



Town of
INDIAN TRAIL
north carolina

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

PLANNING BOARD TRANSMITTAL

Planning Board Transmittal for the February 9, 2010 Town Council Meeting

Reference Name	Case: ZT 2010-001 Subdivision Ordinance Text Amendment		
PB Meeting Date	January 19, 2010		
Members Present	Chair Whitehurst <input checked="" type="checkbox"/>	Gary Vaughn <input checked="" type="checkbox"/>	Vincent Howard <input checked="" type="checkbox"/>
	Vice Chair Cowan <input checked="" type="checkbox"/>	Kathy Broom <input checked="" type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	John Simulcik <input type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/> (Audience)	Brian Elias <input checked="" type="checkbox"/> (Audience)
	Robert Wilber <input checked="" type="checkbox"/>		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval as transmitted.		
Member making the motion	Vice Chair Cowan		
Second the motion	Boardmember Vaughn		
Vote	Unanimous		

Background

This is a request to amend Chapter 350 Subdivision Ordinance of the Unified Development Ordinance, to reference Union County plat requirements in accordance with North Carolina General Statutes (§ 47-30). The Planning Board heard this request at its January 19, 2010, public meeting. After deliberation, the Board made the required findings and recommends approval with minor modifications for clarity.

Council Action: Receive the PB transmittal as recommended for approval and motion to:

1. Concur with the findings and approve as transmitted; or
2. Concur with the findings and approve as modified by the Council; or
3. Table the request for additional information if necessary.

The Unified Development (UDO) outlines the plat size and border width requirements associated with plat recordation. All land plats are presented to the Register of Deeds in Union County for recording. Mapping requirements are outlined in G.S. 47-30 which grants the counties the ability to designate one of four (or a combination thereof) plat size standards to be used for recording maps. The map size identified in the UDO is inconsistent with the current requirements of the County. This amendment is proposing to correct this inconsistency by referencing the Union County requirements in general thereby avoiding any future amendments to this section if specifications change. The Board also recommended minor modifications to the amendment for clarification and to specifically reference the state statute in the event it changed.

The amendment is transmitted to the Council as follows:

350.030

C. Scale and Size of Sheets

The preliminary plan must be at a *suitable* scale *to assure legibility of 1" = 20'* and should be drawn on a sheet (s) with an outside dimension of not more than ~~24" x 36"~~ *required by Union County Register of Deeds* and shall include a 1 1/2" inch border on the left side and a 1/2" border on the remaining sides.

350.070 Number of Copies and Graphic Media

Seven copies of the final plat must be submitted: the original, 3 Mylar copies, and 3 blue line paper copies. The Mylar must be 3 ml. and suitable for reproduction. The original and 3 reproducible copies must each have original signatures. The final plat must be drawn on a sheet with an outside dimension of not more than ~~24" x 36"~~ *required by Union County Register of Deeds* and shall include a 1 1/2" border on the left side and a 1/2" border on the remaining sides. The final plat shall be submitted electronically in an AutoCAD ~~revision~~ *version* compatible with the Town's software. *All mapping requirements shall be in compliance with this Chapter, Union County Mapping Requirements, and N.C. G. S. 47-30.*

Required Findings:

1. The proposed UDO amendment is consistent with the following goal:
 - 1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO ordinance amendments allows land use and the benefits therein to use and subdivide land according to state statutes.
2. This UDO ordinance amendment is a reasonable request and in the best interest of the public because the amendment corrects text consistent with North Carolina State Statutes related to subdivisions.

Attachment 1 – Planning Board Report _ January 19, 2010

Attachment 2 – Draft TC Ordinance



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PLANNING AND DEVELOPMENT DEPARTMENT

Case: ZT 2010-001 UDO Amendment – Subdivision		
Reference Name(s)	Amending Chapter 350 – Subdivision Regulations	
Applicant	Town of Indian Trail	
Submittal Date	January 4, 2010	
Location	Town-Wide	
Tax Map Number	N/A	
Recommendations & Comments	Planning Staff	Recommend approval of the proposed UDO amendments to the Town Council

Executive Summary:

This is a request to amend Chapter 350 – Subdivisions, of the Unified Development Ordinance referencing Union County Subdivision Plat size requirements for recording. This amendment will eliminate the need to modify this Chapter in the event their requirements change in the future.

Analysis:

North Carolina General Statutes (§47-30) stipulates the size of all land use plats presented to the register of deeds for recording in the registry of a county in North Carolina. There are basically four (4) different size possibilities:

1. Only 18 inches by 24 inches;
2. A combination of 18 inches by 24 inches and 21 inches by 30 inches;
3. A combination of 18 inches by 24 inches and 24 inches by 36 inches; or
4. A combination of all three sizes.

In addition to these plat (map) size requirements, the state also spells out the border size which is: a minimum of one and one-half inch border on the left side and a minimum of one-half inch boarder on all remaining sides.

The UDO currently outlines plat and border width requirements. The plat size is not consistent with Union County’s requirements for map recordation. Staff recommends this Chapter be amended to correct this situation and be written in a manner to prevent the need to amend the ordinance in the future if Union County changes its requirements. The amendment is proposed to Section 350.030 and 350.070 as follows:

350.030

D. Scale and Size of Sheets

The preliminary plan must be at a scale of 1" = 20' and should be drawn on a sheet with an outside dimension of not more than ~~24" x 36"~~ *required by Union County Register of Deeds* and shall include a 1 1/2" inch border on the left side and a 1/2" border on the remaining sides.

350.070 Number of Copies and Graphic Media

Seven copies of the final plat must be submitted: the original, 3 Mylar copies, and 3 blue line paper copies. The Mylar must be 3 ml. and suitable for reproduction. The original and 3 reproducible copies must each have original signatures. The final plat must be drawn on a sheet with an outside dimension of not more than ~~24" x 36"~~ *required by Union County Register of Deeds* and shall include a 1 1/2" border on the left side and a 1/2" border on the remaining sides. The final plat shall be submitted electronically in an AutoCAD revision compatible with the Town's software.

Required Consistency Findings

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

2. The proposed UDO amendment is consistent with the following goals:
 - 2.3.2 of the Comprehensive Plan – Land Use; the proposed UDO ordinance amendments allows land use and the benefits therein to use and subdivide land according to state statutes.
3. This UDO ordinance amendment is a reasonable request and in the best interest of the public because the amendment corrects text consistent with North Carolina State Statutes related to subdivisions.

Staff Recommendation

Staff recommends that the Planning Board

1. Receive report and public comments;
2. Make the required findings and recommend adoption of the UDO ordinance amendment as determined by the Board.

Staff Contact

Shelley DeHart

Planning Director

srd@planning.indiantrail.org

Attachment 1 – North Carolina State Statutes 47-30

Attachment 2 – Draft Ordinance

ATTACHMENT 1

§ 47-30. Plats and subdivisions; mapping requirements.

(a) Size Requirements. – All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after September 30, 1991, having an outside marginal size of either 18 inches by 24 inches, 21 inches by 30 inches, or 24 inches by 36 inches, and having a minimum one and one-half inch border on the left side and a minimum one-half inch border on the other sides shall be deemed to meet the size requirements for recording under this section. Where size of land areas, or suitable scale to assure legibility require, plats may be placed on two or more sheets with appropriate match lines. Counties may specify either:

- (1) Only 18 inches by 24 inches;
- (2) A combination of 18 inches by 24 inches and 21 inches by 30 inches;
- (3) A combination of 18 inches by 24 inches and 24 inches by 36 inches;
- or
- (4) A combination of all three sizes.

Provided, that all registers of deeds where specific sizes other than the combination of all three sizes have been specified, shall be required to submit said size specifications to the North Carolina Association of Registers of Deeds for inclusion on a master list of all such counties. The list shall be available in each register of deeds office by October 1, 1991. For purposes of this section, the terms "plat " and "map" are synonymous.

(b) Plats to Be Reproducible. – Each plat presented for recording shall be a reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), and submitted in this form. The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. In those counties in which the register has made a security copy of the plat from which legible copies can be made, the original may be returned to the person indicated on the plat.

(c) Information Contained in Title of Plat. – The title of each plat shall contain the following information: property designation, name of owner (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification), location to include township, county and state, the date or dates the survey was made; scale or scale ratio in words or figures and bar graph; name and address of surveyor or firm preparing the plat.

(d) Certificate; Form. – There shall appear on each plat a certificate by the person under whose supervision the survey or plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. Where a plat consists of more than one sheet, only one sheet must contain the certification and all other sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

DRAFT

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE #

AN ORDINANCE AMENDING CHAPTER 350 –SUBDIVISIONS OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO), INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the town is the applicant for ZT 2010-001 requesting to amend Chapter 530- Subdivisions, specifically Sections 350.030 and 350.070, to correct Union County Plat size recording requirements; and

WHEREAS, this Zoning Amendment (ZT 2010-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on January 19, 2010 in a public meeting; and

WHEREAS, the Planning Board after hearing the amendment and deliberations made the following findings and recommended approval to the Town Council:

1. The proposed UDO amendment is consistent with the goal 1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO ordinance amendments allows land use and the benefits therein to use and subdivide land according to state statutes; and
2. This UDO ordinance amendment is a reasonable request and in the best interest of the public because the amendment corrects text consistent with North Carolina State Statutes related to subdivisions

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on February 9, 2010 and after receiving the transmittal, public comment, and deliberation, concur with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BE IT ORDAINED ON FEBRUARY 9, 2010 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – Chapter 350 is hereby amended as follows:

350.030

E. Scale and Size of Sheets

The preliminary plan must be at a scale of 1" = 20' and should be drawn on a sheet with an outside dimension of not more than ~~24" x 36"~~ *required by Union County Register of Deeds* and shall include a 1 1/2" inch border on the left side and a 1/2" border on the remaining sides.

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2 - This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 9TH DAY OF FEBRUARY, 2010.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable John J. Quinn, Mayor

Attest:

Trena Sims, Interim Town Clerk

TOWN COUNCIL ATTACHMENT 2

Section 1 – Chapter 350 is hereby amended as follows:

350.030

C. Scale and Size of Sheets

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Section 2 - This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 9TH DAY OF FEBRUARY, 2010.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable John J. Quinn, Mayor

Attest:

Trena Sims, Interim Town Clerk