



**City of Trinity**  
**PLANNING & ZONING BOARD MEETING**

**June 24, 2024 at 6:00 PM**

**Trinity City Hall Annex**

**AGENDA**

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**NCGS § 143-318.17 Disruption of official meetings**

**A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.**

**(1919, c. 655, s 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. s. 14 (c).)**

*Action may be taken on agenda items and other issues discussed during the meeting*

**1. Call to Order**

- a) Pledge of Allegiance**
- b) Invocation**
- c) Welcome Guests and Visitors**
- d) Approve and/or Amenda Agenda**

**Swearing in of Planning and Zoning New Board Member; Eddie Eaton**

**2. Approval of Minutes**

- a. Approve the April 22, 2024 Planning and Zoning Minutes**

**3. Public Meeting**

- a. Request for Property Rezoning - 0 Surrett Dr. Pin #7708323924 (Planning Jay Dale)**
- b. Work Session - Article 5 Zoning and Article 8 Subdivision (Planning Consultant Carrie Spencer)**

**4. Comments from Board**

**5. Adjournment**



**City of Trinity**  
**PLANNING & ZONING BOARD MEETING**

April 22, 2024  
Trinity City Hall Annex

**MINUTES**

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**PRESENT**

Vice Chair Debbie Jacky  
Board Member Keith Aikens  
Board Member Pattie Housand

**ABSENT**

Chairman Hunter Hayworth

**OTHERS PRESENT**

City Manager Stevie Cox  
City Clerk Darien Comer  
Planning Director Jill Wood  
Public Works Director Rodney Johnson  
Attorney Bob Wilhoit  
Planning Consultant Carrie Spencer

Board Vice Chair Jacky called the meeting to order at 6:00 PM.

Board Vice Chair Jacky led the Pledge of Allegiance and Mayor McNabb gave the invocation.

Board Vice Chair Jacky called for a motion to amend or approve the agenda as presented.

*Board Member Housand made a motion to approve the agenda. The motion was seconded by Board Member Aikens with a unanimous vote of 3 ayes and 0 nays.*

**Approval of Minutes**

*Board Member Housand made a motion to approve the March 25, 2024 minutes. The motion was seconded by Board Member Aikens with a unanimous vote of 3 ayes and 0 nays.*

**Public Meeting**

**Request for Property Rezoning - Corner of Mendenhall Rd. and Old Mendenhall Rd.**

**Planning Director Jill Wood** presented to the Board a rezoning request for Tracy Mahan, Trinity, North Carolina. He is requesting that the 2.33 acres located at the corner of Mendenhall and Old Mendenhall Road, PIN #6798661434, be rezoned from R-40 to M-1. It is the desire of the property owner to operate an outdoor storage lot.

The owners of the property were not present.

**Speaking For:**

None

**Speaking Against:**

**Jeff Brown at 5702 Cedar Post Street**, concerned with larceny and vagrancy. Stated his concerns with tractor trailers and road safety. He presented to the Board pictures of the road.

*Board Member Aikens made a motion to recommend to the Council that this request be denied as not consistent with the Land Development Plan. The motion was seconded by Board Member Housand with a unanimous vote of 3 ayes and 0 nays.*

**Work Session - Proposed Water Management Ordinance**

Planning Consultant Carrie Spencer and Roger Bardsley conducted a work session on the proposed Water Management Ordinance.

**Comments from Board**

No comments from the Board at this time.

**Adjournment**

*Board Member Housand made a motion to adjourn. The motion was seconded by Board Member Aikens with a unanimous vote of 3 ayes and 0 nays.*

**Attest:**

\_\_\_\_\_

**Hunter Hayworth, Board Chairman**

\_\_\_\_\_

**Darien P. Comer, City Clerk**





# Memorandum

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**TO:** City of Trinity Planning Board

**FROM:** Jay Dale, Planner

**CC:** Stevie Cox, City Manager  
Robert Wilhoit, City Attorney

**DATE:** June 13, 2024

**REF:** Request for Property Rezoning – 0 Surrett Dr.

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**Summary:**

**ALEJANDRO ROBLES FUERTE AND MONICA PONCE**, Trinity, North Carolina, are requesting that .67 acres located at 0 Surrett Dr. (PIN#7708323924), be rezoned from R-40 (Residential) to HC (Highway Commercial). It is the desire of the property owner to operate an outdoor storage yard as per site plan. The property owner will need to acquire a Special Use Permit to operate an outdoor storage yard.

**Attachments:**

- Application for Rezoning
- Site Plan and Diagrams
- Property Map (County GIS)
- Site Photographs
- Rezoning Request Summary

## REZONING REQUEST SUMMARY

On May 28, 2024, the Trinity Planning Board will consider the following request.

**ALEHANDRO ROBLES FUERTE AND MONICA PONCE**, Trinity, North Carolina are requesting that .67 acres located at Surrett Dr. PIN# 7708323924 be rezoned from R-40 to HC. It is the desire of the property owner to operate an outdoor storage lot. This will also require a Special Use Permit

### Application/Site plan issues to consider:

- **Outside storage would be required to meet the fencing/buffering requirements of the Zoning Ordinance.**

### Adjoining Zoning:

This site is located at 0 Surrett Dr. PIN# 7708323924. The property to the north and south is zoned (R-40), the property to the east is zoned (R-40), and the property to the west is zoned by (R-40).

### Transportation:

Surrett Dr. is maintained by NCDOT.

### Future Land Use Category: PRIMARY GROWTH AREA

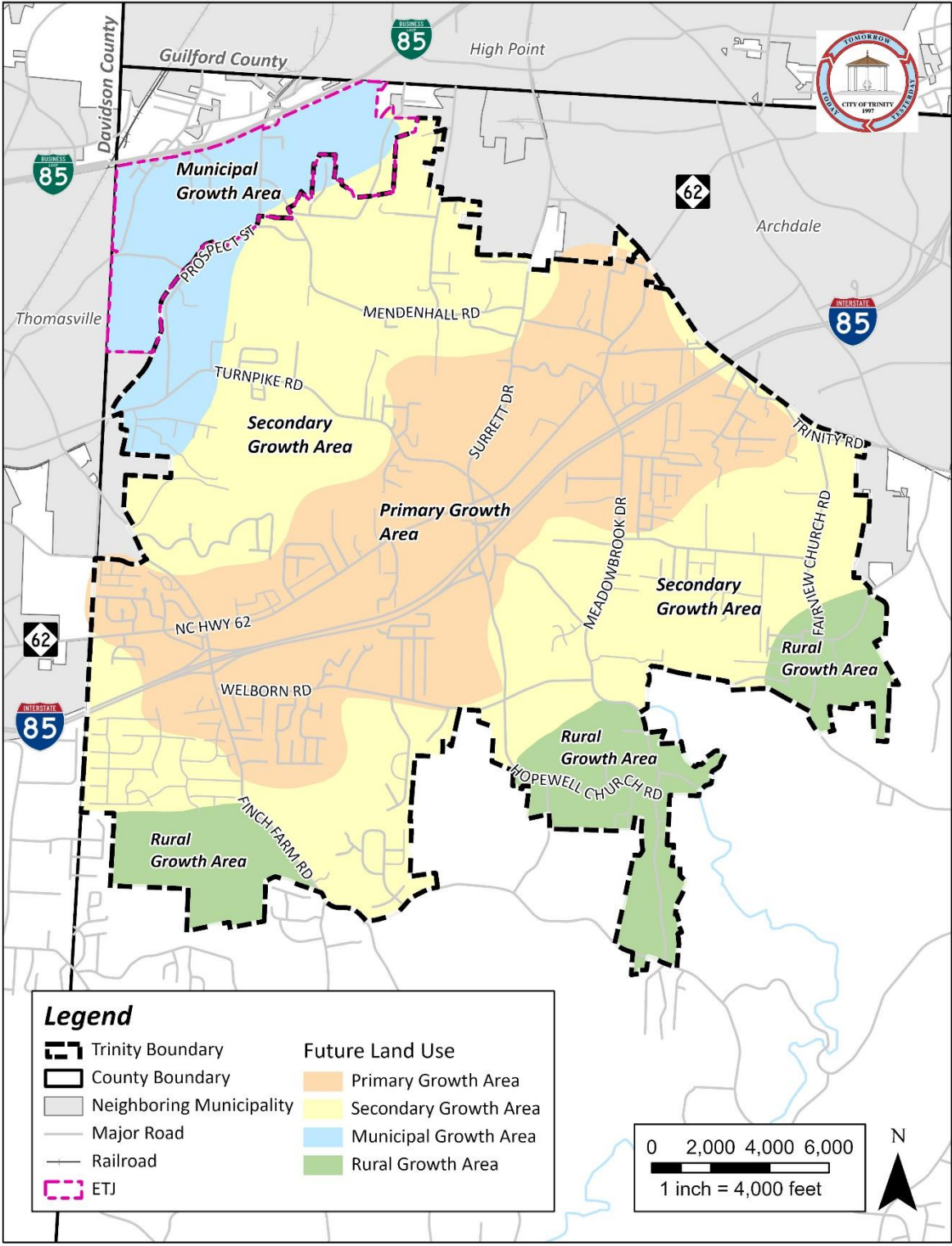
This growth area is located along the I-85 and NC HWY 62 corridors. The area is generally aligned with the City's phased sewer expansion plan to direct the majority of public service demand to a manageable area. It includes areas that are likely to have access to urban infrastructure services such as water and sewer, within the foreseeable future. The Primary Growth Area is predominately mixed use that will include residential and commercial uses. Development adjacent to existing neighborhoods should be designed and scaled to serve those neighborhoods and establish walkable connections with them. Development surrounding the intersections is intended to be of a higher density serving the region as well as the city.

### PRIMARY GROWTH AREA CHARACTERISTICS:

- Close to I-85 and NC HWY 62.
- Likely to have access to sewer in the foreseeable future.
- Predominately mixed use including residential, office and commercial.

- Highest density residential development.

**VISION TRINITY FUTURE LAND USE MAP**



**REZONING CRITERIA**

Article XVII, Amendments and Changes of the Zoning Ordinance states:



## Section 17-1 Motion to Amend.

(1) Council Authority to Amend - The City Council may, on its own motion or upon the recommendation of the Planning Board, staff or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend, or repeal the regulations or the maps which are a part of this ordinance. No regulation or maps shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard. Third-party down-zonings shall be prohibited.

(2) Notice and Public hearing on Amendment Planning and Zoning Board Review

- a. Posting of Property – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.
- b. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor (NCGS 160D-602).

### City Council Public Hearing

- c. Hearing with Published Notice. - Before adopting, amending, or repealing any ordinance or development regulation authorized by 160D-601(a), the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- d. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days.

(3) Information and Fee Required from Applicant and Processing of Information - Applicants must present the following information:

1. a completed rezoning application.
2. an accurate survey of the property to be rezoned,
3. a deed or legal description which establishes ownership, and.
4. if the proposed zoning boundary splits an existing parcel, a metes and bounds description shall be required in addition to the survey.

A rezoning fee established by the City Council shall be required. Processing of zoning amendment applications shall begin within ninety (90) days from submission to the City Clerk. However, this requirement is not intended to prevent the Planning Board or City Council from delaying action after review by either body. If more than one tract or parcel is being sought for rezoning at the same time by a single applicant, each parcel having a different zone shall constitute a separate rezoning request.

(4) Planning Board Review – Subsequent to initial adoption of a zoning ordinance, all proposed

amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comments. Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to 160D-604 may be referred to the planning board for review and comment. If no written report is received from the Planning and Zoning Board within thirty (30) days of referral of the amendments to the Board, the City Council may proceed in its consideration of the amendment without the Planning Board report. The Council is not bound by the recommendation, if any, of the Board.

- (5) Plan Consistency - The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.

The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

- (6) Council Statement – Prior to adopting or rejecting any zoning amendment, City Council must adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board (NCGS 160D-605).
- (7) Withdrawal of Request - Any applicant for rezoning may withdraw his/her petition any time prior to consideration by the Planning Board. If the applicant should choose to withdraw his/her petition after being reviewed by the Planning Board but before it is to be considered by the City Council, he/she must do so in writing no later than 5 p.m. on the first Friday following the last Planning Board meeting where the item was dispensed. Failure to withdraw the rezoning petition by that time, shall cause it to advance automatically to the City Council for consideration at their next regular session, provided however that City Council may in its discretion, allow the withdrawal of a rezoning petition at any time for cause upon request by an applicant.
- (8) Resubmission of Application - Should a petition for the amendment of these regulations and/or maps be denied by action of the City Council, the applicant may resubmit an application for rezoning for the same tract or parcel within the same calendar year so long as the request for rezoning is dissimilar to the original request denied by the City Council. Should the second request be denied by the City Council, the applicant must withhold all petitions for rezoning said tract or parcel for a period of twelve (12) months from the date of the second denial by the City Council.



### City of Trinity Rezoning Request Application

The undersigned does hereby respectfully make application and request to the City of Trinity to amend the Zoning Ordinance and change the Official Zoning Map of the city as hereinafter requested, and in support of this application the following facts are shown:

**Zoning:** Current Zoning R-40 Requested Zoning HC Special Use permit  
Conditional Zoning: \_\_\_\_\_

**Property Owner Information:**

Property Owner: Alejandro Robles Monica Ponce  
Address: 6953 Quarter Horse Dr.  
City: Trinity State: NC Zip: 27370  
Phone: (home/work) 336969 1179 (cell) \_\_\_\_\_  
monicaponce88@gmail.com

**Applicant Information** (note: must show proof as to legally representing property owner):

Applicant: Alejandro Robles  
Address: 6953 Quarter Horse Dr.  
City: Trinity State: NC Zip: 27370  
Phone: (home/work) \_\_\_\_\_ (cell) \_\_\_\_\_

**Site Information:**

PIN # 7708323929  
Property Address: 0 Surrett Dr.  
Deed Book: 002872 Page: 00255  
Area: .67 acres

Are there any structures currently on the property to be rezoned? \_\_\_\_\_ yes  no

List structures: \_\_\_\_\_

What is the current land use on the property to be rezoned (i.e. commercial, residential, farming, vacant etc.)? \_\_\_\_\_

What current land uses and zoning are adjacent to the property to be rezoned?

North: Zoning	<u>R-40</u>	Land Use	<u>Vacant</u>
South: Zoning	<u>R-40</u>	Land Use	<u>Vacant</u>
East: Zoning	<u>R-40</u>	Land Use	<u>Vacant</u>
West: Zoning	<u>R-40</u>	Land Use	<u>Vacant</u>

Conditions if requesting Conditional Zoning:

N/A

If the property is rezoned, it is understood by all, that development must conform to the minimum requirements of the City of Trinity Zoning Ordinance and all other development ordinances of the City and of Randolph County.

**Deadline for rezoning applications is the first Monday of each month. Incomplete applications will be scheduled for hearing the following month. Fee: \$600.00**

**Staff Notes:**

Alejandro Robles  
(name of applicant)

Alejandro Robles  
(signature of applicant)

(signature of Zoning Administrator)

(date)

**Office Use**

Date Received: \_\_\_\_\_

Fees Paid: \_\_\_\_\_

Staff Review: \_\_\_\_\_

Planning Board Review: \_\_\_\_\_

City Council Review: \_\_\_\_\_



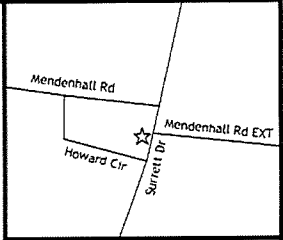
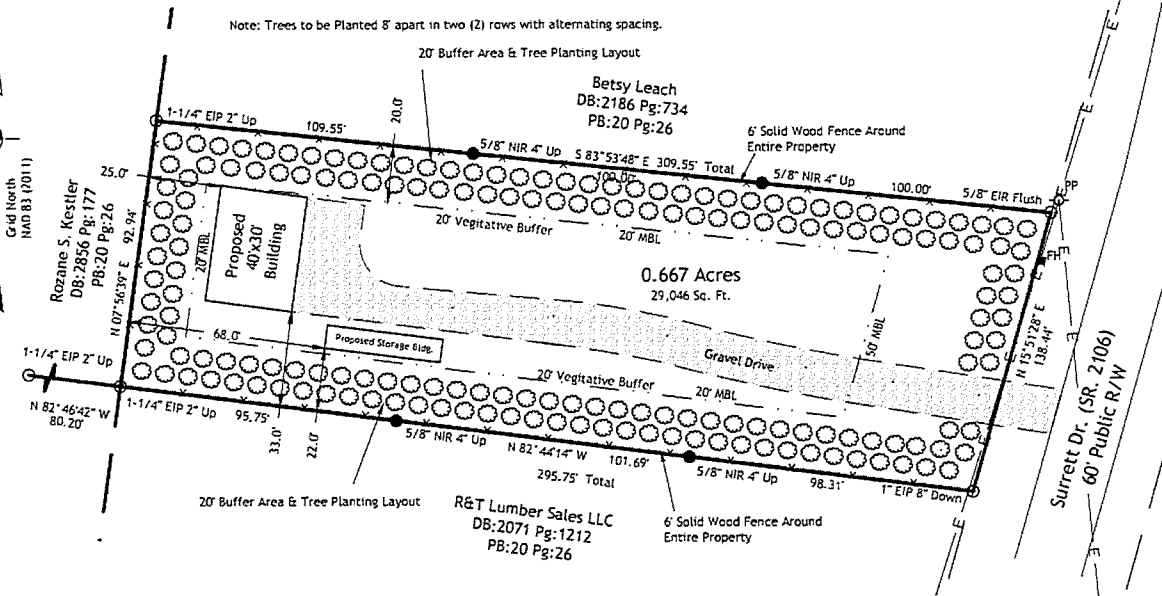
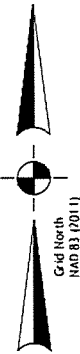
REID	20926	OWNER ADDRESS2	
PIN	7708323924	OWNER CITY	TRINTIY
TAXED ACREAGE	0.67	OWNER STATE	NC
PROPERTY DESCRIPTION	TRINITY PK;L16	OWNER ZIP	27370
DEED BOOK & PAGE	002872/00255	LOCATION ADDRESS	No Physical Address
PLAT BOOK & PAGE	20-26	LOCATION ZIP	No ZIP
OWNER	FUERTE, ALEJANDRO ROBLES (JAIMES, MONICA PONCE)	DATA REFRESHED	1/21/2024
OWNER ADDRESS	6953 QUARTER HORSE DR		



*Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.*

Map Scale  
**1 inch = 71 feet**  
 1/23/2024

- Notes:**
1. This project is not located within a special flood hazard area per NCFRIS.
  2. Map #: 3710770800J Effective Date: 01/02/2008
  3. Area calculated by coordinate geometry.
  4. All lines surveyed by Jerry C. Callicutt PLS. are indicated by bold lines. All lines not surveyed by Jerry C. Callicutt PLS. are indicated by dashed lines.
  5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
  6. Tax PIN: 7708323924



Location Map  
(Not to Scale)

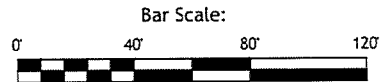
Mendenhall Rd. EXT.  
SR 1599

Site Plan For:  
**Alejandro Robles Fuerte & Monica Ponce Jaimez**  
 Trinity Township Randolph County  
 North Carolina February 20, 2024  
 Scale: 1" = 40 US Survey Feet

THIS SURVEY IS NOT SUBJECT TO GS 47-30 AND IS NOT TO BE USED FOR RECORDING

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

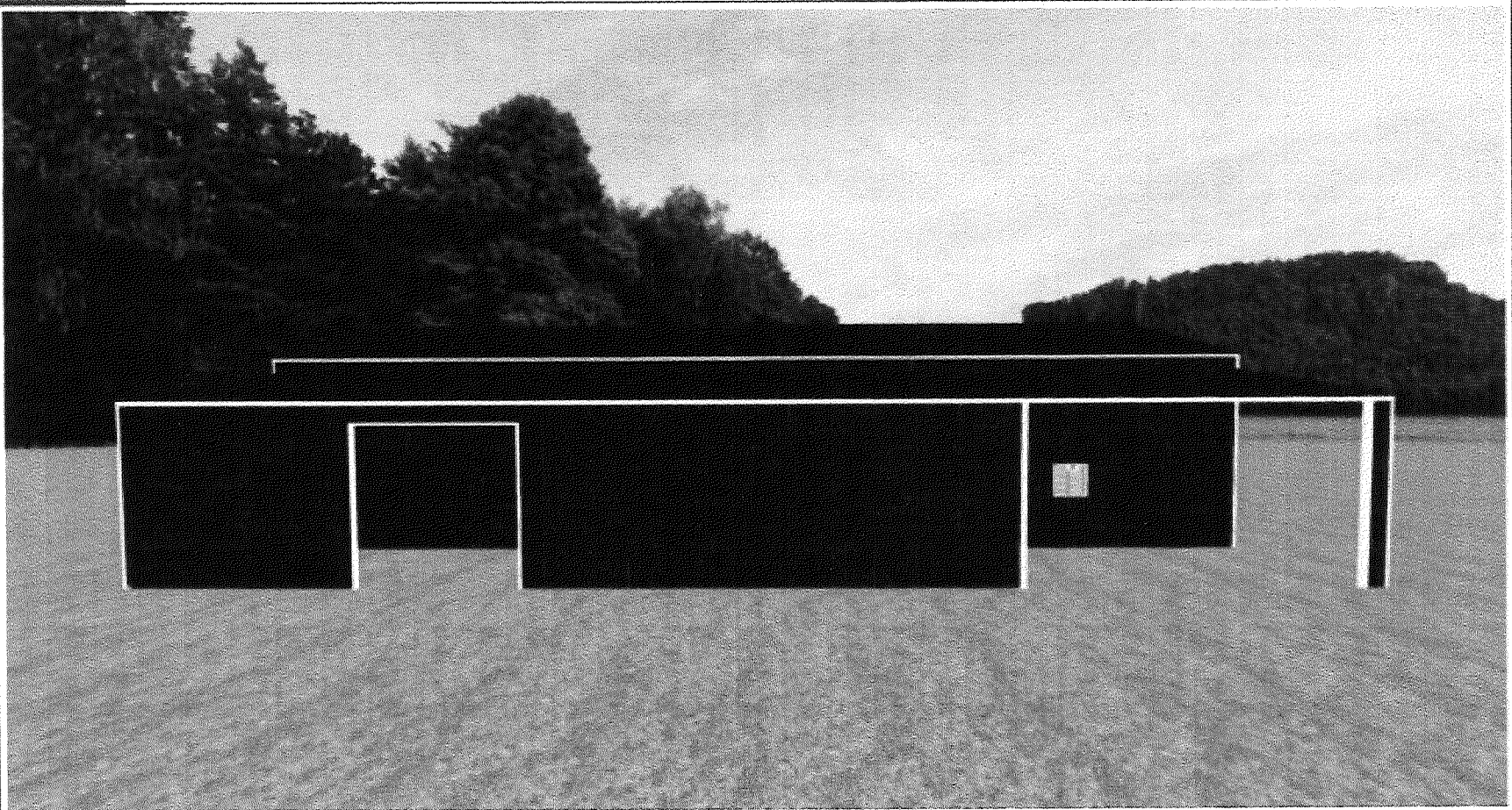
- Legend**
- Property Line
  - Computed Property Line
  - Right of Way Line
  - Easement Line
  - Tie Lines
  - Old Plat Book Line
  - Existing Iron Rod/Pipe
  - NIR
  - Point Not Set/Computed Point
  - Well

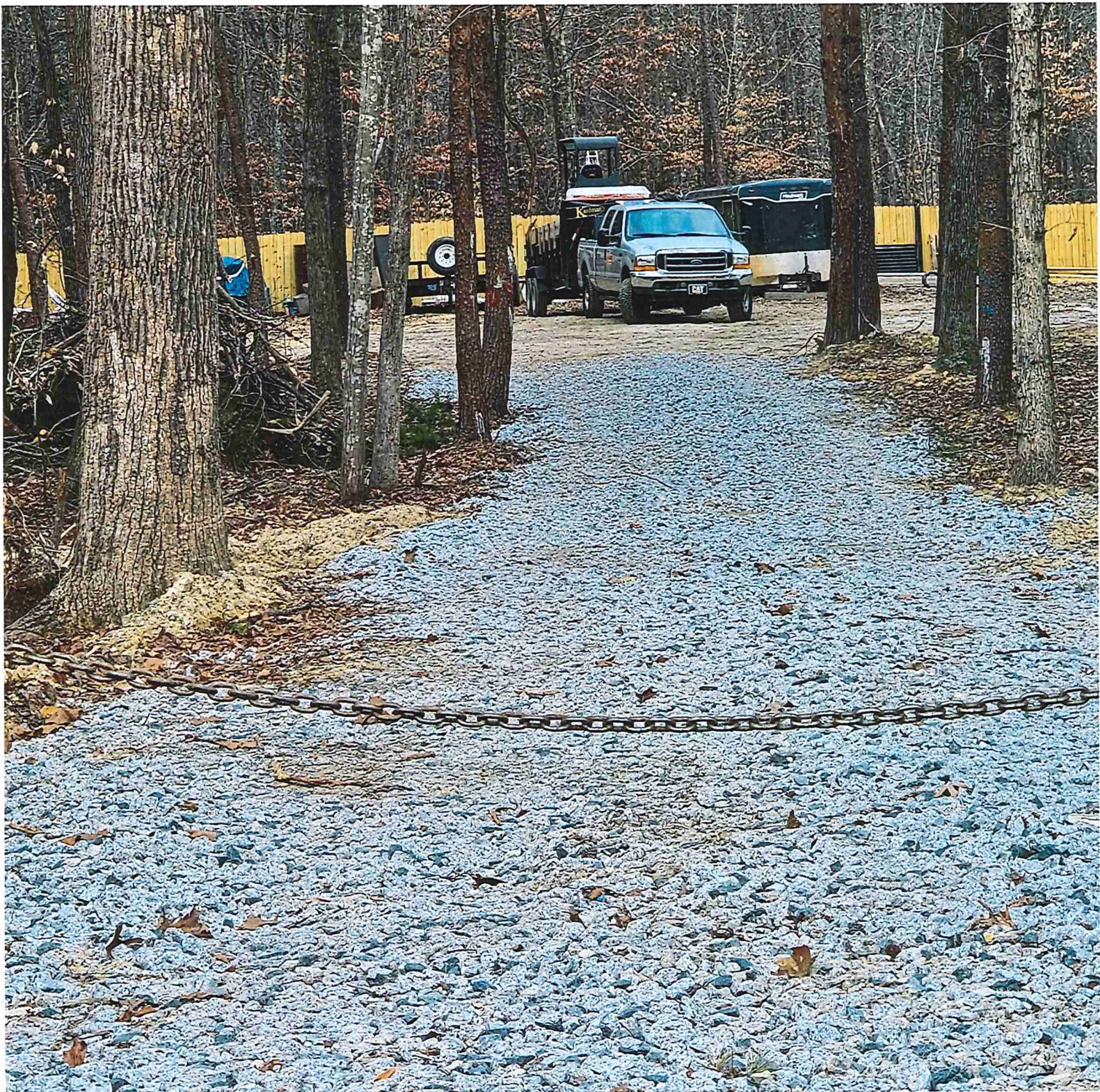


Jerry C. Callicutt  
 3618 Sainsbury Lane  
 Greensboro, NC 27409  
 336 706-9239

Job #: Surratt

BUILDING VIEW









1. What goes into a development ordinance?

**Zoning District Regulations**

Type of Standard	What Gets Regulated		
Lot Size	Number of Lots		
Use	Allowed Uses Per District	Standards for Certain Uses	Approval Authority
Lot Dimensions	Min Lot Size	Lot Width	Setbacks
Neighborhood Design	Lot Layout	Street Layout & Design	Recreational Opportunities
Development Standards Beyond Those Applicable to All Uses	Signs	Landscape	Building Design

**Development Standards**

Type of Standard	What Gets Regulated		
Signs	Max Height	Size	Distance from road
Landscape	Min Width	Type	Plant material
Parking	Min Spaces	Design	Material
Building Design	Max Height	Max Size	Architecture
Lighting	Max. Height	Style of Fixture	Direction of Light
Open Space	Min. %	Types of Open Space	Activities Allowed
Additional standards for all of the above for certain uses			

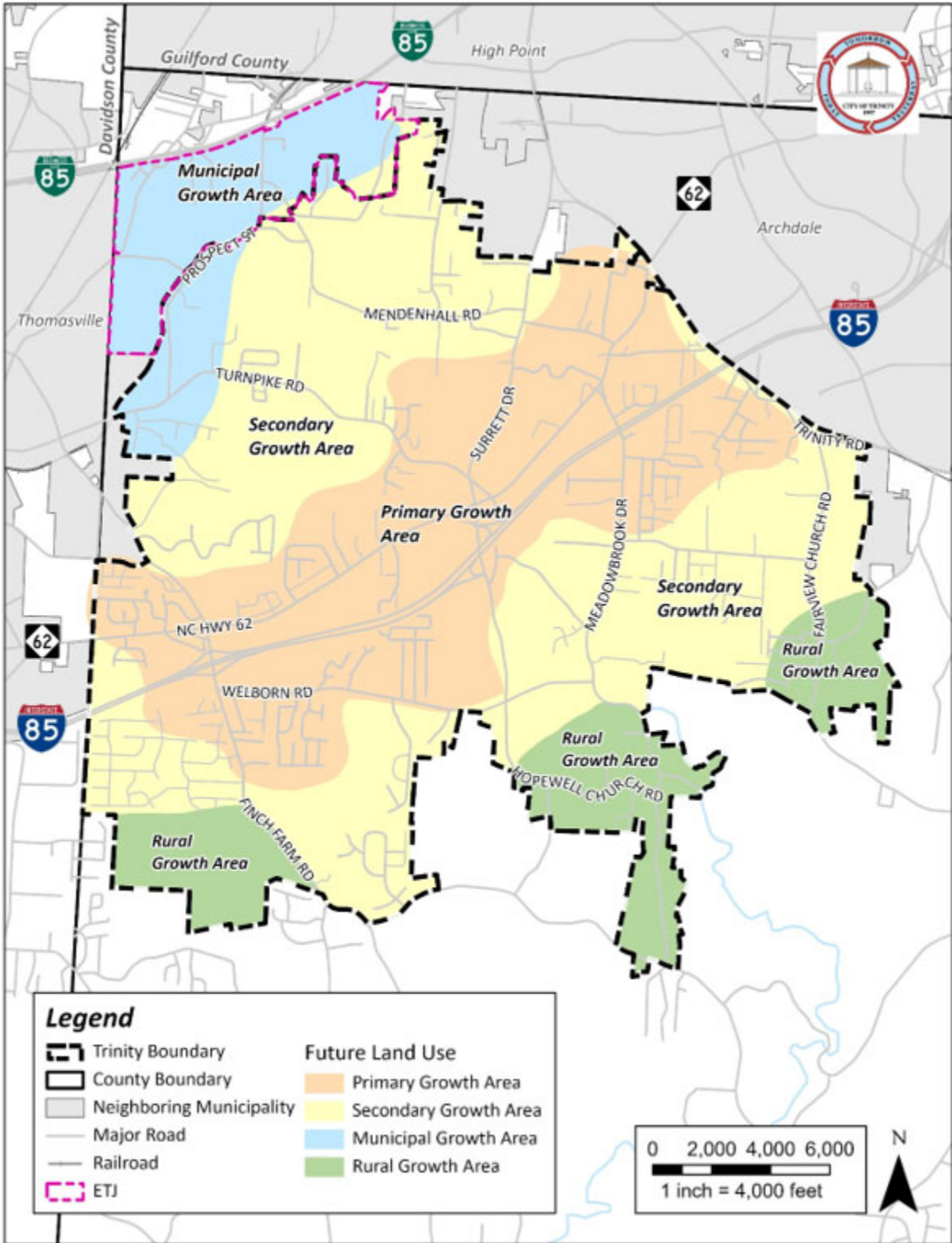
2. Zoning is described by districts on a map, and by text in an ordinance.

3. Zoning districts are General, Conditional, Overly, and/or Planned Development

**4. Existing zoning districts need to be expanded to implement the Comp Plan.**

Suggested New District Description	Suggested Lot Size	Existing District	Relevant Comp Plan Policies
<p style="text-align: center;"><b>Low Density</b></p> <p>...provides a place for agricultural operations and scattered non-farm residences on traditional rural lots. Only minor conventional residential subdivisions (three or fewer lots) are allowed in this district. Requests for higher intensity residential use or other uses, consistent with the Trinity Land Development Plan, are clustered through the rezoning process.</p>	1 acre	RA	FLU 1.7 FLU 1.13 C 1.5 ED 3.1
<p style="text-align: center;"><b>Medium Density/Restricted</b></p> <p>...maintain a development pattern where access to public water and sewer systems is not available. The district may be used to protect open space by clustering lots as an option. It is intended to preserve the rural community character sometimes lost in conventional development approaches by allowing greater flexibility and creativity in the design of the development with clustering lots and preserving open space.</p>	40,000 SF	R-40	FLU 1.1 FLU 1.13 FLU 1.7 FLU 4.3 FLU 4.8
<p style="text-align: center;"><b>Medium Density/Suburban</b></p> <p>..stabilize established residential neighborhoods by providing a place for medium density residential development in coordination with the type or kind of (public or private) water and sewer services.</p>	20,000 SF	R-20	FLU 1.1 FLU 1.13 FLU 4.3 H 1.2 C 1.8
<p style="text-align: center;"><b>Higher Density/Urban</b></p> <p>...provides a place for higher-density residential development with a variety of housing types in compact walkable neighborhoods where public water and sewer systems are available. Variety of housing types and sizes. This district is primarily found on the north side of I85.</p>	10,000 SF	R-12, R-10, RM, RM- U	FLU 1.1 FLU 1.13 FLU 3.1 H 1.5
<p style="text-align: center;"><b>General Business</b></p> <p>...appropriate for properties which were zoned HC under the City of Trinity’s previous zoning ordinance. The district includes standards that support the continued development and use of these sites in a manner that supports the recommendations of the City’s comprehensive plan.</p>	Variety of uses, highways, more emphasis on building design	NA	
<p style="text-align: center;"><b>Neighborhood Business</b></p> <p>...designed to accommodate retail, service and related businesses that serve the immediate community. The NB district is intended for sites with direct access to collector and arterial roads. NB districts are typically located at intersections, although mid-block sites may also be appropriate. The dimensional requirements for this district are similar to those of</p>	Less intense uses, local roads, variety of lot sizes, focus on design	NA	FLU 3.3 FLU 3.5 FLU 4.1 ED 3.1 ED 3.5 T 1.1

residential districts to foster compatibility with the character of surrounding neighborhoods.			
<p align="center"><b>Regional Commercial</b></p> <p>...designed to accommodate a wide range of retail and service developments meeting community and area shopping needs. The district is established on large sites to provide locations for major developments that contain multiple uses, shared parking and drives, coordinated signage, and high-quality landscaping. The district is intended for large sites which are suitable for major developments which contain multiple uses, shared parking and drives, coordinated signage, and high-quality landscaping.</p>	More intense uses, interstates, large acreages, focus on comprehensive planning and design	NA	FLU 3.5 ED 3.5
<p align="center"><b>Office &amp; Institutional District</b></p> <p>...provides for public, semi-public and institutional business and professional office and service uses, both on scattered sites and within a campus setting.</p>	Schools, Government Offices	O&I	
<p align="center"><b>Planned Development</b></p> <p>...established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals. Planned Development shall be requested as a conditional zoning district.</p>	Focused on location. Flexibility balanced with more detailed development expectations.	NA	FLU 1.1, 1.2, 1.4, 1.8 FLU 3.1, 3.4 H 1.1, 1.5 T 1.1, 2.1 R 1.5 C 1.2, 1.6, 1.10
<p align="center"><b>Light Industrial District</b></p> <p>...intended to accommodate lower-intensity manufacturing, industrial, and warehousing uses. Uses allowed in the LI district may generate some off-site impacts not typically associated with residential, institutional, commercial, and/or service establishments, but do not generally detract from the development potential of nearby properties.</p>	Focused on centers of employment	M-1	
<p align="center"><b>Heavy Industrial District</b></p> <p>...intended to accommodate higher-intensity manufacturing, industrial, and warehousing uses. Uses allowed in the HI district may generate off-site impacts not typically associated with residential, institutional, commercial, and/or service establishments. Uses allowed in the HI district may require significant buffering and/or use-specific conditions to minimize impacts on nearby properties.</p>		M-2	
<p align="center"><b>Manufactured Home District Overlay</b></p> <p>...intended to accommodate the development of manufactured home subdivisions or parks within the City of Trinity.</p>		MH-O	



## 5. Recommended changes to zoning districts

Section 3b.

District		Min Lot Size (sq. ft. or acres)		Min. Lot Width at Bldg. Line (ft.)		Min. Front Yard Setback (ft.)		Min. Side Yard Setback (ft.)		Min. Rear Yard Setback (ft.)		Max. Height (ft.)	
Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
RA	RA Residential Agricultural	2.5 acres	2.5 acres	100	100	40	40	10	10	25	25	35	35
R-40	RR Restricted Residential	40,000	40,000	100	100	40	40	10	10	25	25	35	35
R-20	SR Suburban Residential	20,000	20,000	100	80	30	30	10	10	25	25	35	35
R10, R-12 RM, RM-U	UR – Urban Residential	Single family 10,000/12,000	Single family 10,000	R-10: 60 R-12: 75 RM – 60 or NA	75		30	10	10	25	25	35	35
		Two-family 20,000	Two-family 20,000	80	80		30	10	10	25	25	35	35
		Attached > two-family: add 3,000 SF for each unit over 2	Attached > two-family: add 3,000 SF for each unit over 2	“N/A”	100		15	10’ between buildings	10’ between buildings	25	25	35	35
	NB Neighborhood Business		20,000		80		30		10		25		35
HC	GB General Business		20,000		80		30		10 (20 adj to res)		25		35
	RC Regional Commercial	“N/A”	N/A	50	50	15	15	5	5	20	20	50	50
O&I	OI - Office & Institutional	“N/A”	N/A	75	75	25	25	8	8	20	20	50	50
M-2	LI	“N/A”	20,000	75	75	50	50	15	15	20	20	50	50
M-1	HI	“N/A”	40,000	75	75	50	50	20	20	20	20	50	50
	PD - Planned Development	Dimensional requirements for PD are determined at the time of rezoning along with use and density standards.											

## Article V ZONING

### Sec. 5.1 Introduction

The City of Trinity considers the zoning and development process to be a public/private collaboration with the community to create a better, more livable city.

The city's development ordinance includes options for General and Conditional Rezoning as well as an opportunity to reduce lot sizes through cluster development.

The city further encourages development with design-focused plans that prioritize the existing assets of a site, as indicated on a city-supplied Resource Map.

The Resource Map is supplied by the City as a convenience to developers and includes natural, cultural and environmental assets located within the City. The use of this map with an overlay of the proposed sketch plan or master plan is intended to prioritize the design and layout of a development and is preferred as part of a rezoning application submittal. Information included on the resource map is listed in Article 4 Section 4.3.H.4.5) Resource Map.

The use of the resource map is also intended to reflect the importance of water resources by encouraging the design to consider the water management aspects of the resource map side by side with land management.

### Sec. 5.2 Establishment of Zoning Districts and District Boundaries

#### A. Zoning Districts Generally

All the area within the zoning jurisdiction of the City of Trinity is hereby divided into zoning districts within which the use of land and water areas, the location, height, bulk and use of structures, the provision of parking and loading areas, and other development requirements are regulated as herein provided. If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, the local governments may by mutual agreement, pursuant and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction for the entire parcel to any one of those local governments. Such a mutual agreement pursuant to G.S. 160D-203 shall only be applicable to development regulations and shall not affect taxation or other non-regulatory matters. The mutual agreement shall be evidenced by a resolution formally adopted by the City Council and recorded with the Randolph County Register of Deeds within 14 days of the adoption of the last required resolution.

#### B. Zoning District Types

All land within the City's planning jurisdiction shall be classified as one or more general, conditional, or planned development zoning districts identified in Table XXX Zoning Districts Established.

##### 1. General Zoning Districts.

General zoning districts regulate the use of land and buildings through specific dimensional requirements, uses, and development standards. When zoned to a general zoning district, all standards and uses permitted for the district shall apply to the property.

##### 2. Conditional Zoning Districts. See also 5.2.C below.

Conditional Zoning Districts allow for the establishment of certain uses and standards that cannot be predetermined or controlled by General Zoning Districts. Each Conditional Zoning District is established through the approval of a site-specific plan of development and reasonable rules, regulations and conditions mutually agreed

upon by the petitioner and the City Council as part of the rezoning process.

**3. Overlay Districts.**

Overlay districts include regulations which apply to certain areas in addition to the regulations applicable to the underlying general, conditional or planned development district standards and requirements. Overlay districts are used to address a specific type of development, land use or character.

Land in any general, conditional, or planned development zoning district may also be classified into one or more overlay zoning districts.

**4. Conflicts With Overlay Districts.**

Where a conflict exists between overlay district standards and requirements and those of the underlying general or conditional zoning district, the more restrictive shall apply.

**5. Planned Development District.**

A planned development district is a process that establishes zoning regulations for a particular development, rather than a prescribed regulation that applies consistently to all sites. The regulation is individualized to a particular location and its unique characteristics. A planned development application is distinguished by the submittal of a comprehensive and detailed site plan and conditions that establish regulations applicable to the particular development at the time of rezoning.

Land in the City’s planning jurisdiction shall be classified or reclassified into a zoning district in accordance with the procedures and requirements set forth in Sections XXX (Amendments, Conditional Rezoning Distinguished, Planned Development), as appropriate.

**C. Zoning Districts Established.**

For the purpose of this ordinance, the City of Trinity is hereby divided into the following general, conditional, planned development and/or overlay districts. applicable standards in Chapter XXX.

General Zoning District Name	General and Corresponding Conditional District Abbreviation
Residential Agricultural	RA/RA-CZ
Restricted Residential	RR/RR-CZ
Suburban Residential	SR-CZ
Urban Residential	UR-CZ
Neighborhood Business	NB/NB-CZ
General Business	GB/GB-CZ
Regional Commercial	RC/RC-CZ
Office and Institutional	OI/OI-CZ
Light Industrial	LI/LI-CZ
Heavy Industrial	HI/HI-CZ
Planned Development	PD
Manufactured Home Overlay	MHO
Trin-Thom Development Zoning District	T-TTDZ



## **D. Conditional Zoning Districts.**

### **1. Establishment**

Conditional Zoning Districts are established as companion districts to the corresponding General District. Each General Zoning District has an accompanying Conditional Zoning District designated with the suffix: "CZ".

### **2. Intent**

Conditional zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. Therefore, in addition to the general use zoning districts established in Chapter 3 of this Ordinance, each district shall have a corresponding conditional zoning districts which may be established in accordance with the provisions of this section. The conditional zoning district option allows for the development and use of a specific property, subject to specific standards and conditions imposed as part of the legislative decision creating the district, and mutually agreed-upon by both the City and the applicant(s).

All descriptions and definitions which apply to a general use zoning district also apply to the corresponding conditional zoning district.

Property may be placed in a conditional zoning district only in response to a petition by the owners or their agents of all of the property proposed to be included in the conditional zoning district.

### **3. Applicability**

There are circumstances when a general zoning district designation allowing a particular use would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of this Ordinance, any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.

The rezoning process established in this section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals.

### **4. Relation to Underlying General Zoning District.**

The requirements of a conditional zoning district shall meet, or be more restrictive than, the requirements of the corresponding general zoning district with the exception of lot size, lot width and setbacks.

### **5. Process.**

The process for application, review and approval of conditional zoning districts is described in Article IV Procedures.

The Zoning Administrator shall determine boundary interpretations based on the criteria below. Appeals from the decision of the Zoning Administrator shall be made to the Board of Adjustment (NCGS 160D-405). Appeals from the decision of the Board of Adjustment shall be made to the Superior Court of Randolph County.

- A. An official zoning map depicting the actual location of the zoning districts is made a part of this Article and adopted by reference. The official zoning map, which is identified by the title "Zoning Map of the City of Trinity, North Carolina", shall be known as the "zoning map". Pursuant to NCGS 160D-105, current and prior official zoning maps shall be maintained in paper or digital format in the City of Trinity Planning Department for public inspection. Any state or federal maps incorporated by reference into the zoning map shall also be maintained.
- B. Current and prior Zoning district maps shall be maintained in paper or digital format for public inspection at City Hall.- (NCGS 160D-105).
- C. Copies – Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the City Clerk in accordance with G.S. 160A-79, shall be admissible into evidence and shall have the same force and effect as would the original map.
- D. Due Consideration Given to District Boundaries.  
In the creation of the respective districts, by this ordinance, careful consideration is given to the suitability of each district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the community.
- E. Rules Governing Interpretation of District Boundaries.  
Where uncertainty exists as to the boundaries of any zoning district as shown on the zoning map, the following rules shall apply:
  1. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
  2. Where district boundaries are so indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, the centerline of such district boundaries shall be construed to be said boundaries.
  3. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term "least restricted" shall refer to zoning restrictions.

## **Sec. 5.4 Application of Regulations**

### **A. Minimum Standards.**

The regulations established by this Article within each district shall be the minimum standards and shall apply uniformly to each class or kind of structure or land, except as

hereinafter provided.

**B. Zoning Affects Every Building and Use.**

No building or land shall hereafter be used, or its use changed, and no building or part thereof shall be erected, moved or altered except in conformity with the zoning district use, development standards, and requirements of this article and all other regulations of this Ordinance, as applicable.

**C. Reduction of Lot and Yard Areas Prohibited.**

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance unless approved as a planned development or cluster development.

**D. Relationship of Building to Lot.**

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a Planned Development. Developments that include multiple principal buildings as part of a single development shall be subject to a perimeter setback from all boundary lot lines and are exempted from setbacks from lot lines internal to the development, except where required by applicable building or fire codes.

**E. Required Open Space Not Used for Other Building**

No part of any yard, other open space, or off-street parking or loading space required for any building, structure or other use shall be considered to be a part of a required yard, open space, off street parking or loading space for any other buildings, structures or use unless explicitly provided to the contrary in this Ordinance.

**F. Road Access and Frontage (also see Article 8 Subdivisions)**

1. **Access Required.** 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.
2. **Frontage.** With the exception of lots fronting cul-de-sacs, all lots shall have a minimum of 50 (fifty) feet of frontage on a public or private street. Lots fronting on a cul-de-sac shall have a minimum frontage of 32.5 feet. Reserve strips controlling access to streets shall not be allowed within subdivisions approved after adoption of this Article.
3. **Alternatives to Access and 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.

**G. 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.

**J. Buildings and Land Used for Permitted Uses**

Within the districts indicated on the zoning map, no building or land shall be used, and no building shall be erected or altered which is intended or designed to be used in whole or in part, for any use other than those listed as permitted uses for the district in this Article.

**K. Required Yards**

1. The land area between a lot line and the boundary of a required setback is considered to be a required yard.
2. The location of street (front), side, or rear yards on irregularly shaped lots shall be determined by the Zoning Administrator. Wherever possible, the Zoning Administrator shall interpret these boundaries in ways that minimize nonconformities.
3. Except where otherwise allowed by this Ordinance, required yards shall not be subject to encroachment by a building or structure.

**L. Setbacks From Streets**

No building shall be located closer to any street right-of-way or private street edge than the minimum street setback line established by this Ordinance.

**M. Cluster Development.**

**1. Establishment.**

Cluster development is established as a development option for a given general residential district whereby lots are clustered in a manner which facilitates the preservation of open space. Cluster development allows the same number of lots as would be permitted in a conventional subdivision within the underlying zoning district but allows those lots to be smaller than conventional subdivision lots within the district.

**2. Intent.**

Cluster development is intended to prioritize a site's resources by allowing lots to be

configured onto a smaller portion of the site while the remaining area is designated as preserved open space. Smaller lots can be configured around, rather than through, valuable resources such as stands of trees, water features and steep slopes. This development option is intended to create a smaller overall footprint of developed area in comparison to preserved area.

**3. Applicability.**

Cluster development is allowed in the RA, RR, and SR districts. Cluster development allows for more sensitive development of properties with topographic and environmental challenges and other site features such as those identified on the City of Trinity Resource Map.

**4. Relation to Underlying Zoning District.**

Within a clustered development, the general or conditional requirements of the corresponding residential zoning district, and all other requirements of this Ordinance shall apply with the exception of lot size.

**5. Process and Procedures.**

The procedures and processes for application, review and approval of cluster development is described in Article VIII Subdivision.

**Sec. 5.5 Description and Purposes of Districts**

All development within the zoning jurisdiction of the City of Trinity must meet the requirements of this Ordinance, including but not limited to Section XXX Standards Applicable to all Uses, Section XXX Standards Applicable to Particular Uses, Section XXX Permitted Use Table, Section XXX Table of Yard and Area Dimensions.

**Sec. 5.5.1 Residential Districts**

**A. Rural Agricultural (RA) Purpose.**

The RA district provides a place for agricultural operations and scattered non-farm residences on traditional rural lots. Only minor conventional residential subdivisions (three or fewer lots) are allowed in this district. Requests for higher intensity residential use or other uses, consistent with the Trinity Land Development Plan, are clustered through the rezoning process.

**B. Restricted Residential (RR) Purpose.**

The RR District is intended to maintain a development pattern where access to public water and sewer systems is not available. The district may be used to protect open space by clustering lots as an option. It is intended to preserve the rural community character sometimes lost in conventional development approaches by allowing greater flexibility and creativity in the design of the development with clustering lots and preserving open space.

**C. Suburban Residential (SR) Purpose.**

The SR district is intended to stabilize established residential neighborhoods by providing a place for medium density residential development in coordination with the type or kind of (public or private) water and sewer services.

**D. Urban Residential (UR)**

**1. Purpose.**

The UR district provides a place for higher-density residential development with a variety of housing types in compact walkable neighborhoods where public water and sewer systems are available. Variety of housing types and sizes. This district is primarily found on the north side of I85.

**2. Supplemental District Requirements.**

- a. Curb and gutter meeting the requirements of the City of Trinity Development Manual is required for all streets.
- b. Sidewalks meeting the requirements of the City of Trinity Development Manual are required along both sides of all streets.
- c. Open space meeting the requirements of Article 6 Section XX is required for all development in the UR district.

**Sec. 5.5.2 Non-Residential Districts****A. Neighborhood Business District (NB)****1. Purpose.**

The NB district is designed to accommodate retail, service and related businesses that serve the immediate community. The NB district is intended for sites with direct access to collector and arterial roads. NB districts are typically located at intersections, although mid-block sites may also be appropriate. The dimensional requirements for this district are similar to those of residential districts to foster compatibility with the character of surrounding neighborhoods.

**2. Supplemental District Requirements.**

Drive-through service is prohibited.

**B. General Business (GB) Purpose.**

The GB district is appropriate for properties which were zoned HC under the City of Trinity's previous zoning ordinance. The district includes standards that support the continued development and use of these sites in a manner that supports the recommendations of the City's comprehensive plan.

**D. Regional Commercial District (RC) Purpose.**

The RC district is designed to accommodate a wide range of retail and service developments meeting community and area shopping needs. The district is established on large sites to provide locations for major developments that contain multiple uses, shared parking and drives, coordinated signage, and high-quality landscaping. The district is intended for large sites which are suitable for major developments which contain multiple uses, shared parking and drives, coordinated signage, and high-quality landscaping.

**E. Office and Institutional District (OI)****1. Purpose.**

The OI district provides for public, semi-public and institutional business and professional office and service uses, both on scattered sites and within a campus setting.

## 2. Supplemental District Requirements.

Supporting uses shall be scaled and designed to serve the immediate area.

### F. Light Industrial District (LI) Purpose.

The LI district is intended to accommodate lower-intensity manufacturing, industrial, and warehousing uses. Uses allowed in the LI district may generate some off-site impacts not typically associated with residential, institutional, commercial, and/or service establishments, but do not generally detract from the development potential of nearby properties.

### G. Heavy Industrial (HI) Purpose

The HI district is intended to accommodate higher-intensity manufacturing, industrial, and warehousing uses. Uses allowed in the HI district may generate off-site impacts not typically associated with residential, institutional, commercial, and/or service establishments. Uses allowed in the HI district may require significant buffering and/or use-specific conditions to minimize impacts on nearby properties.

### Sec. 5.5.3 Trin Thom Development Zoning District-TTDZ.

This district applies to a specific area of Trinity adjacent to the city of Thomasville. The district was established to ensure equitable development in accordance with a (YEAR) interlocal Agreement for Economic Development between the two cities. The area has been largely developed. The regulations for this district are included as Appendix XX.

### Sec. 5.5.4 Overlay Districts

#### A. MHO Manufactured Home Overlay District for Manufactured Home Subdivisions

##### 1. Purpose.

The MHO district is intended to accommodate the development of manufactured home subdivisions or parks within the City of Trinity.

##### 2. Supplemental District Requirements.

###### a. Criteria for Establishment of District.

Manufactured homes may be permitted in a subdivision of single-family lots in a residential district, provided the MHO overlay district zoning is approved by the City Council. A minimum of ten (10) contiguous lots, meeting the dimensional requirements of the applicable zoning district, excluding public street right-of-way, is required to establish a manufactured home subdivision in a Manufactured Home Overlay District.

###### b. Standards for Dwelling Units.

Only manufactured dwellings meeting Class A criteria as defined in Article V Definitions of this Ordinance shall be permitted.

###### c. Manufactured Homes Front Entrance Requirements.

Every manufactured home site shall have a minimum 5 ft. x 10 ft. x 4 in. thick concrete slab at the front door area or a 8 ft. x 12 ft. treated lumber deck or porch built of treated lumber and built to North Carolina Building Code specifications at the front entrance.

###### d. Rezoning.

An application for a Manufactured home Overlay district shall be processed, considered and approved in the same manner as for a rezoning.

**e. Site Development and Parking.**

All manufactured home subdivisions shall be located on roads constructed to North Carolina Department of Transportation, Division of Highways, subdivision road standards.

## **Sec. 5.6 Planned Development**

### **A. Purpose and Intent**

The Planned Development (PD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals. Planned Development shall be requested as a conditional zoning district.

### **B. General Standards for All Planned Developments**

#### **1. How Established**

A planned development is established in accordance with the application requirements of Article 4 Section XXX Planned Development, the approval procedures for the approval of a conditional zoning map amendment, and the requirements of this section. The minimum size of a Planned Development shall be five (5) acres.

#### **2. Planned Development Conditions**

The conditions of a PD development district shall incorporate by reference or include, but not be limited to:

- a.** A master plan meeting the requirements of Article 4 Section XX, including but not limited to proposed uses, density/intensity standards, dimensional standards, and development;
- b.** Provisions addressing how water and wastewater will be provided to accommodate the proposed development;
- c.** Provisions related to environmental protection and monitoring to include methodologies for how the requirements of the Water Management Ordinance will be met;
- d.** Any other provisions the City Council determines are relevant and necessary to the development of the PD and agreed to by the developer, in accordance with applicable standards and regulations.

### **C. Uses, Densities/Intensities**

The housing types and densities for residential development and the uses and intensities for non-residential development applicable in each development area of a PD district shall be as established in the master plan and shall be consistent with adopted policy guidance. Allowed uses shall be consistent with adopted policy guidance, the purpose of the particular PD district, and subject to any additional limitations or requirements set forth in Section XXX Development Standards Particular to Individual Uses. Nothing shall limit an applicant from seeking to modify an otherwise applicable use-specific standard in accordance with the standards in Section 3.5.2.C, Master Plan Required.

### **D. Dimensional Standards**

The dimensional standards applicable in each development area of a PD district shall be as established in the master plan. The master plan shall include at least the following types of dimensional standards:



1. Minimum lot area;
2. Minimum lot width and frontage;
3. Minimum and maximum setbacks;
4. Maximum lot coverage;
5. Maximum building height;
6. Maximum individual building size;
7. Floor area ratio; and
8. Minimum setbacks from adjoining residential development or residential zoning districts.

**E. Development Standards**

The development standards applicable in each development area of a PD district shall be as established in the master plan. Development standards applicable to individual uses shall be as established in Section XXX Development Standards Particular to Individual Uses. The master plan shall include typical details for at least landscaping, parking, signage, and open space standards applicable to all development in the district.

**F. Compliance with Water Management Standards**

In no instance shall a planned development seek to modify, waive, or reduce any of the standards of the Water Management Ordinance.

**G. Development Phasing Plan**

If development in the PD district is proposed to be phased, the master plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the City's capital improvements program.

**H. On-Site Public Facilities**

**1. Design And Construction**

The master plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable City, State, and federal regulations.

**2. Dedication**

The master plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed onsite public facilities in compliance with applicable City, State, and federal regulations.

**I. Compliance With Subdivision and Site Plan Standards**

Property that is part of a Planned Development district is subject to the standards and regulations of subdivision platting, site plans, water management permits, zoning and building permits prior to the start of development. Requests for approval shall be made according to the relevant sections of Article 4 Procedures and shall meet the conditions of the Planned Development zoning approval.

**J. Amendments to Approved Master Plan**

Amendments or modifications to a master plan shall be considered in accordance with the standards in Article 4 Section H. XXX Amendments to Conditions.

**Sec. 5.7 Permitted Uses in Zoning Districts**

**A. Permitted Use Table**

Within the districts established by this Ordinance; land, building and structures shall only be used, and buildings and structures shall only be erected which are intended to be used for the uses, as listed in the Table of Permitted Uses, unless otherwise stated in Section XXX below. In the appropriate columns of the Table below, uses permitted by right in the various districts are indicated with a “P;” uses permitted only within a conditional zoning are indicated by a “C”; uses requiring a Special Use Permit are indicated by an “S;” uses requiring a Manufactured Home Overlay Zone are indicated with an “O.”

**B. Classification of New or Unlisted Uses.**

It is recognized that new types of land use will arise, and forms of land use not presently anticipated may seek to locate in the City of Trinity. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The Zoning Administrator shall provide an interpretation as to the zoning classification such use should be placed. In making such interpretation, the Zoning Administrator shall consider all relevant characteristics of the proposed use, including but not limited to the following:
  - a. The actual or projected characteristics of the proposed use;
  - b. The volume and type of sales, retail, wholesale, etc. for commercial uses;
  - c. The size and type of items sold and nature of inventory on the premises;
  - d. Whether the activity involves residential dwelling use(s)
  - e. The hours of operation, type and number of customers and employees;  
The amount of parking needed and traffic estimates for the proposed use;
  - f. Any processing done on-site including assembly, manufacturing, warehousing, shipping and distribution;
  - g. Any dangerous, hazardous, toxic or explosive materials used or stored on the premises;
  - h. The nature and location of indoor or outdoor storage or display of merchandise (such as business vehicles, work-in-process inventory and merchandise, construction materials, scrap/junk, and raw materials, etc.);
  - i. The amount and nature of any nuisances generated, included but not limited to, noise, smoke, odor, glare, vibration, dust, fumes, toxic material or other emissions which may be deemed objectionable;
  - j. Any applicable requirements of the Water Management Ordinance; and
  - k. The possible effect the proposed use type may have on adjacent and neighboring properties, which should not be greater than that of other use types permitted in the

zoning district.

- 2. Standards for new and unlisted uses may be interpreted as those of a similar use with the use categories as a guideline. The most recent version of the North American Industry Classification System (NAICS) may also be used as a guide for the interpretation of similarity in uses. Uses that are not part of or substantially like an existing use type are prohibited.
- 3. Appeal of the Zoning Administrator’s decision shall be made to the Board of Adjustment following the procedures in Article XXX.

**C. Zoning Districts not in Table**

- 1. **Uses in Planned Development.**  
Uses permitted for planned development zoning districts are determined at the time of rezoning. The permitted use table may be used for reference, however uses and individual use standards not listed in the table may be requested for a planned development and approved with a rezoning.
- 2. **Uses in the Trin-Thom Development Zoning District (TT-DZD).**  
Uses permitted within a trin-thom development zoning district are listed in Appendix XX

**Placeholder for Permitted Use Tables**

**Sec. 5.8 Yard, Area and Height Requirements**

**A. Front Yard Averaging**

The Zoning Administrator may permit the front yard of any lot to be less than the required front yard for the zoning district where all the following criteria are met: 1) the front yards on developed lots located within one hundred (100) feet of each of side of such lot (within the same block and zoning district) and fronting on the same road are less than the minimum required front yard; 2) the computed front yard for the undeveloped lot shall not be less than the average of the existing front yards on the developed lots; and the front yard on the undeveloped lot shall not be less than one-half (1/2) of the required front yard for the zoning district.

**B. Height Limitations.**

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, chimneys, masts, aerials and similar structures, smokestacks, conveyors, and flag poles, except as otherwise provided in the vicinity of airports.

**C. Visibility at Intersections.**

On a corner lot in any residential district no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the center line of the

street may be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street right-of-way lines, each of which is thirty-five (35) feet distant from the point of intersection.

**D. Table of Yard, Area and Height Requirements**

The dimensional requirements of Table XX (table below) shall apply to all uses allowed within the listed zoning districts, except where use-specific dimensional standards exist within Article VII. Deviations from the standards of Table XX may only be proposed through a preliminary plat submitted as part of the Conditional Zoning, Planned Development, or Cluster Development review processes.

With the exception of lots fronting cul-de-sacs, all lots shall have a minimum of 50 (fifty) feet of frontage on a public or private street. Lots fronting on a cul-de-sac shall have a minimum frontage of 32.5 feet. Alternatives are permitted per Section 5.4.F.3.

The requirements of the City of Trinity Water Management Ordinance and Randolph County Department of Public Health may result in larger lot sizes than those listed in Table XX.

**Table XX. Zoning District Dimensional Standards**

District	Min Lot Size (sq ft or acre)	Min. Lot Width at Bldg. Line (ft)	Min. Front Yard Setback (ft)	Min. Side Yard Setback (ft)	Min. Rear Yard Setback (ft)	Max. Building Height (ft)	Max. Floor Area (sq ft) if applicable
<b>RA Residential/Agricultural</b>	2.5 acres	100	40	10 <sup>2</sup>	25 <sup>6,8</sup>	35	
<b>RR Restricted Residential</b>	40,000	100	40	10 <sup>2</sup>	25 <sup>6,8</sup>	35	
<b>SR – Suburban Residential<sup>1</sup></b>	20,000	80	30	10 <sup>2</sup>	25 <sup>6,8</sup>	35	
<b>UR – Urban Residential<sup>1</sup></b>	Single family 10,000	75	30	10 <sup>2</sup>	25 <sup>6,8</sup>	35	
	Two-family 20,000	80	30 <sup>d</sup>	10 <sup>2</sup>			
	Attached over two-family: add 3,000 SF for each unit over 2	100	15	10’ between buildings			
<b>Neighborhood Business</b>	20,000	80	30	10 <sup>2</sup>	25 <sup>6,8</sup>	35	4,000
<b>General Business (GB)</b>	20,000	80	30	10 (20 when adjacent to residential)		35	15,000

<b>RC – Regional Commercial</b>	N/A	50	15	5 <sup>9</sup>	20 <sup>6,8</sup>	50	
<b>OI - Office &amp; Institutional Commercial/Professional Office</b>	N/A	75	25 <sup>5</sup>	8 <sup>2</sup>	20 <sup>6,8</sup>	50	
<b>LI</b>	20,000	7	50 <sup>4,5</sup>	15 <sup>2</sup>	20	50	
<b>HI</b>	40,000	7	50 <sup>4,5</sup>	20	20	50	
<b>PD - Planned Development</b>	Dimensional requirements for PD are determined at the time of rezoning along with use and density standards.						

- 1 Major residential development in the SR and UR districts require the availability of public water and sewer services. Corner lot add five (5') feet on street side.
- 2 Minimum required front yard setback shall be developed for sidewalks, grass and/or plants and the necessary entrance driveways.
- 3 Except for the necessary drives and walks, the front yard shall not include off-street parking, other than for visitors. All employee parking and loading shall be behind or beside the structure.
- 4 Front yard shall be landscaped in grass and ornamental shrubs and trees.
- 5 Detached accessory structures (including swimming pools) must be located behind the front building line of the principal building. And may be placed no closer than five (5') feet from the rear lot line.
- 6 In these zoned districts, the frontage on an individual lot on a public street shall not be below seventy-five (75') feet.
- 7 In all zoned districts, where a swimming pool is an approved accessory to a primary residence or other structure there shall be provided around the perimeter, an enclosed fence with a minimum height of four (4') feet, with all gates provided being self-closing and all vertical or horizontal openings being no more than four (4") inches, which would deter and/or prevent the accidental or unauthorized use of said swimming pool. Fences which enclose the rear yard of the property shall be approvable if they totally secure that area in and around the swimming pool structure.
- 8 One side lot line may be zero (0') feet while the opposite line may be no closer than fifteen (15') feet.

Notes:

- Fences shall be allowed in all yards, but any fence located in a front yard area shall neither exceed a height of four (4') feet nor impede vehicular visibility or movement at any intersection or driveway entrance nor shall it encroach upon the right-of-way of any street. Stockade type privacy fences in residentially zoned areas shall not exceed eight (8') feet in side and rear yard areas. All fences in side yard areas adjoining a public street shall be set back at least 5 feet from the right-o-way of the public street to provide adequate sight visibility for vehicular and pedestrian traffic.
- When subdividing large lots within older residential subdivisions as per Trinity Subdivision Regulations, it shall be demonstrated by the developer prior to plat approval by the Zoning Administrator, that all newly constructed dwellings will conform to the same setback as existing structures located on either side of the lot being subdivided.
- Placement of Manufactured Homes in the RM zone must conform to Section 7-11B Manufactured home Overlay District.
- Requirements of Trinity's Watershed Ordinance supersede the Zoning Ordinance in cases where the Watershed Ordinance is more restrictive.
- Line of sight landscaping shall not be allowed within any public right-of-way unless written permission is granted by the City of Trinity and the NC Department of Transportation.
  - Lot areas and setbacks shall be increased if required by County Health Department regulations.

- Lot areas in designated watersheds are controlled by the City of Trinity Watershed Ordinance.

## Sec. 5.9 Zoning Vested Rights and Permit Choice.

### A. Zoning Vested Rights.

1. **Purpose.** Zoning “vested rights” as established under NCGS 160D-102, -108, and -108.1 ensures that a properly issued development approval will protect the applicant against zoning changes that will affect the allowable type and intensity of use.
2. **Establishment of Vested Right.** A vested right is established with respect to any property upon the valid approval, or conditional approval, of one of the qualifying plans listed in Section XXX below. The Zoning Administrator shall identify if a submitted plan triggers a vested right and identify it as such upon approval. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the approved plan, including any amendments thereto.
3. **Process to Claim Vested Right:** A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Zoning Administrator. The Zoning Administrator shall determine if a vested right exists. The Zoning Administrator’s determination may be appealed to the Board of Adjustment. On appeal the existence of a vested right shall be reviewed *de novo*. In lieu of seeking such a determination, a person claiming a vested right may take an original civil action appeal to the Randolph County Superior Court.
4. **Duration and Types of Statutory Vested Rights:**

The following types of approvals shall constitute a vested right when meeting the appropriate submittal and approval requirements of Article 4.

  - a. **Building Permits – Six Months.** Pursuant to NCGS 160D-1111, a building permit expires six months after issuance unless work under the permit has commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by any building permit that has expired shall thereafter be performed until a new permit has been secured.
  - b. **Other Development Approvals – One year.** Pursuant to NCGS 160D-403, unless otherwise specified by statute or local ordinance, all other development approvals expire one year after issuance unless work has substantially commenced. Expiration of a development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.
  - c. **Site-Specific Vesting Plans – Two years.** A site-specific vesting plan shall be vested for two years after it is approved. Amendments shall not extend the vesting period unless specified at the time of approval.
  - d. **Multi-Phase Developments – Seven years.** A multi-phase development approved containing 25 acres or more and subject to a master development plan with committed elements including a requirement to offer land for public use as a condition of its master development plan approval.
  - e. **Development Agreements- Indefinite.** A vested right of reasonable duration may be specified in a development agreement approved under NCGS 160D-1001.
  - f. **Exceptions.** A vested right, once established as provided for by this section, precludes any zoning action by the City that would change, alter, impair, prevent,

diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except those explicitly outlined in NCGS 160D-108(f).

#### **5. Effect of Approval**

- a. A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific vesting plan as provided for in this Article. Failure to abide by the terms and conditions placed upon such approval shall result in the forfeiture of the vested right previously accorded.
- b. A vested right, once established as herein provided, shall preclude any zoning action by the City which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the approved site-specific development except under the following conditions:
  - 1) The affected landowner provides written consent to the City of his desire to terminate the vested right; or
  - 2) The City determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety, and welfare if the project were to proceed as indicated in the site-specific vesting plan; or
  - 3) Compensation is made by the City to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or
  - 4) The City determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the City of the site-specific vesting plan; or
  - 5) Upon the enactment or promulgation of a State or Federal law or regulations which preclude development as contemplated in the site-specific vesting plan. In such a case the City may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.
- c. Once a vested right is granted to a particular site-specific vesting plan, nothing in this Article shall preclude the City from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

#### **6. Extension.**

City Council may extend the vested rights period from two (2) to five (5) years if it determines the extension is warranted considering all relevant circumstances including but, not limited to the size and phasing of the development, the level of investment, the need for development, economic cycles, and market conditions. If the landowner requests, a vesting period can be extended, subject to the approval process for the original vesting, for a period not to exceed five (5) years from the date of approval.

#### **7. Required Public Notice of Hearing.**

- a. Notice shall be mailed to the person or entity whose application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing

if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.

- b. Within that same period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

## **8. Expiration, Limitations, and Revocation**

- a. The vested right resulting from the approval of a site-specific vesting plan may be revoked by the City Council if the City Council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Development Ordinance. The vested right shall otherwise expire at the end of the approval period established by Council.
- b. A valid development approval shall not expire if work on the project has substantially commenced within the initial validity period. Substantial commencement of work shall be determined by the Zoning Administrator based on any of the following:
  - 1) The development has received and maintained a valid erosion and sedimentation control permit and conducted grading activity on a continuous basis and not discontinued it for more than thirty (30) days;
  - 2) The development has installed substantial on-site infrastructure; or
  - 3) The development has received and maintained a valid building permit for the construction and approval of a building foundation.
- c. Even if work has substantially commenced, a development approval still expires if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, as calculated and tolled pursuant to NCGS 160D-108.
- d. A building permit issued by Randolph County pursuant to NCGS 160D-403, 1110 may not be revoked because of the running of time on a piece of property for which a site-specific vesting plan has been approved and the vested right period has not otherwise expired.
- e. The establishment of a vested right on a piece of property for a site-specific vesting plan shall not preclude Council from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.
- f. Revocation of any site-specific vesting plan designation eliminates the vested right established by approval of the site-specific vesting plan designation but does not itself terminate any unexpired development permit or approval associated with the plan.

- B. Petitioners for annexation under this section must file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160D-108 or G.S. 160D-108.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160D-108 or G.S. 160D-108.1 shall be binding on the landowner and any such vested



right shall be terminated.

- C. Permit Choice.** If an application for development approval has been made, and after the date of that application a development regulation changes or is proposed, the development permit applicant may choose the version of the regulation existing at the time of the application. The applicant may choose the existing regulation without waiting for final action on the proposed regulation change.

## **Sec. 5.10 Development Agreements**

### **A. Purpose**

The purpose of this Article is to establish standards and procedures for the City to enter into Development Agreements for long-term, large-scale developments, in recognition of the following findings and statements of intent:

#### **1. Large-Scale Development Projects and Long-Term Commitment of Resources**

Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.

#### **2. Potential Community Impacts**

Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.

#### **3. Careful Integration between Public Capital Facilities Planning, Financing, and Schedules**

Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing and construction schedules and the phasing of the private development.

#### **4. Stable Development Standards**

Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.

#### **5. Nontraditional Development Types**

Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.

#### **6. Negotiating Flexibility**

To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.

#### **7. Plan Consistency**

In negotiating for such developments, it is the intent of the City to remain consistent with the adopted plans, policies, and goals of the City as they relate to land use and capital improvements.

**B. Authority**

The City may enter into a Development Agreement with a developer, subject to the procedures and standards of this Article. In entering into such a Development Agreement, the City may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the Development Agreement.

**C. Concurrent Consideration**

A development agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development agreement. A development agreement may be concurrently considered with and incorporated by reference with a sketch plan or preliminary plat required under Article 8 Subdivision or a site plan or other development approval required under this Ordinance. If incorporated into a conditional district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

**D. Relationship to Prior Development Approvals.**

Although an application for a Development Agreement generally is submitted and reviewed before, or in conjunction with, the first development approval required for the proposed development (e.g., a Planned Development), such an application may be submitted and decided at any stage of the development. If the application is submitted after development approvals have been granted, either the Development Agreement should incorporate the terms and conditions of those prior approvals, or any approval of the Development Agreement shall be contingent upon any amendments to those prior approvals necessary to ensure conformance between the Development Agreement and applicable development approvals.

**E. Initiation**

An application for a Development Agreement may be initiated by any person who may submit applications in accordance with the provisions of this Article. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

**F. Procedures****1. Application Contents**

An application for a Development Agreement shall include a proposed Development Agreement that shall, at a minimum, include all of the following:

- a. A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
- b. The duration of the agreement.
- c. A development schedule, including commencement dates and interim completion dates at no greater than five-year intervals.
- d. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.

- e. A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
- f. If the Development Agreement provides that the City shall provide certain public facilities, the Development Agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).
- g. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.
- h. A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
- i. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens.
- j. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- k. An indemnification and "hold harmless" clause whereby the developer/property owner holds the City and its agents harmless from liability for damages, injury, or death that may arise from the direct or indirect operations of the owner, developers, contractors, and subcontractors that relate to the project.

The proposed Development Agreement may include the following:

- a. A provision that the entire development or any phase of it be commenced or completed within a specified period of time.
- b. Other defined performance standards to be met by the developer.
- c. Other matters not inconsistent with law.

The application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development in relation to the natural and environmental resources of a site, including major uses, general building types, pedestrian and vehicular circulation, open space, public facilities, and phasing.

## **2. Review and Report by City Manager**

As part of the staff review of the application, the City Manager or designee may negotiate revisions to the proposed Development Agreement consistent with the provisions of Subsection G, Development Agreement Standards.

## **3. Review and Recommendation by Planning Board**

Following staff and Technical Review Committee review, preparation of a staff report, and provision of public notification in accordance with Subsection E.5, staff shall recommend one of the following:

- a. the City enter into the Development Agreement as submitted;
- b. the City enter into the Development Agreement application subject to modifications agreed to by the applicant, in writing; or
- c. the City does not enter into the Development Agreement.

**4. Review and Action by City Council**

Following Planning Board review, the City Council shall conduct a legislative public hearing on the application in accordance with public hearing guidance. Thereafter Council may vote:

- a. To enter into the Development Agreement as submitted;
- b. To enter into the Development Agreement, subject to modifications agreed to by the applicant, in writing;
- c. Not to enter into the Development Agreement; or
- d. Remand the application to the Planning Board for further consideration.

**F. Recording the Agreement**

The developer shall record the agreement with the Randolph County register of deeds within 14 days after the City and developer execute an approved development agreement. No development approvals may be issued until the development agreement has been recorded. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

Within 14 days after entering into a Development Agreement, the City shall record the agreement with the Randolph County Register of Deeds.

**G. Development Agreement Standards**

In consideration of the City’s participation in a Development Agreement, a development subject to the agreement must meet the following criteria:

**1. Planned Development.**

The information regarding the property subject to the Development Agreement shall contain details of the property and the planned development in accordance with NCGS 160D Article 10, Development Agreements.

**2. Phasing and Duration of Development.**

The development shall demonstrate phasing and participation in the proposed agreement which shall be of reasonable terms and shall be specified in the agreement.

**3. Impact on Capital Improvements.**

The development agreement shall demonstrate the impact of the development on existing and future provisions of capital improvements by the City, including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

**H. Effect of Development Agreement**

**1. Burdens and Benefits.**

The burdens of the Development Agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

**2. Rights and Obligations.**

Rights and obligations established by a Development Agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building

permits, site specific development plans, phased development plans or other provisions of law.

**3. Building Code.**

A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code.

**4. Subsequently Enacted Laws.**

Unless the Development Agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a Development Agreement are those in force at the time of execution of the agreement.

**5. Application of Subsequently Adopted Laws.**

Except for grounds specified in Section 160D-1-(e) of the North Carolina General Statutes, the City may not apply subsequently adopted ordinances or development policies to a development that is subject to a Development Agreement.

**6. Change in State or Federal Law.**

If State or Federal law is changed after a Development Agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the Development Agreement, the City, by ordinance after notice and a public hearing, may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the Development Agreement.

**7. Vested Rights.**

This Ordinance does not abrogate any rights preserved by NCGS 160D-108, or that may vest pursuant to common law or otherwise in the absence of a Development Agreement.

- I. Approval of Debt.** If any of the obligations of the City in the Development Agreement constitute debt, the City shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the City, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the City Attorney, Finance Director, and City Manager.

**J. Periodic Review and Breach of Agreement**

- 1. Annual Review.** During any period of time in which a development permit is active, the City staff shall review the development at least once every 12 months for compliance with the agreement. The developer shall be required to demonstrate good faith compliance with the terms of the Development Agreement. The failure to meet a commencement or completion date specified in the Development Agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.
- 2. Material Breach.** If the City finds and determines that the developer has committed a material breach of the terms or conditions of the Development Agreement, the City shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the

nature of the breach and the evidence supporting the finding and determination and shall provide the developer with a reasonable time in which to cure the material breach.

3. **Failure to Cure Material Breach.** If the developer fails to cure the material breach within the time given, then the City may unilaterally terminate or modify the Development Agreement.
4. **Appeal.** The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with (SECTION) Appeals.

#### **K. Amendments to Development Agreement**

1. **Mutual Consent.** A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
2. **Major Modification.** Consideration of a proposed major modification of a Development Agreement shall follow the same procedures as required for initial approval of the agreement.
3. **Minor Modification.** The Zoning Administrator may approve minor modifications of the Development Agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

#### **L. Assumption of Jurisdiction Over Development Agreements**

1. **City Assumes Planning Jurisdiction.** If the City assumes planning jurisdiction over property subject to a Development Agreement established by another jurisdiction, such development agreement shall be valid for the duration of the agreement, or eight years from the effective date of the City's assumption of planning jurisdiction over the subject property, whichever is earlier.
2. **Rights and Obligations.** The parties to the development agreement and the City shall have the same rights and obligations with respect to each other regarding matters addressed in the Development Agreement as if the property had remained in the previous jurisdiction.
3. **Modification or Suspension.** The City may modify or suspend the provisions of the Development Agreement if the City determines that the failure to do so would place the residents of the area subject to the Development Agreement, or the residents of the City's planning jurisdiction, or both, in a condition dangerous to their health or safety, or both.

## 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