT or City streets or roads. Sidewalks shall be a minimum of five (5) feet wide, and four (4) inches thick.

Section 6-7 Stormwater Control (See City of Trinity Stormwater Ordinance)

Section 6-8 Blocks

Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use.

- (A) Length. Blocks shall be not less than 300 or 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.
- (B) Widths. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Table of Area and Yard Requirements, Zoning Ordinance), except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.

Section 6-9 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 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 as required by the dimensional requirements for each zoning district.
- (C) Double and Reverse Frontage. Double frontage and reverse frontage lots shall be avoided, except where required in unusual circumstances specifically approved by the City Council in the preliminary plat.
- (D) Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- (E) 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 Zoning Ordinance. In summary, the following minimum area and dimensional requirements shall be met:

DISTRICT	AREA	WIDTH AT BUILDING LINE
RA District	40,000 square feet	100 feet
R-40 District (1 unit/acre)	40,000 square feet	100 feet
R-20 District (2 units/acre)	20,000 square feet	80 feet
R-12 (3 units/acre)	12,000 square feet	75 feet
R-10 (4 units/acre)	10,000 square feet	60 feet
RM & RM-U District for Single-Family Homes – 4 units/acre	10,000 square feet	60 feet
RM & RM-U District for Multi-Family Homes	12,000 square feet + 3,000 for each unit over 2	N/A

Section 6-10 Water and Wastewater Facilities

New subdivisions shall connect to the City of Trinity municipal wastewater system according to the guidelines established by the City of Trinity and public water system according to the City of Trinity and Davidson Water, Inc., the plans for both of which must be submitted to and approved by the appropriate state agencies. In areas where public water and/or sewer are not available, the subdivider shall install private systems that have been approved by the appropriate County or State agency

- (A) Where public water and wastewater facilities are not available and individual water supplies or individual sewage disposal systems are planned, the subdivider, 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 Subdivision Administrator that appropriate soil tests have been conducted and that each lot in the subdivision not served by public water or sewage disposal systems has been approved by the Randolph County Health Department for individual water supplies and/or sewage disposal systems. The site investigation for sewage disposal shall include sufficient number of percolation tests. The number of percolation tests required and the depth of test holes shall be determined by the County Sanitarian.
- (B) Where individual septic tank systems are planned, minimum lot sizes specified in this Ordinance may need to be increased as required by the results of percolation tests and subsoil investigation.
- (C) Water supply and sewage facilities shall comply with applicable state and county health and environmental laws and regulations. (See Appendix E for water and waste disposal approval requirements).
- (D) Building Lines. On residential lots the minimum depth of the front building line from the front property line shall be 35 feet. This depth shall be increased on recommendation of the County Health Department, if necessary for the installation of an individual sewage disposal system on the front of a lot. On double frontage lots, the minimum depth of the rear building line from the rear property lines from the side property line of the side street shall be 15 feet. On lake front lots (other than those located in designated Water Critical Areas surrounding water supply lakes) there shall be a lake building line consisting of a line located across the lot parallel to and 25 feet from the official pond level measured along the natural ground surface and in no case shall a building be located below a contour line which shall be three feet above normal pond level.

Section 6-11 Oversized Improvements

The City of Trinity may require the installation of certain oversized facilities such as water and sewer mains or oversized sewer pumping stations where it is in the interest of future development.

Section 6-12 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 Trinity Street light Policy. A street lighting plan will be submitted with the preliminary plat.

Section 6-13 Easements

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, easements may be required. When necessary such easements shall be reviewed by the City engineer.

Section 6-14 Recreation Areas and Site for Public Facilities Open Space

Where a school site is shown on a publicly approved plan, which plan shall have been 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.

Section 6-15 Water Courses

If there is any water course or dry branch of any type running through or within 150 feet of the property proposed for subdivision, the prospective subdivider shall furnish reasonable evidence to the Planning and Zoning Administrator that residential lots within the subdivision will not be flooded. Lots located entirely in the flood plain shall not be sold for residential purposes. Lots partially located within a flood plain shall provide adequate space for a primary structure and any accessory structures outside of the floodplain. Under no circumstances should lots be sold for construction that is entirely within a floodplain. All structures must also conform to the Floodplain Ordinance of the City of Trinity.

Section 6-16 Buffer Strips – Streams See City of Trinity Stormwater Ordinance

Section 6-17 Mobile Home Subdivisions

Mobile home subdivisions shall comply in all respects to the requirements of this Ordinance and of the Manufactured Home Overlay District provided in the City of Trinity Zoning Ordinance.

Section 6-18 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).

Section 6-19 Thoroughfare and Perimeter Buffer Yard for Major Residential Subdivision

A perpetually maintained natural or planted buffer yard shall be maintained along the existing road frontage and perimeter of a proposed major subdivision from abutting streets and neighboring properties when located.

adjacent to a different zoning district. Unless an existing buffer meets the requirements of this section and sufficiently shields and protects the abutting property as determined by the Planning Director or Zoning Administrator, the perimeter buffer yard shall conform to the following standards:

- Minimum width: 10 feet
- Canopy trees per every 100 linear feet: 3
- Understory trees per every 100 linear feet: 4
- Shrubs per every 100 linear feet: 20

Canopy trees shall have a minimum height at maturity of forty (40) feet or a minimum crown width of thirty (30) feet. All canopy trees shall have a minimum caliper size of two (2) inches at planting. Evergreen trees shall be a minimum of six (6) feet in height at planting.

Understory trees shall have a minimum height at maturity of twenty-five (25) to forty (40) feet, except for trees to be placed below overhead utility lines which may not exceed a mature height of twenty (20) feet. Drought tolerant understory trees must have a minimum caliper size of one (1) inch at planting. All other understory trees must have a minimum caliper size of two (2) inches at planting.

All shrubs must be at least a 3-gallon size and have a minimum height or spread of fifteen (15) inches at the time of planting. Shrubs shall reach a minimum height of thirty-six (36) inches and a spread of thirty (30) inches within three years of planting.

Existing trees shall be preserved wherever possible. As an incentive to protect the existing tree canopy, the successful preservation of healthy, well-shaped existing stands of canopy trees in or along a required buffer yard shall allow for a reduction in the required width of said buffer yard by up to 50%

Plans for alternate landscape designs meeting the spirit and intent of this ordinance and the City of Trinity Land Development Plan may be submitted for approval by the TRC.

Section 6-20 Open Space Dedication

No less than twenty (20) percent of the total land area of the development or subdivision shall be planned and dedicated as open space for the enjoyment and benefit of residents of the development or subdivision. Private yards, street right-of-way, vehicular use areas including parking spaces, and land covered by buildings not designated for active recreational use, as well as land within a designated floodway area, shall not count towards the twenty (20) percent minimum open space requirement. Features that count towards the open space requirement include:

- Pedestrian amenities;
- Farm and forestry lands within the boundary of the development;
- Park lands, trails, and greenways, both public and private;
- Active recreation areas including athletic fields, playgrounds, swimming pools, courts, tracks, walking trails, paths, porches, and other similar uses;
- Passive recreation areas including walking trails, pathways, gazebos, picnic areas, fountains, plazas, and similar areas. Such areas may also include undisturbed natural vegetation; and
- Urban features including: plazas, fountains, courtyards, roof gardens, pedestrian areas, indoor atriums open to public, and public sidewalks at least five (5) feet in width with pedestrian amenities; and
- Buffer Yards meeting the requirements of Section 6-19.

Dedicated open space shall be accessible by residents and users of the development by means of a street, private drive, or an all-weather walkway within a common area or easement. The Zoning Administrator shall be allowed access to open space for inspection. Open space shall be distributed throughout a subdivision so that no lot is further away than 1500 feet as measured along a publicly accessible pathway. A dedicated open space area shall be at least 24 feet in width and 1,000 square feet in area to count toward open space requirements.

This Section applies to the following districts:

- R-12
- R-10
- Mixed Residential (RM)
- Residential Mixed – Urban (RM-U)

Section 6-21 Homeowner's Association

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

Homeowner's Association Requirements:

- 1) 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 Home 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.
- 2) The Homeowner's Association shall be responsible for maintaining the perpetual buffer yard 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 except 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.
- 3) HOA information shall be noted on the subdivision plat.

ARTICLE VII: Improvements Required Prior to Approval of Final Plats

Section 7-1 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 Ordinance.

Section 7-2 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 sub divider's guaranteeing the installation of said improvements in one of the following methods:

- (A) Cash or certified check.
- (B) Performance or surety bond executed by a company duly licensed to do business in the State of North Carolina.
- (C) Irrevocable letter of credit

Section 7-3 Submission Requirements

Data demonstrating compliance with the improvement requirements must be prepared and submitted along with the final plat for the meeting of the City Council at which final approval is sought. Twelve copies of the final plat and all plans, profiles, specifications and other required information should be required. Specifications for final plats are listed in Appendix B.

Section 7-4 Required Improvements

The following improvements requirements shall be fulfilled or guaranteed before a final plat shall be approved by the City Council for recording:

- (A) Public Streets. Streets and all associated improvements, to include storm drains, grading, base and paving, shall be constructed by the subdivider in accordance with the specifications and standards of the N.C. Department of Transportation, Division of Highways and shall be

approved by the City.

- (B) Private Streets. Private streets or drives shall be permitted only in the situations described in Article VI, Section 5. 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 Appendix D.
- (C) Monuments. Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than five hundred (500) feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.
- (D) Utilities. The subdivider shall install public water mains and sanitary sewers where existing public utilities are available. In other areas the subdivider shall install either individual private lot or private community water and/or sewer systems. If such installation is made, the subdivider shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina Department of Human Resources, the North Carolina Department of Natural Resources and Community Development, 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.

Electrical utilities and communication lines shall be installed with arrangements made by the subdivider 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 City determines underground installation is inappropriate.

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

- (E) 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 Appendix E.
- (F) Erosion Control. The subdivider shall mulch, seed, sod or otherwise protect all grading, excavations, open cuts, side slopes and other land surface disturbances.

It is also the subdivider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act and the City of Trinity Stormwater Management Policies. The developer is to contact the N.C. Department of Natural Resources and Community Development, Land Quality Section, which agency provides technical assistance and enforcement of the Sedimentation and Pollution Control Act.
- (G) Removal of Rubbish. The subdivider shall remove all cut or fallen trees, stumps or rubbish from the subdivision.

- (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 & Zoning Administrator 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 TRC agenda for approval. Once the final plat is approved by TRC. Once the TRC approves the Final Plat, permission is granted to begin residential home construction and a building permit can be issued.

Section 7-6 Technical Review Committee (TRC)

A Technical Review Committee shall be established to assist the staff, Planning Board, and City Council in review of site development plans. The purpose of the TRC shall be to determine whether or not proposed developments meet the standards established in the Ordinance and all other applicable regulations within the City of Trinity and to provide guidance as how to provide for the betterment of public safety and welfare. The TRC review of development plans shall be of a technical nature only, and shall not involve negotiation with developers. All development requests that require review from the Planning Board and City Council shall first be reviewed by the TRC.

- 1. TRC Membership - A member shall represent the TRC from City Administration, Planning Department, Public Works, Stormwater, Local Fire Protection Agency and the NC Department of Transportation and any other department and/or professional that would be beneficial for technical review.
- 2. TRC Chair - The Planning Director shall serve as chair of the TRC. A secretary shall be appointed to compile notes on all projects reviewed by the TRC.
- 3. TRC Meetings - The TRC shall meet every Wednesday as needed. After receipt of a development proposal, the TRC shall complete its review within 30 days
- 4. Appeal of TRC Decision - Appeals shall be to the City Council after review and recommendation from the Planning Board provided the appeal is made by the applicant within thirty (30) days of the TRC determination. All decisions on appeals made by the City Council are final.

Appendix A: Specifications for Final Plat

The preliminary plans shall be submitted five (5) copies on 24" x 36" sheets drawn to a scale of not less than fifty (50) feet to the inch and shall contain the following information:

(A) Title Data

- (1) Date of survey, date plan drawn, and revision dates as applicable.
- (2) Name, address and telephone number of Owner(s)
- (3) Name, address and telephone number of Developer, if different from Owner
- (4) Name of subdivision (Subdivision names shall not duplicate or approximate, phonetically, existing subdivision names.)
- (5) Location designation (township, county, state)
- (6) Location map (no less than 1" = 2000') showing the property and its relationship to the surrounding area
- (7) Seal and signature of a licensed engineer or surveyor, with name, address and telephone number of the preparer.
- (8) Scale in figures and bar graph
- (9) North arrow and orientation. Sheets will not be accepted with North facing toward the bottom of the sheet.
- (10) "Preliminary Plan" notation
- (11) Proposed use of property to be subdivided
- (12) Tax parcel number

(B) Existing Conditions (on property to be subdivided and within 500 feet of property being subdivided)

- (1) Source of datum, and location of benchmark(s) at the site
- (2) Existing street rights-of-way, width of pavement and names
- (3) Location and size of any existing private or public utilities including water, wastewater, electrical, phone gas and cable facilities
- (4) Location and size of existing bridges, culverts and other storm drainage facilities
- (5) Location, width and purpose of all existing easements
- (6) Bearings and distances of property boundary with, accurate reference to control points defined by state plane coordinates where required by the "Standards of Practice for Land Surveying in North Carolina".
- (7) Surrounding property lines, property owners and subdivisions
- (8) Boundaries and identification of political subdivisions, where applicable
- (9) Zoning classification of property to be subdivided and zoning of all abutting parcels with owner(s) name(s)
- (10) Zoning case number and conditions if applicable.
- (11) Existing buildings with setback dimensions
- (12) Topography including water courses and wooded areas
- (13) Existing elevations referenced to mean sea level, with a contour interval of two feet, accurate to one-half contour to indicate surface drainage patterns.
- (14) Location, extent and identification of flood plain, watershed, water critical area or other restricted land
- (15) Driveways and roads (in use or abandoned) leading to other property
- (16) Location of any known gravesites or cemeteries located on the property
- (17) Delineation of any stream and/or wetland areas under the jurisdiction of the US Army Corps of Engineers and/or the North Carolina Department of Environment and Natural Resources.
- (18) Other natural or manmade conditions affecting site development

(C) Proposed Plans (proposed features shall be shown heavily lined)

- (1) Proposed street alignments, rights-of-way, names
- (2) Detail plan of all entrances, driveways, roadways, etc. that connect to existing roads (Connection to State roads requires permits from NCDOT)
- (3) Proposed private or public utilities, including water and sewer sizes, materials with locations of proposed tie-ins noted.
- (4) Proposed location and sizes of water lines, services, hydrants, water meters, and backflow devices.
- (5) Locations, size and material of proposed sewer mains, force mains, manholes, service lines and clean-outs, and sewerage lift stations.
- (6) Location and size of proposed bridges, culverts and other storms drainage facilities
- (7) Location, width and purpose of all proposed easements (15' easement required centered over water line; 20' easement required centered over sewer line)
- (8) Plan and profile of proposed sanitary and storm sewers (scale no less than 1" = 100' horizontally, 1" = 10' vertically); elevations based on mean sea level.
- (9) Lines, numbers and approximate dimensions of proposed lots and blocks
- (10) Proposed buildings with finished floor elevations shown (must be 2' above established 100-yr floodplain if applicable)
- (11) Soil erosion and sediment control plan (NCDENR permit required for any site over 1.0 acres).
- (12) Minimum building setback lines (front, side and rear)
- (13) Public use, dedicated open space, and buffers.
- (14) Location of stop signs (and other traffic control devices as required)
- (15) Two copies of pipe sizing, detention/retention sizing and other calculations required for review of plan
- (16) A 24-hour local contact person
- (17) Site data:
 - (a) Acreage of property to be subdivided
 - (b) Acreage of public use sites
 - (c) Number of lots
 - (d) Average lot size
 - (e) Square feet of each irregularly shaped lot
 - (f) Lineal feet of streets
- (18) A list of restrictive covenants (deed restrictions) to be applied to any or all lots in the subdivision
- (19) Following approval of the construction plans, provide 5 copies of the subdivision layout or site plan only, and 4 copies of complete construction plans. One set will be returned as "Approved".
- (20) Notes:
 - (a) "Contractor shall contact the Planning & Zoning Administrator (336-431-2841) at least 48 hours prior to starting work on the project."
 - (b) "All construction within state right-of-way shall conform to North Carolina Department of Transportation specifications."
 - (c) "Approval by City of Trinity is for the improvements shown in the Site Plan. Any variation from the approved Site Plan must be approved by the Planning & Zoning Administrator."
 - (d) "A preconstruction conference shall be held with the Planning & Zoning Administrator and his designated representative prior to beginning construction."
 - (e) "The cost of inspection by the City of Trinity before or after the normal working hours, on Saturdays, Sundays or Legal Holidays, shall be paid for by the individual requesting the inspection at a rate of 1 ½ times the regular salary per hour of the inspector. Approval of the inspection outside normal working hours shall be obtained from the Planning & Zoning Administrator 48 hours in advance. Prior to commencement of work requiring inspection outside of normal working hours, the individual requesting the inspection

shall sign a form, furnished by the Planning Department, agreeing to pay the overtime. The individual requesting the inspection will be billed by the Planning Department for payment.”

Engineers/Developers/Owners submitting plans that include water line design for approval shall comply with the submittal requirements set forth in Davidson Water, Inc.’s Subdivision Specifications. Plans must receive approval from Davidson Water, Inc. prior to approval by City of Trinity.

Where the preliminary plat submitted covers only a part of the subdivider’s tract, a sketch shall be submitted showing the prospective future street system and other features for ultimate development of the entire tract.

Appendix B: Specifications for Final Plat

The final plat (three copies, one mylar) shall be submitted on 18" x 24" sheets to a scale of not less than 50 feet to the inch. If more than two sheets are required an index sheet of the same dimensions shall be provided. The final plat shall contain the following information:

(A) Title Data

- (1) Date of submission
- (2) Name and address of owner(s)
- (3) Name of subdivision
- (4) Location designation (township, county, school district, state)
- (5) Name and address of engineer or surveyor
- (6) Scale in figures and bar graph
- (7) North arrow
- (8) "Final Plat" notation
- (9) Certificates (Reference Appendix F)

(B) Surrounding Properties Information

- (1) Property lines, property owners and subdivisions
- (2) Rights-of-way, easements, reservations and public use sites located and identified

(C) Property Being Subdivided

- (1) Street rights-of-way, widths of pavements and names of streets as posted on site
- (2) Property boundary lines including bearings and distances as determined by survey
- (3) Block and lot line with dimensions, block and lot numbers
- (4) Minimum building setback lines
- (5) Identification and dimensions of easements, reservations and dedicated area
- (6) Location, extent and identification of flood plain, watershed, watershed critical area or other restricted land
- (7) Sufficient data of monuments and markers to determine readily and reproduce on the ground, the location, bearing and length of all the above items
- (8) A list of restrictive covenants (deed restrictions) to be applied to any or all lots in the subdivision

(D) Homeowner's Association

- (1) HOA information shall be included in the final plat including name and contact information, and register of deed reference book and page of HOA creation document

Appendix C: Specifications for Minor Subdivision Plat

Two copies of a minor subdivision plat shall be submitted on 18" x 24" sheets to a scale of not less than 200 feet to the inch. The following information shall be included:

- (A) Date of submission
- (B) Name and address of owners
- (C) Location designation (township, county, zoning district)
- (D) Name and address of surveyor
- (E) Scale
- (F) North arrow
- (G) Property lines, property owners and subdivisions of surrounding property owners
- (H) Surveyed lots with all dimensions, easements, reservations, etc.
- (I) Sufficient data of monuments and markers to determine readily and reproduce on the ground the location, bearing and length of all above items.

Appendix D: Design Standards for Private Streets

- (A) Private streets or roads (except as noted in B and C below) shall be constructed to the North Carolina Department of Transportation, Division of Highways minimum standards.

The most recent edition of the pamphlet "Subdivision Roads, Minimum Construction Standards" can be used as a guide with the following exceptions:

- (1) The roads will not have to be paved, or
- (2) The base can be reduced to four (4) inches of stabilized material

All roads shall have a minimum of 45 feet right-of-way with a minimum of 4 inches of stabilized material.

- (B) Private roads in subdivisions under unified control (e.g. homeowners association), such as Planned Unit Developments or Cluster Developments shall be paved according to State Department of Transportation specifications. However, a registered engineer may reduce the pavement and right-of-way width from DOT standards upon submission to the City Council of roadway, shoulder and ditch design specifications.
- (C) Private roads in subdivisions of five-acre tracts or greater are not required to meet North Carolina Department of Transportation minimum construction standards. However, private roads in such subdivisions shall have a minimum right-of-way width of 45 feet and shall be graveled with a minimum of four (4) inches of gravel.
- (D) The developer shall comply with all applicable provisions of G.S. 136-102.6 relative to subdivision street disclosure information.

Appendix E: Approval of Water Supply and Waste Treatment Systems

(A) Water Supply Systems – In areas where public water is not available

- (1) Water supply systems planned to serve 15 or more connections or at least 25 permanent residents are classified as community public water supplies by the State of North Carolina. Plans and specifications for such systems must be prepared by a professional engineer registered in North Carolina and submitted to the City of Trinity and the Public Water Supply Branch, (Regional Office) Department of Human Resources for approval.
- (2) Water supply systems planned to serve 14 or fewer connections of less than 25 permanent residents are regulated by the Randolph County Health Department. Plans and specifications must be submitted to the City of Trinity and the County Health Department for approval.
- (3) Individual water supplies (wells) are regulated by the Randolph County Health Department and should be located, constructed and operated in accordance with county and state regulations administered through the county Health Department.

(B) Waste Treatment – In areas where the extension of public sewer is cost prohibitive (as determined by the City of Trinity)

Plans for waste treatment must first be presented to the City of Trinity and the Randolph County Health Department. Whenever possible non-discharging septic tanks will be required with location, lot size and installation regulated by the county Health Department. If septic treatment (or hook-up to a municipal sewer system) is not possible, a letter must be obtained from the county health department to this effect. Thereafter, the developer may apply to the Division of Environmental Management, (Regional Office) Department of Natural Resources and Community Development for a permit to install a community sewer system. The number of hook-ups approved for treatment and the level of treatment required is regulated by the permit process of the Division of Environmental Management.

All private sewage treatment plants are required to be enclosed with a chain-link fence a minimum of 7 feet in height and locked when the plant is unattended. This requirement is applicable to all existing and new private sewage treatment plants.

Appendix F: Required Certifications

(1) Certificate of Exemption (Subdivision not Subject to Regulations of this Ordinance)

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 exception to the Subdivision Ordinance of the City of Trinity, North Carolina under Article V, Section 2.

Owner(s)

Date

Subdivision Administrator

Date

(2) Certificate of Approval for Recording, Minor Subdivision

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the City of Trinity, North Carolina, and that such plat has been approved according to the procedures for approval of minor subdivisions.

Date

Subdivision Administrator

(3) Certificate of Disclosure, Private Roads

I (we), the developer(s) of _____ Subdivision hereby state that the subdivision roads, in _____ Subdivision are private roads, ownership and maintenance of the private roads is the responsibility of _____. Right of access to private roads within said subdivision is guaranteed to all lots served by such roads. I (we), as the developers, further state that all ownership and maintenance agreements for the private roads have been approved by the City of Trinity City Attorney and the City of Trinity City Council.

Developer

Date

Developer

Date

Attest: _____
City of Trinity City Clerk

(4) Certificate of Ownership and Dedication

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

Date

Owner(s)

County, North Carolina

(5) Certificate of Disclosure of Public Purchase

I hereby certify that land identified within the subdivision plat shown hereon lies within the area of a designated proposed public water supply and may be subject to public purchase at a future date.

Subdivision Administrator

Date

(6) Certificate of Accuracy

I, _____, certify that under my direction and supervision this Map was drawn from an actual field land survey; that the Error of Closure is calculated by latitudes and departures is 1: _; that the boundaries not surveyed are shown as broken lines plotted from information in Book _____, Page _____, that this Map was prepared in accordance with G.S. 47-30 as amended.

WITNESS my hand and Seal this _____ day of _____, 20_.

Signature _____
Engineering or Land Surveyor

Registration Number _____

(7) Certificate of Approval, Major Subdivision

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Trinity and provided that it is recorded in the Office of the Register of Deeds within 60 days of final approval by the Subdivision Administrator.

Subdivision Administrator

(8) Certificate of Warranty

I hereby certify that I know of no defects from any cause and will fully warrant all improvements, which have been installed to be free from defects in material and workmanship for a period of one (1) year from

this date. Any improvements yet to be installed, I shall fully warrant in the same manner for a period of one (1) year from the date of the release of guarantees. In the event that facets are discovered in any such improvements during the warranty period, I shall replace and/or repair the defective improvement at my own expense.

Subdivider

date

(9) Certificate of Approval for Recording, Stormwater

I hereby certify that the plat shown hereon has been found to comply with the Stormwater Regulations for the City of Trinity, North Carolina, and that such plat has been approved according to the procedures from Environmental Management Commission there under; Session Law 2006-246.

Date

Stormwater Administrator

Approved: 1997

Amended: January 18, 2005

March 3, 2005

October 18, 2005

March 21, 2006

April 16, 2006

September 14, 2015

February 8, 2021

November 14, 2022