

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, MARCH 25, 2019 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
AGENDA**

1. Open the Meeting
2. Determination of Quorum
3. Approval of Minutes – February 25, 2019 Regular Planning Board Meeting Minutes
4. Public Hearings
 - A. Discussion and Consideration of a Temporary Use Permit for the Town of Weddington for Food Truck Fridays in May
 - B. Discussion and Consideration of a Temporary Use Permit for Christ Lutheran Church to hold an Easter Egg Hunt and Egg Drop on April 20, 2019
5. New Business
 - A. Discussion of Conservation Subdivision Process
 - B. Discussion of Text Amendment to Section 46-45(b) Improvement and Guarantee Standards
6. Update from Town Planner and Report from the March Town Council Meeting
7. Adjournment

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
FEBRUARY 25, 2019
MINUTES
1 OF 5**

1. Open the Meeting

Chairman Brad Prillaman opened the meeting at 7:00 p.m.

2. Determination of Quorum

Quorum was determined with Chairman Brad Prillaman, Board members Walt Hogan, Tami Hechtel, Barbara Harrison and Steve Godfrey present. Board members Gerry Hartman and Jim Vivian were absent.

Staff: Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey

Visitors: Mark Knowles, Chad Fleener, LB Fleener, Mike Monroe, Teresa Monroe

3. Approval of Minutes – January 28, 2019 Regular Planning Board Meeting Minutes

Staff asked to amend minutes to include Board member Hogan participating in the meeting via phone without voting rights.

Motion: Board member Hogan made a motion to approve the January 28, 2019 Regular Planning Board Meeting minutes as amended by staff.
Second: Board member Godfrey
Vote: The motion passed with a unanimous vote.

4. New Business

A. Discussion and Consideration for Weddington Swim and Racquet Club Amendment to the Conditional Use Permit for Change in Lighting Requirement

Ms. Thompson presented the staff report: Weddington Swim and Racquet Club requests a Conditional Use Permit (CUP) amendment for a change to the lighting requirements on property located at 4315 Weddington-Matthews Road, parcel 06-117-047. The total site is 13.75 acres. The club includes 18 approved tennis courts, a swimming pool and a 4,200 sq. ft. building. The property has various amendments from throughout the years with the latest in 2017 adding two tennis courts at the southeast corner of the property. During the public hearing for that amendment, the Town was told that the club had been turning the lights off at 10:30 p.m. over the years. After hearing concerns from an adjacent property owner, the Town Council agreed the new proposed courts shall be turned off by 10:00 pm. The applicant also agreed to an evergreen buffer to help block noise and lights. Since that meeting the Town has received complaints about the lights being left on past 10:30 pm. After reviewing old minutes from previous CUPs, staff found an amendment from 2001 that stated hours of operation for the club are from 6am-10pm. The applicant believed those hours were specifically for those courts, however the attorney's interpretation is that lights must be turned off outside of these hours for all the courts, including courts previously approved and added since 2001. The condition runs with the land. In addition, staff found out that the lights were being turned on prior to 6:00 am for court maintenance. It was determined that hours of operation included maintaining the courts.

The applicant is requesting the following amendments to the lighting requirements:

- Hours of operation until 10:30 p.m. except for the new courts (13 & 14) which shall be 10:00 p.m.
- Allow maintenance to turn lights on one court at a time after 4:30 a.m. when needed
- Allow exceptions to the 10:30 p.m. lights out requirement up to 5 times per year due to extenuating circumstances when there are league/tournament matches. This shall only include courts 1-12 and 15-16
- One time per year the applicant may hold a member social in the pool deck area with lights out at 11:00 p.m. and notice shall be made to Town Staff in advance.

Mark Knowles from Weddington Swim and Racquet Club gave an overview of the facility.

Chairman Prillaman asked for clarification on the evergreen buffer that was a condition of the approval of the newest tennis courts, but the berm pictured on the plans is not currently a condition. The Applicant stated that they plan to build the berm if the lighting amendment is approved.

Board member Hechtel stated her concern about approving the CUP amendment for the lighting before a berm would be built and if the berm would be built at all.

Board member Harrison expressed concern about the proposed berm interrupting the drainage. The Applicant stated that the water does collect in the low points on the property, but the berm wouldn't change the topography and the water will still flow to the low points.

Mr. Knowles explained why they need to extend the morning lighting hours. He stated that the maintenance crew may need to start court preparations for tournaments early to get courts ready for play. He stated that it wasn't often needed to be started at 4:30 a.m.

The Planning Board discussed each lighting request:

- Hours of operation hours until 10:30 except for new courts 13 & 14 which will be 10:00. Chairman Prillaman stated as a compromise the possibility that the Board can consider lighting until 10:30, but no lighting on courts 13 & 14. Mr. Knowles responded that the club may need the lighting to cover demand in the spring and fall. He stated that the club can try to schedule matches away from the lower courts when possible. Board member Hechtel asked why the berm isn't currently in place. The applicant responded that the club is waiting for the approval on the CUP amendment before moving forward with it. The Board agreed to extending the lighting time on the rest of the courts to 10:30, but no lights on courts 13 & 14. Board member Hechtel stated that she is opposed to extending the lighting until 10:30 because she would like to see the berm built first.
- Allow maintenance to turn the lights on one court at a time after 4:30 a.m. when needed. The Planning Board determined that the club wouldn't need to turn the lights on earlier if additional maintenance staff were hired. The Board agreed that the morning lighting hours should stay at 6:00 a.m.
- Allow exceptions to the 10:30 p.m. lights out requirements up to 5 times per year due to extenuating circumstances. Chairman Prillaman stated that this should be a hard number and not open ended. The exceptions will only include courts 1-12 and 15 & 16. Board member

Hechtel expressed her opposition to this exception. The Board agreed by majority that this exception would be limited to a maximum of 30 minutes over the time limit for a maximum of 5 times per year.

- One time per year the applicant shall hold a member social in the pool deck area with lights out at 11:00 p.m. There will be notification to Town Staff in advance. The Board unanimously agreed that this was acceptable.

The Planning Board reviewed the findings of fact:

- a) *The use will not materially endanger the public health or safety if located where proposed and developed according to plan.* The Planning Board agreed by 3/1 majority that with the conditions recommended, the conditional use amendment will not materially endanger the public health or safety if proposed and developed according to plan.

For: Board members Hogan, Harrison, and Godfrey

Opposed: Board member Hechtel

- b) *The use meets all required conditions and specifications.* The Planning Board agreed by 3/1 majority that with the conditions recommended, the conditional use amendment meets all required conditions and specifications.

For: Board members Hogan, Harrison, and Godfrey

Opposed: Board member Hechtel

- c) *The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.* The Planning Board agreed by 3/1 majority that with the conditions recommended, the conditional use amendment will not substantially injure the value of adjoining or abutting property.

For: Board members Hogan, Harrison, and Godfrey

Opposed: Board member Hechtel

- d) *The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this chapter and the town's land development plan.* The Planning Board agreed by 3/1 majority that with the conditions recommended, the location and character of the conditional use amendment, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this chapter and the town's land development plan.

For: Board members Hogan, Harrison, and Godfrey

Opposed: Board member Hechtel

- e) *Additional review criteria, as stated in this chapter, shall also be considered and addressed where required.* There is no additional review criteria to consider.

Given that the Planning Board has favorably agreed to the findings of fact, the Planning Board makes a recommendation to the Town Council for approval of the Weddington Swim and Racquet Club Amendment to the Conditional Use Permit for change in the lighting requirements with the following recommended conditions:

- No lights on courts 13 & 14 and lights on the other courts can be on until 10:30 p.m.
- No lights on before 6:00 a.m.
- Exception for lights on until 11:00 p.m. up to 5 times per year.
- One time per year the applicant may hold a member social in the pool deck area with lights out at 11:00 p.m. There will be notification to Town Staff in advance.

Motion: Board member Hogan made a motion to forward the amendment to the conditional use permit for change in the lighting requirements with the above recommendations to the Town Council with a recommendation for approval.

Second: Board member Godfrey

Vote: The motion passed with a 3-1 with Board member Hechtel voting against the motion.

5. Old Business

A. Discussion of Land Use Plan Revisions – End of Section V and Appendix

The Planning Board completed revisions to the LUP.

6. Update from Town Planner and Report from the February Town Council Meeting

Ms. Thompson presented update: The Town Council approved the Erosion and Sediment Control Ordinance and it has been sent to the state for review within 90 days. They asked staff to look into the lighting ordinance and update with LED technology and the Community Recreation Center has been defined and it has been limited to 501 (c)(3) organizations. The Council held their retreat on February 9th, Chairman Prillaman and Board members Godfrey, Hogan, and Vivian attended. A Uniform Development Ordinance was discussed, the Town will be going out for a bid on that. Ms. Thompson has completed the Subdivision Ordinance rewrite and Council has requested a joint meeting with the Planning Board before inviting Randall Arendt back to discuss and review it.

Chairman Prillaman stated an apology for not being firmer on the tree discussion during the discussion with the Applicant at the January meeting concerning the sketch plan approval for Classica Homes. He stated it wouldn't happen again.

7. Adjournment

Motion: Board member Hogan made a motion to adjourn the February 28, 2019 Regular Planning Board Meeting at 8:49 p.m.

Second: Board member Godfrey

Vote: The motion passed with a unanimous vote.

Adopted: _____

Brad Prillaman, Chairman

Karen Dewey, Town Clerk

DRAFT

TOWN OF WEDDINGTON

MEMORANDUM

TO: Chairman and Planning Board

FROM: Lisa Thompson Town Administrator/Planner

DATE: March 25, 2019

SUBJECT: Temporary Use Permit Application – Food Truck Friday

The Town has submitted an application for a Temporary Use Permit for the Food Truck Friday Event. The event is to be held at Weddington Town Hall and Dr. George Pinsak's property located at 1924 Weddington Road and 13653 Providence Road respectively.

Application Information:

Date of Application: 3/6/2019

Applicant's Name: Town of Weddington

Property Owner's Name: Town of Weddington and Dr. George Pinsak

Parcel ID#: 06-150-057 (Town Hall) and 06-150-053A (Dr. Pinsak's Office Building)

Property Location: Corner of Providence Road (Highway 16) and Weddington Road (Hwy 84)

Existing Zoning: B-2(CD)

Existing Use: Town Hall and Office Use

Property Size: Town Hall- 2.136 acres, Dr. Pinsak's property- 0.674 acres—Total of 2.81 acres

Event Hours: 5:30 – 9:00 PM

Dates of Event: May 3, 10, 17, and 24

Additional information:

- Projected attendance is 500 persons per event
- The applicant has submitted an application to Union County for a mass gathering permit, and a certification of review.
- Staff has been provided a Certificate of Liability Insurance from the scheduled vendors.
- Security and traffic control will be provided by volunteers and one Union County Sheriff's Deputy.
- Two portable bathroom facilities and one hand wash facilities will be provided on-site.
- Most parking will occur on the Weddington Corners Shopping Center property. Some parking will take place at Dr. Pinsak's office building.
- Town staff contacted the owners and tenants about the event.
- Music will be provided by a DJ.

All adjoining property owners and properties within 200 feet have been notified in accordance with Section 58-13 of the *Town of Weddington Zoning Ordinance*.

Before issuing any Temporary Use Permit, the Planning Board shall make the following determinations:

- a. The proposed temporary use will not materially endanger the public, health, welfare and safety; and
- b. The proposed temporary use will not have a substantial negative effect on adjoining properties; and
- c. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and
- d. The proposed temporary use is held no more than four times (4) per year at any particular location.

Attachments:
TUP Application
Narrative
Event site plan



Town of Weddington

Temporary Use Permit Application



Applicant Information

Permit Number: _____

Name: Town of Weddington
Mailing Address: 1924 Weddington Rd
City: Weddington State: NC

Phone Number: 704-864-2769
Email: lthompson@townofweddington.
Zip: 28104

Property Owner Information (if different from applicant)

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

Lot Number: _____
Subdivision: _____
Parcel Number: 06150057

Describe the nature of the use requested: Food truck Friday events

Findings of Fact:

The proposed temporary use will not materially endanger the public, health, welfare and safety; and

- ☒ Yes
☐ No

The proposed temporary use will not have a substantial negative effect on adjoining properties; and

- ☒ Yes
☐ No

The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and

- ☒ Yes
☐ No

The proposed temporary use is held no more than three times per year at any particular location.

- ☒ Yes
☐ No

On a separate page provide the following -

Narrative including:

- ☐ Nature of use
- ☐ Duration of use
- ☐ Hours of operation
- ☐ Lighting
- ☐ Temporary structures
- ☐ Signage
- ☐ Projected attendance
- ☐ Waste/trash disposal

Other Submittal Requirements (if applicable):

- ☐ A site plan showing parking and the layout of event area
- ☐ Proof of adequate insurance to cover the event
- ☐ Certification of review from Union County Sheriff's Department or NC Highway Patrol regarding traffic and crowd control
- ☐ Union County mass gathering permit required?
- ☐ Certification of review from Union County Health Department
- ☐ Department of Revenue weekend Temp. Sales and Use ID# for retail sales

Karen Olwey
Signature of Applicant

3/6/19
Date

Town of Weddington
Signature of Property Owner (if different)

3/6/19
Date

Permit Approved? Yes _____ No _____

If Yes, Permit is Valid from: _____ to _____

Zoning Administrator _____ Date _____

Food Truck Friday Narrative

The Town of Weddington is planning to hold "Food Truck Fridays" during the month of May 2019. Events will be held on May 3, 10, 17 and 24 from 5:00 pm until 8:30 pm. No lighting will be necessary. Temporary structures will include small canopies. There will be DJ equipment set up on the porch. There is a site plan attached. Parking will be available at Weddington Corners. An Event Organizer Application will be submitted to Union County Environmental Health. There will be 3 signs advertising the event, and Event Parking signs will be set up during the event. Attendance is projected to be approximately 500 people per event. An off duty Union County Sheriff Deputy will be hired for traffic/crowd control. An EMT will be onsite. Porta-Jons and Hand Washing Stations to be ordered.

Town of
Weddington

FOOD TRUCK FRIDAYS
site plan

MAY
3, 10, 17, 24



TOWN OF WEDDINGTON

MEMORANDUM

TO: Chairman and Planning Board

FROM: Lisa Thompson Town Administrator/Planner

DATE: March 25, 2019

SUBJECT: Temporary Use Permit Application – Easter Egg Hunt

Matt Simpkins with Christ Lutheran Church has submitted an application for a Temporary Use Permit for a Helicopter egg drop - Easter Egg Hunt event.

Application Information:

Date of Application: 3/5/2019
Applicant's Name: Matt Simpkins
Property Owner's Name: Christ Lutheran Church
Property Location: Corner of Rea Road and Reid Dairy Rd
Existing Zoning: R-40 Conditional
Existing Use: Vacant/Single Family Homes
Property Size: 13 acres
Event Hours: 2:00 – 4:00 PM
Dates of Event: April 20, 2019

Additional information:

- Projected attendance is 2000 persons
- The applicant has submitted an application to Union County for a mass gathering permit, and a certification of review
- Staff has been provided a Certificate of Liability Insurance from the scheduled vendors
- Security and traffic control will be provided the Union County Sheriff's Department
- Portable bathroom facilities and hand wash facilities will be provided on-site
- Parking - Rea View Elementary and St. Margaret's Church
- Event includes bouncy houses, petting farm, face painting, snacks and music

All adjoining property owners and properties within 200 feet have been notified in accordance with Section 58-13 of the *Town of Weddington Zoning Ordinance*.

Before issuing any Temporary Use Permit, the Planning Board shall make the following determinations:

- a. The proposed temporary use will not materially endanger the public, health, welfare and safety; and
- b. The proposed temporary use will not have a substantial negative effect on adjoining properties; and
- c. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and
- d. The proposed temporary use is held no more than four times (4) per year at any particular location.

Attachments:
TUP Application
Event Narrative
Event Site Plan



Town of Weddington
Temporary Use Permit Application



Applicant Information

Permit Number: _____

Name: MATT SIMPKINS
Mailing Address: 4519 PROVIDENCE RD
City: CAROLLETTE State: NC

Phone Number: 615-491-6794
Email: simpkins@chrstelca.org
Zip: 28226

Property Owner Information (if different from applicant)

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

Lot Number: _____
Subdivision: _____
Parcel Number: _____

Describe the nature of the use requested:

Community Easter Egg Hunt + Egg Drop. structured by age easter egg
hunt w/ helicopter egg drop - 305 + 315 Reid Dairy Rd. 2-4 pm April 20, 2019

Findings of Fact:

The proposed temporary use will not materially endanger the public, health, welfare and safety; and

- ☐ Yes
☒ No

The proposed temporary use will not have a substantial negative effect on adjoining properties; and

- ☐ Yes
☒ No

The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and

- ☒ Yes
☐ No

The proposed temporary use is held no more than three times per year at any particular location.

- ☒ Yes
☐ No

On a separate page provide the following -

Narrative including:

- ☐ Nature of use
- ☐ Duration of use
- ☐ Hours of operation
- ☐ Lighting
- ☐ Temporary structures
- ☐ Signage
- ☐ Projected attendance
- ☐ Waste/trash disposal

Other Submittal Requirements (if applicable):

- ☐ A site plan showing parking and the layout of event area
- ☐ Proof of adequate insurance to cover the event
- ☐ Certification of review from Union County Sheriff's Department or NC Highway Patrol regarding traffic and crowd control
- ☐ Union County mass gathering permit required?
- ☐ Certification of review from Union County Health Department
- ☐ Department of Revenue weekend Temp. Sales and Use ID# for retail sales

Signature of Applicant _____

Date 3/5/19

Signature of Property Owner (if different) _____

Date _____

Permit Approved? Yes _____ No _____

If Yes, Permit is Valid from: _____ to _____

Zoning Administrator _____

Date _____

Temporary Use Permit

Nature of use: Easter Egg Hunt and Drop - open to the community to come and enjoy a family oriented Easter Egg Hunt with bouncy houses, face painting, snacks, petting farm, music and a helicopter egg drop. This is the third of these we've done. All have been very well received. Helicopter company and church are insured and maintain high level of safety and security. Helicopter will do a fly over at approximately 3pm and drop some eggs into a designated area. No participants are allowed to be in the drop zone (helicopter will leave immediately if people enter the drop zone early). Fun is to be had by all!

Duration of use: 1 partial day

Hours of operation: 2-4pm 4/20/19

Lighting: none needed, daytime event

Temporary Structures: some folding tables under tents, bouncy houses, petting farm

Signage: temporary signage will be up as soon as approval granted and will stay up until after the event on Rea Road and Reid Dairy Rd

Projected Attendance: ~2000

Waste/trash/disposal: Private dumpster will be present and will be removed after event



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/02/18

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CHURCH MUTUAL INSURANCE COMPANY 3000 SCHUSTER LANE PO BOX 357 MERRILL, WI 54452	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: CHURCH MUTUAL INSURANCE COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	FAX (A/C, No): NAIC # 18767
INSURED CHRIST EVANGELICAL LUTHERAN CHURCH 4519 PROVIDENCE RD CHARLOTTE NC 28226-5109		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
X	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			0248499-02-136330	09/01/18	09/01/21	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMPI/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTIONS						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

EVIDENCE OF INSURANCE**CERTIFICATE HOLDER**COMPASSION INTERNATIONAL
12290 VOYAGER PKWY
COLORADO SPRINGS CO 80921-3668**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Edward Hancock



Egg Prod
Zones

Toilet

Crafts
etc

Petting
Zoo

Farm
Gate

Bounce
Houses

Shrub
Zone

Red Dairy Rd

Red Dairy Rd

Fencing



ARTICLE II. - PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Sec. 46-36. - Plat required on any subdivision of land.

Pursuant to G.S. 160A-372, a final plat shall be prepared, approved, and recorded in accordance with the provisions of this chapter as a condition precedent to the subdivision of any land within the town.

Sec. 46-37. - Approval prerequisite to plat recordation.

Pursuant to G.S. 160A-373, no plat of a subdivision within the jurisdiction of the town, as established in section 46-3, shall be recorded by the county register of deeds or the Mecklenburg County register of deeds until it has been finally approved as provided herein. To secure such approval of a subdivision plat, the subdivider shall follow the procedures established in this article.

Sec. 46-38. - Preliminary Conference

Any person contemplating the subdivision of property is encouraged to have a preliminary conference with the subdivision administrator in order that questions may be answered and that the subdivider may gain a better understanding of the requirements of this chapter. A preapplication meeting is required for conservation subdivisions.

Sec. 46-39. - Procedures for review of minor subdivisions.

Minor subdivisions shall be reviewed in accordance with section 46-40 and 46-41. Major subdivisions shall be reviewed in accordance with the procedures set forth in sections 46-442 through 46-47.

Sec. 46-40 – Preliminary Plat for minor subdivisions.

In order to facilitate the review and approval of a minor subdivision, a preliminary plat must be submitted to the zoning administrator along with a fee in accordance with a fee schedule adopted by the town council. No application shall be considered complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the Town shall be reimbursed by the subdivider for all costs associated with the Town's engineering and/or consulting services with respect to review of the sketch plan prior to approval.

- (a) The subdivision administrator shall review the preliminary plat within ten days of its submission for general compliance with the requirements of this chapter and [chapter 58](#), and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat, and shall approve, approve based on certain conditions, or disapprove the preliminary plat.
- (b) One copy of the preliminary plat along with the subdivision administrator's comments, recommendations and/or conditions shall be returned to the subdivider and one copy of the same shall be retained by the subdivision administrator.

- (c) In the event the subdivider disagrees with the written comments and/or recommendations of the subdivision administrator, he may appeal the subdivision administrator's decision to the planning board.
- (d) In the event of an appeal of the subdivision administrator's decision, one copy of the preliminary plat along with the subdivision administrator's comments, recommendations, and his reasons for disapproval shall be forwarded to the planning board. In the event of an appeal of the subdivision administrator's decision, the planning board shall review and approve or disapprove the preliminary plat at its next regular meeting that follows at least 15 days after the subdivision administrator's recommendation regarding the preliminary plat, or at such other meeting as may be called by the planning board to consider same.
- (e) If the preliminary plat is not approved by the planning board, a written statement of the reasons for denial shall be provided to the subdivider, with a copy being returned to the subdivision administrator within seven days of disapproval. Upon making necessary changes, but not later than 180 days from receipt of the disapproved plat by the subdivider, the subdivider may resubmit the preliminary plat to the planning board for approval.
- (f) Preliminary plat approval of a minor subdivision shall constitute a vested right, as defined in G.S. 160A-385.1.

46-41- Final plat for minor subdivisions.

- (a) Upon approval of the preliminary plat the subdivider may proceed with preparation of the final plat in accordance with the requirements of this chapter. In the event that the subdivider fails to submit a proposed final plat within one year of approval of the preliminary plat, the approval of the preliminary plat becomes null and void, and the subdivider must begin the procedure as if no preliminary plat had been initially submitted, including the payment of another filing fee as required under this article.
- (b) *Number of Copies and Content*

The subdivider shall submit at least 2 copies of the proposed final plat so marked to the subdivision administrator at least 15 days prior to the Planning Board meeting at which it is to be reviewed. The subdivider shall also submit a fee in accordance with a fee schedule adopted by the Town Council. No application shall be considered complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the Town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the final plat prior to final plat approval.

 - (1) The proposed final plat shall be prepared by a registered land surveyor currently licensed and registered by the state board of registration for professional engineers and land surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.
 - (2) The proposed final plat shall be of such size as is suitable for recording with the appropriate county register of deeds and shall be of a scale of not less than one-inch

equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

- (3) Prior to approval of the final plat by the Planning Board, the subdivider shall submit a copy of the plat to the county health department review and comment. The plat must be returned to the subdivision administrator accompanied by written recommendations from the health department for sewage disposal and water supply prior to Planning Board approval.
- (4) The final plat shall meet the specifications established in section 46-46. The following signed certificates shall appear on all copies of the final plat:
- a. Certificate of ownership and dedication.

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Weddington and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

<p>_____</p> <p>Owner</p>	<p>_____/_____/_____</p> <p>Date</p>
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- b. Certificate of survey and accuracy in accordance with the standards and practice for land surveying in the state.

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to make acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which are not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of the information. The certificate shall take the following general form:

State of North Carolina, _____ County

I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1: _____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____); that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my original signature, registration number and seal this _____ day of _____, A.D. 20 _____.

	_____ Registered Land Surveyor
Official Seal	
	_____ Registration Number

I, (officer authorized to take acknowledgments), do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____ (year).

	_____ Signature of Officer
Official Seal	

(c) *Final Plat review and approval procedure for minor subdivisions.*

- (1) The proposed final plat shall be submitted to the subdivision administrator, who within ten days of receipt of said plats shall review same and shall submit same to the Planning Board along with comments and recommendations. The subdivision administrator can recommend approval, approval conditional upon certain modifications to bring the plat into compliance, or disapproval of the final plat with reasons for disapproval.
- (2) Prior to approval of the final plat by the Planning Board, the subdivider shall submit a copy of the plat to the county health department, public works and NCDOT for review and comment. The plat must be returned to the subdivision administrator accompanied by written recommendations prior to Planning Board approval.
- (3) Following review and recommendation by the subdivision administrator, the Planning Board shall review the proposed final plat at or before its next regularly scheduled meeting which follows at least 15 days after the subdivision administrator's report, or such other time as the Planning Board by majority vote decides.
- (4) If the Planning Board recommends approval of the final plat, it shall transmit three copies of the plat and a written recommendation to the subdivider through the subdivision administrator.
- (5) If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance or disapproval, it shall return its written recommendations or reasons for such disapproval specifying the provisions of this chapter with which the final plat does not comply and a copy of the plat to the subdivider, and subdivision administrator, , and upon the subdivider complying with the recommendations of the Planning Board, the plat may be resubmitted for approval by the

Planning Board at its next meeting following ten days from receipt of the evidence of compliance by the subdivider with the Planning Board's recommendations.

- (6) If the Planning Board approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Weddington, North Carolina and that this plat has been approved by the subdivision administrator for recording in the Office of the Register of Deeds of _____ County.

_____ / _____ / _____ Date	_____ Chairman of the Planning Board Town of Weddington, North Carolina
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- (7) If the final plat is approved, the reproducible copy shall be recorded with the appropriate county register of deeds' office. The subdivider shall file the approved plat with the appropriate county register of deeds' office within 90 days of approval. Otherwise, such approval shall become null and void.

Sec. 46-42. - Sketch plan for major subdivisions.

- (a) *Sketch plan—Required.* A sketch plan shall be prepared by an engineer or land surveyor currently licensed and registered in the state by the state board of registration for professional engineers and land surveyors. A sketch plan for a conservation subdivision shall be prepared by a registered landscape architect or by a physical planner with experience designing conservation subdivisions, working with a registered land surveyor or professional engineer currently licensed and registered in the state by the state board of registration for professional engineers, land surveyors or landscape architects. The landscape architect or physical planner shall have primary responsibility for the design of conservation areas and house locations; the surveyor or engineer shall have primary responsibility for streets, drainage, and lot lines. Under this chapter, an administrative approval by the zoning or subdivision administrator shall not constitute approval by the Town for common law vested rights. Sketch plan approval is merely a precursor to the submission of a preliminary plat requiring Town Council approval. Sketch plan approval is subject to be changed or modified and is not intended to provide a basis for common law vested rights claims.

- (b) *Number of copies and contents.*

- (1) *Conventional Subdivision.*

Prior to the application for approval of a preliminary plat, the subdivider shall submit to the subdivision administrator two copies of a sketch plan of the proposed subdivision

along with a fee, in accordance with a fee schedule adopted by the Town Council. No application shall be considered complete or processed by the subdivision administrator unless it is accompanied by said fee. In addition, the Town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the sketch plan prior to sketch plan approval. It shall contain the information listed in 46-46.

(2) *Conservation subdivisions only.*

In addition to the information cited in subsection (c)(1) of this section, the following information shall also be submitted for all proposed conservation subdivisions:

- a. Existing resources and site analysis plan, which shall be prepared to provide the developer and the town with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site (for tracts of 100 acres or less) or 1,000 feet of the site (for tracts over 100 acres.) Conditions beyond the tract boundaries may be described on a more general basis from existing published data available from governmental agencies, and from aerial photographs and need not be as specific as those that are required for the development site. Unless otherwise requested by the subdivision administrator to facilitate readability, such plans shall be prepared at a scale of one-inch equals 100 feet or one-inch equals 200 feet, whichever would fit best on a single standard size sheet (24 inches by 36 inches). The following information shall be included in this plan:
 1. An aerial photograph enlarged to a scale not less detailed than one-inch equals 400 feet, with the site boundaries clearly marked.
 2. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry. Slopes shall be clearly indicated when they are between ten and 15 percent, between 15 and 25 percent, or when exceeding 25 percent. Topography shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official USGS benchmarks.
 3. The location and delineation of ponds, lakes, streams, ditches, natural drainage swales, wetlands, and floodplains. Additional areas of wetlands on the proposed development tract shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
 4. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, hedgerow, forestland and wetland, location of trees with a caliper in excess of 15 inches, the actual canopy line of existing trees and forestlands. Vegetative types shall be described by plant community, relative age and condition.
 5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
 6. Ridge lines showing boundaries of catchment areas for stormwater runoff.

7. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, and from the boundaries of lakes, ponds, and streams on the site.
 8. Geologic formations on the proposed development parcel, such as rock formations and outcroppings, and fault lines, based on available published information or more detailed data obtained by the applicant.
 9. All existing manmade features including, but not limited to, streets, driveways, farm roads, forest roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and sanitary sewers.
 10. Locations of all historic sites on the tract.
 11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
 12. All easements and other encumbrances of property which are or have been filed of record with the county register of deeds.
 13. Total acreage of the tract, and the location and acreage of primary conservation lands.
- b. A yield plan, conservation subdivisions in the R-CD district are designed to be density neutral (i.e., allow for the same number of lots as that which could be platted under applicable subdivision requirements as a conventional subdivision, with a minimum lot size of 40,000 square feet).

Yield plans must be prepared with the sketch plan in accordance with the standards of this chapter, and must show all proposed lots, streets, rights-of-way, and other pertinent features that would be required for a sketch plan for major conventional subdivisions as identified in subsection (d)(1) of this section. Although the yield plan must be drawn to scale, it need not be based on a field survey. However, the yield plan must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, considering the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal

- c. A Sketch plan using the 4-step design process after a site walk is completed. See section _____

(c) ***Sketch Plan review and approval procedure for major subdivisions.***

(1) Submission of Application and Fee

(2) Submission of Existing Resources and Site Analysis Map and Yield Plan; On-Site Visit; Mini-Charette (for conservation subdivision only)

- a. **On-Site Visit/Charette** After preparing the *Existing Resources and Site Analysis Map* and prior to the submission of a sketch plan, the applicant shall schedule time to walk the property with the subdivision administrator, Planning Board members, and adjacent property owners. The purpose of this visit is to familiarize staff and board members with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative

location of Secondary Conservation Areas, and potential house locations and street alignments.

A notice shall be sent to adjacent property owners at least 10 days prior to the site walk.

Staff shall distribute copies of the *Existing Resources and Site Analysis Plan* at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to attend and participate. Comments made by town officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made during this on-site visit. It is a Work Session of the Board and is duly noticed in the standard manner for all public meetings.

- b. **Design Charette:** Immediately following the site-visit the applicant shall sit down with the subdivision administrator and on-site visit attendees to review the findings and begin the 4 - step process.

Sketch plans shall be prepared as “overlay sheets” to be lain on top of the Existing Resources and Site Analysis Plan, both prepared at the same scale, to facilitate cross-comparison.

Step One: Designation of Conservation Lands: During the first step, all potential Conservation Areas, both Primary and Secondary, shall be identified, using the Existing Features/Site Analysis Map. Primary Conservation Areas shall consist of those features described in **Section 2.2.b.** Secondary Conservation Areas shall comprise at least half of the remaining land and shall include the most sensitive and noteworthy natural, scenic, and cultural resources as described in **Section 2.2.c.**

Guidance as to which parts of the remaining land to classify Secondary Conservation Areas shall be based upon discussions at the on-site meeting plus the design standards and specific conservation standards in **Sections** and **below**. An overall goal is to minimize fragmentation of the conservation lands and to maximize connectivity among its parts, and with conservation lands on adjoining properties.

Step Two: House Site Location: During the second step, potential house sites are tentatively located. Generally, house sites should be located no closer than 100 feet from Primary Conservation Areas. Such sites may be situated 50 feet from Secondary Conservation Areas to permit the enjoyment of scenic views without negatively impacting Primary Conservation Areas.

Step Three: Street Alignment and Trail Networks: The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical manner, and in laying out a network of informal trails connecting neighborhood areas with open space features within the conservation lands. When lots and access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on both Primary and Secondary Conservation Areas.

Step Four: Drawing in the Lot Lines: The fourth step consists of drawing in lot lines around potential house sites. Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways. Individual wells and septic systems, where these are to be provided, may be located within the undivided conservation lands if sufficient space is not available on the lots.

(3) Sketch Plan submittal

The subdivision administrator shall, within 30 days of receipt of the sketch plan, (In the case of conservation subdivisions, submission will include existing resources and site analysis plan, as called for in subsection (d)(1) of this section, the general concept plan for land conservation, and a yield plan) review for general compliance with the requirements of this Chapter and Chapter 58. The subdivision administrator shall advise the applicant of any changes needed to the plans.

(4) Required Community Meeting

- a. Before the Planning Board review and approval for a conservation subdivision or prior to staff approval on a conventional subdivision, the applicant must provide the administrator with a written report of at least one community meeting held by the applicant.
- b. Reasonable notice of the required community meeting must be given to nearby property owners and to affected and interested parties in accordance with public notice policies.
 1. *Notice of public meeting.* Such notice shall, at a minimum, be given as follows:

A notice shall be sent by first class mail by the Town to adjacent property owners within 1,300 linear feet, as measured from the exterior boundaries of the proposed development up to the town limits, not less than ten days prior to the date of the meeting. The notification shall contain information regarding the meeting time and locations as well as a general description of the proposal. The applicant shall reimburse the Town for all expenses incurred for such notifications.
- c. A meeting notification sign shall be posted by the Town in a conspicuous place at the property not less than ten days prior to the meeting. The sign shall indicate the date, time, and locations of the meeting.
- d. A report to the staff, which shall be included in Planning Board reports, must include a listing of those persons and organizations contacted about the meeting, date of contact, time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the application made by the applicant as a result of the meeting.

- e. The adequacy of the meeting and the meeting report must be considered by the Planning Board but is not subject to judicial review.

(5) Review and Action for sketch plan.

After completing review of the sketch plan and allowing reasonable time for receipt of comments from review agencies and public meetings, the subdivision administrator must:

- a. Conventional Subdivision: approve the sketch plan, approve the sketch plan with conditions or deny approval of the sketch plan and notify the applicant, in writing, of the decision. The subdivision administrators' action must be based solely on whether the sketch plan is consistent with the applicable provisions of this ordinance. If the final plat is not approved, the written notice to the applicant must state the reasons for denial.
- b. Conservation Subdivisions: send the plan to Planning Board to approve the sketch plan, approve the sketch plan with conditions or deny approval of the sketch plan and notify the applicant, in writing, of the decision. The Planning Board's action must be based solely on whether the sketch plan is consistent with the applicable provisions of this ordinance. If the sketch plan is not approved, the written notice to the applicant must state the reasons for denial.

Sec. 46-42. – Major subdivision preliminary plat submission and review.

- (a) *Applicability.* After sketch plan approval a preliminary plat shall be required prior to any land disturbing activities.
- (b) *Number of copies and contents.*
 - (1) 2 copies of the preliminary plat shall be submitted to the subdivision administrator. The subdivider shall also submit a fee in accordance with a fee schedule adopted by the Town Council. No application shall be complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the Town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the preliminary plat prior to preliminary plat approval.
 - (2) The preliminary plat shall be of a size suitable for recording with the appropriate county register of deeds and shall be at a scale of not less than one-inch equals 200 feet. The preliminary plat shall be prepared by a registered land surveyor or engineer currently licensed and registered by the state board for professional engineers and land surveyors. Maps may be placed on more than one sheet with appropriate match lines.
 - (3) Preliminary plats shall meet the specifications in Section 46-46.
 - (4) With subdivisions where individual septic tanks are the proposed method for wastewater treatment, the preliminary plat shall be accompanied by approval of the proposed lots for septic tanks by the county health department and a map of the subdivision showing the following:
 - a. All streets and property lines;

- b. Proposed building area for each lot;
- c. Septic tank drain field;
- d. Site and repair area for each lot; and
- e. Proposed well site for each lot.

- (5) Conservation maintenance plan and maintenance agreement. A conservation maintenance plan and maintenance agreement, in accordance with subsection 58-58(4)i,

(c) *Preliminary Plat review and approval procedure for major subdivisions.*

- (1) Administrative Review. After reviewing the preliminary plat, the subdivision administrator may provide the subdivider with comments on the preliminary plat. If the subdivider intends to amend the preliminary plat as a result of any comments provided by the subdivision administrator, the subdivider shall notify the subdivision administrator of his intent to amend the preliminary plat within 15 calendar days after receiving those comments. After the subdivider submits any amended preliminary plat, the subdivision administrator will review the amended preliminary plat to ensure that it is complete, and the subdivision administrator may provide the subdivider with comments on the amended preliminary plat. The subdivision administrator may resubmit any amended preliminary plat to appropriate agencies for their review.
- (2) Review by Outside agencies. Once the preliminary plat has been received by the subdivision administrator, he shall determine the agencies to which the preliminary plat shall be submitted for review and recommendation. All preliminary plats and soils information shall be submitted to the appropriate county health department and natural resource conservation service for review of suitability of the land for septic tanks and wells and for other considerations as appropriate. All preliminary plats and accompanying street information shall be submitted to the office of the district engineer of the state department of transportation. The subdivision administrator shall determine other agencies for preliminary plat review, as appropriate, including, but not limited to, the state department of natural resources and community development (including appropriate individual agencies within said department), the appropriate public works department, and the appropriate county board of education.
- (3) At least 15 days prior to the Planning Board meeting at which the preliminary plat is expected to first be considered, the subdivider shall deliver the preliminary plat copies and form cover letters to the agencies which the subdivision administrator determined should review the preliminary plat.
- (4) The preliminary plat shall be deemed ready for submission to the planning board at such time that the most recent version of the preliminary plat is complete, the subdivision administrator has received sufficient comments on the preliminary plat from all appropriate agencies, and either the subdivision administrator completed his review of that version and did not provide the subdivider with any comments or the subdivision administrator provided the subdivider with comments on that version but the subdivider did not notify the subdivision administrator within the 15-calendar-day time period, provided that he intends to amend the preliminary plat.
- (5) The subdivision administrator shall submit the preliminary plat to the Planning Board at their next regularly scheduled meeting that occurs at least 15 days after the preliminary plat

is deemed ready for submission in accordance with this section. The Planning Board by majority vote may shorten or waive the time provided in this article for receipt of a completed conditional use preliminary plat.

- (6) The subdivision administrator shall submit a written report including comments of the review agencies and his comments to the Planning Board in advance of the meeting. If the subdivision administrator disapproves the preliminary plat, the reasons for such disapproval shall be specified in the report. One copy of the plat and the report shall be forwarded to the Planning Board, one copy of the plat and report shall be retained by the subdivision administrator and one copy of the plat and report shall be returned to the subdivider.
- (7) The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within 30 days of its first consideration of the plat or at its next regularly scheduled meeting following the meeting at which the plat was first considered, whichever occurs later.
- (8) If the Planning Board recommends approval of the preliminary plat, it shall retain one copy of the plat and transmit two copies of the plat to the Town Council, with a recommendation.
- (9) If the Planning Board recommends conditional approval of the preliminary plat, it shall keep one copy of the plat, transmit two copies of the plat and the recommendation to the Town Council, and return the remaining copy and recommendation to the subdivider.
- (10) If the Planning Board recommends disapproval of the preliminary plat, it shall retain one copy of the plat for its minutes, transmit one copy of the plat and the recommendation to the Town Council, and return the remaining copy of the plat and recommendation to the subdivider.
- (11) If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat or appeal the decision to the Town Council.
- (12) If the Planning Board does not make a written recommendation within the **time set forth above** for its consideration of the plat, the subdivider may apply to the Town Council for approval or disapproval.
- (13) If the Town Council approves the preliminary plat, such approval and conditions (if applicable) shall be noted on two copies of the plat. One copy of the plat shall be filed by the subdivision administrator and one copy shall be returned to the subdivider. If the Town Council approves the preliminary plat with conditions, approval shall be noted on two copies of the plat along with a reference to the conditions. One copy of the plat along with the conditions shall be retained by subdivision administrator, and one copy of the plat along with the conditions shall be returned to the subdivider. Once these conditions are met, the plat shall be resubmitted for approval by the Town Council and shall be filed in the town office by the subdivision administrator. If the Town Council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One copy of the plat and the reasons shall be retained by the Town Council, and one copy shall be returned to the subdivider. If the preliminary plat is disapproved, the subdivider may make such changes as will bring the preliminary plat into compliance and resubmit the same for reconsideration by the Planning Board and Town Council.

Sec. 46-44. - Final Plat major subdivision

- (a) *Preparation of final plat and installation of improvements.* Upon approval of the preliminary plat by the Town Council, the subdivider may proceed with the preparation of the final plat and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to initiation of the construction of utility and street improvements, plans shall have all necessary approvals from state agencies and appropriate county. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as provided herein. No final plat will be accepted for review by the Town Council unless accompanied by written notice by the subdivision administrator acknowledging compliance with the improvement and guarantee standards of this chapter. If the street improvements are completed prior to preparation of the final plat, subsection 46-49(b) shall be complied with before submission of the final plat to the Town Council for approval. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this chapter.
- (b) *Improvement and guarantee standards.*
- (1) *Optional agreement.* In lieu of requiring the completion, installation and, if applicable, dedication of all improvements prior to final plat approval, the Town may enter into an agreement with the subdivider whereby the subdivider shall guarantee completion of all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat within two years from the date of final plat approval, unless otherwise specified in the written agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Town Council; provided, however, that all other requirements of this article are met. To secure this agreement, the subdivider shall provide either one or a combination of the following guarantees in an amount equal to 1.25 times the costs, as estimated by the subdivider and approved by the town planner or engineer, of installing all required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. The amount shall be subject to the approval of the Town Council or the Planning Board; provided, however, that the Planning Board shall have no authority to approve bonds in excess of \$1,000,000.00.
 - a. *Surety performance bond.* The subdivider shall obtain a performance bond from a surety bonding company satisfactory to the Town Council or Planning Board, as applicable. A surety bonding company must at minimum be: (1) registered to do business with the North Carolina Secretary of State; (2) licensed to issue surety bonds in the State of North Carolina by the North Carolina Department of Insurance; (3) rated at least "B+" by a reputable bond rating agency; and (4) possess a minimum of \$50,000,000.00 in assets. The Town Council or Planning Board may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The bond(s) must contain the following provisions: (1) the bond(s) shall remain in effect until such time as all improvements are installed and approved by the Town Council or Planning Board; (2) the surety bonding company, within 15 days of the town providing notice of

default, shall take over and complete all improvements or pay the Town in cash the estimated costs of installing the improvements as determined by the Town's planner or engineer; and (3) the Town shall be able to draw upon the bond(s) in the event that the subdivider defaults upon its agreement with the Town in accordance with subsection (2) of this section. Any charges associated with cost calculation or verification shall be borne entirely by the subdivider.

- b. *Letter(s) of credit.* The subdivider shall obtain an irrevocable letter(s) of credit issued by a commercial bank satisfactory to the town council or planning board. The commercial bank issuing the letter of credit must be: (1) organized under the laws of the United States of America or any state of the United States, or the District of Columbia; (2) authorized to do business in the State of North Carolina; (3) subject to regulation by the State of North Carolina or federal banking regulatory authorities; and (4) possess combined capital stock, surplus and undivided profits aggregating at least \$100,000,000.00. The Town Council or Planning Board may, within its sole discretion, insist upon alternative standards based upon the particular project, the estimated cost of completion of the improvements, and/or other factors indicating higher standards are warranted. The letter(s) of credit must contain the following provisions: (1) the letter(s) of credit shall be evergreen and shall not be subject to expiration until such time as all improvements are installed and approved by the Town Council or Planning Board, and shall require the issuing commercial bank to give at least 60 days' notice of its intent to terminate the letter(s) of credit, upon which the Town can draw upon the letter(s) of credit; (2) the Town shall be able to draw upon the letter(s) of credit at any time on or before its expiration; (3) the commercial bank shall, upon written notification by the Town Council or Planning Board that the subdivider is in default, immediately pay to the Town the full amount, or any lesser amount of the letter(s) of credit, if requested by the Town Council or Planning Board; (4) the Town shall be able to draw upon the letter(s) of credit in the event that the subdivider defaults upon its agreement with the Town in accordance with subsection (2) of this section; and (5) the letter(s) of credit shall allow for presentment and collection at a location within a 30-mile radius of the town.
- c. *Cash or equivalent surety.* The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, such as a certificate of deposit or treasury-issued security, either with the Town or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Town Council or Planning Board.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Town Council or Planning Board an agreement between the financial institution and the subdivider guaranteeing the following:

1. Said escrow account shall be held in trust for the Town until released by the Town Council or Planning Board and may not be used or pledged by the subdivider in any other matter during the term of the escrow;
2. That the financial institution shall, upon written notification by the Town Council or Planning Board stating that the subdivider is in default,

immediately pay to the Town all funds in said account, excluding any interest earned; and

3. That the duration of said escrow account(s) shall be until such time as all improvements are installed and approved by the Town Council or Planning Board, or until the subdivider provides the Town with an acceptable, alternative guarantee for the completion of installing all remaining required improvements on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. Any charges associated with cost calculation or verification shall be borne entirely by the subdivider.
- (2) *Duration of financial guarantees.* The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed 24 months, unless otherwise specified in the written agreement as described in subsection 46-45(b)(1). All subdivisions whose public improvements are not completed and accepted at least 30 days prior to the expiration of the financial guarantee shall be in default, unless said guarantee is extended with the consent of the Town Council to a future date not to exceed six months, or to a date determined by Council.
 - (3) *Default.* Upon default by the subdivider, the Town Council or Planning Board, as applicable, may require the surety, the letter of credit issuer, or the financial institution holding the escrow account to pay all or a portion of the bond, letter of credit, or escrow account to the Town. Upon payment, the Town shall expend said funds to complete all or any portion of the required improvements as it deems necessary. For purposes of this section, default shall constitute any of the following: (1) failure on the part of the subdivider to complete, within the time period specified in the agreement in subsection (b)(1)c.1. of this section, the required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat; (2) failure on the part of the subdivider to install any improvement in accordance with the specifications or the regulations in the Town's ordinances; or (3) transfer of ownership of any portion of the property or lots located within the subdivision to another person or entity under no legal obligation to install the required improvements (e.g., foreclosure). If one of the above events occurs, nothing herein shall prevent the town from declaring default prior to the expiration of the time period specified in subsection (b)(1)c.1. of this section.
 - (4) *Release of guarantee surety.* In its sole discretion, the Town Council or Planning Board may release a portion of any security posted as the improvements are completed and recommended for approval by the town planner, so long as the Town maintains the posted security in an amount equal to at least 1.25 times the estimated costs of installation of the remaining improvements. However, notwithstanding the above, nothing shall require the Town Council or Planning Board to release any portion of security posted until such time as all improvements are installed and approved by the Town Council or Planning Board. Within 30 days after receiving the town planner's recommendation, the Town Council or Planning Board shall approve or not approve said improvements. Once all required improvements on the preliminary plat for that portion of the subdivision to be shown on the final plat have been installed and approved, then all security posted for said improvements shall be released by the Town Council or Planning Board.

(c) *number of copies and contents*

- (1) At least two copies of the final plat (additional copies may be required by the subdivision administrator to send to various agencies) shall be submitted to the subdivision administrator. A fee, in accordance with a fee schedule adopted by the Town Council, shall accompany such submission. No application shall be complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the Town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the final plat prior to final plat approval. Materials and drawing medium for the original shall be in accordance with the standards of practice for land surveying in the state, where applicable, and the requirements of the appropriate county register of deeds.
- (2) The final plat may be submitted in sections. In this case, at least one final plat section shall be submitted per year, on or before the anniversary date of preliminary plat approval. In no case shall preliminary plat approval for any section extend beyond five years from the date of approval.
- (3) Each phase's final plat must contain a comment stating common open space/conservation land requirements set forward by this chapter and Chapter 58 have been met.
- (4) The final plat shall conform substantially to the preliminary plat as approved, and if desired by the owner or subdivider, it may refer to that portion of the approved preliminary plat which he proposes to record as a final plat and begin selling within the following year.
- (5) The final plat shall meet all applicable specifications in **Section 46-46** and the following signed certificates shall appear on each copy of the plat:

- a. Certificate of ownership and dedication.

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

Owner	<div style="text-align: center;">/ /</div> Date
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- b. Certificate of survey and accuracy in accordance with the standards and practice for land surveying in the state. On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated of the map and a statement included in the certificate revealing the source of the information. The certificate shall take the following general form:

State of North Carolina, _____ County

I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1: _____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____); that this map was prepared in accordance with G.S. 47-30, as amended. Witness my hand and seal this _____ day of _____, A.D. 20 _____.

	_____ Registered Land Surveyor
Official Seal	
	_____ Registration Number

I, (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____ year).

	_____ Signature of Officer
Official Seal	

- c. Certificate of approval of the design and installation of streets, utilities, and other required improvements.

I hereby certify that all streets and other required improvements have been installed in an acceptable manner and according to N.C. Department of Transportation and/or Town of Weddington specifications and standards in the _____ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Weddington have been given and received.

_____ Mayor of the Town of Weddington,	_____ / _____ / _____ Date
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North Carolina	
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(6) *Addresses and cluster mailboxes.*

- a. Final plats must include the location of cluster mailbox units (CBU) to serve all the lots included on the plat. The plat must also include a note stating that all CBU locations will be approved by the USPS. If the roadways on the plat are labeled as public rights-of-way, then the plat must also include a note stating that all CBU locations must be approved by NCDOT.
- b. The applicant may request an address for the property following final plat approval. All addresses will be assigned by the Union County Tax Administrator's office.
- c. Every lot shall display the distinctive house number assigned to that lot by Union County and recognized by Union County Emergency Services. The individual house number shall be no less than four inches in height and shall be in a contrasting color to the background. The house number shall be displayed in one of the following fashions:
 1. If the number is displayed on a house, the number shall be placed upon the front of the house in such a position as to remain plainly visible to all traffic coming to the premises from either direction, or
 2. If a house is more than 100 feet from the roadway or is not clearly visible from the roadway, the number shall be displayed within 50 feet of the roadway, and on a surface that is plainly visible to all traffic coming to the premises from either direction.

(d) *review and approval procedure for final plat for major subdivisions.*

- (1) Within two years following the approval of the preliminary plat, the subdivider shall submit a final plat as set forth in this subsection.
- (2) Failure to submit a final plat within two years after preliminary plat approval shall render the preliminary plat null and void.
- (3) The proposed final plat shall be submitted to the subdivision administrator for review and comment. A disk or tape copy of the final plat to be submitted in a format compatible to the town's GIS system. If this cannot be supplied, expenses will be charged to the developer for the service to be completed by the town plus 15 percent. During the review of the final plat, the subdivision administrator may appoint a registered land surveyor to confirm the accuracy of the final plat. If any error is found which exceeds five percent of the figures shown on the proposed final plat, the costs of the review shall be charged to the subdivider. The subdivision administrator shall note his comments regarding the proposed final plat and the costs of the review, which shall be paid by the subdivider before the final plat approval of the Town Council.
- (4) The Planning Board shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within 31 days of its first consideration of the proposed final plat.

- (5) If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Town Council, through the subdivision administrator.
- (6) If the Planning Board recommends conditional approval of the proposed final plat with modifications to bring the plat into compliance, it shall retain one print of the plat for the minutes, and return its recommendations and one copy of the plat to the subdivider, and transmit one copy of the plat and its written recommendations to the Town Council through the subdivision administrator. The Town Council may consider the proposed final plat on its own motion or at the request of the subdivider, at which time the council may consider the proposed final plat, and the modifications recommended by the Planning Board.
- (7) If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning the resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this chapter, and resubmit same for reconsideration by the planning board, or may appeal the decision to the Town Council.
- (8) In the event the Planning Board fails to make a written recommendation to the Town Council within the time specified in this section, the subdivider may apply to the Town Council for approval of the proposed final plat.
- (9) If the Planning Board recommends approval or conditional approval with modifications to bring the proposed final plat into compliance, or the subdivider appeals to the Town Council, the Town Council shall review and approve or disapprove the proposed final plat within 31 days after the proposed final plat is considered by the Town Council at a town council meeting.
- (10) If the Town Council approves the final plat, such approval shall be shown on each copy of the plat by the signed certificate specified in subsection (d)(13) of this section.
- (11) The developer/owner shall submit to the subdivision administrator mylars of the final plat approved by the Town Council within five days of council approval. The subdivision administrator will have 14 days thereafter to review the mylars to be signed by the mayor and recorded at the county register of deeds.
- (12) The mayor shall not execute any mylars without first obtaining written certification from the subdivision administrator that the mylars are identical to those approved by the Town Council.
- (13) In the event the mylars submitted are not identical to the final plat approved by the Town Council, the subdivision administrator shall report same to the mayor, who shall place the matter on the agenda for the next town council meeting for review by Town Council.
- (14) Upon receipt of the report of the subdivision administrator, the Town Council may, in its absolute discretion:
 - a. Request review of the mylars by the town planning board and resubmittal to the council for review and approval; or
 - b. Review the mylars and determine they are in substantial conformity with the final plat previously approved by the council and that the lots depicted on the mylars are in full compliance with chapter 58. In the event the council elects to proceed in accordance with this subsection (d)(12)b., the mylars, as reviewed by the subdivision administrator, shall constitute the final plat of the proposed subdivision.

- (15) The certification of approval for recording shall take the following general form:

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Weddington, North Carolina, and that this plat has been approved by the Weddington Town Council for recording in the Office of the Register of Deeds of _____ County, North Carolina. This _____ day of _____, _____.

_____	Mayor	of	the	Town	of	Weddington,	
	North Carolina						

- (16) In the event the proposed final plat is disapproved by the Town Council, the reasons for such denial shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the town clerk, as part of the town council proceedings, and one copy of the plat and a copy of the reasons shall be submitted to the subdivider.
- (17) If the proposed final plat is disapproved, the subdivider may make such changes as will bring the proposed final plat into compliance, and resubmit same for reconsideration by the Town Council, provided such resubmission is made within 180 days from the date of disapproval. Otherwise, the subdivider must begin the subdivision plat approval process as though no plat had been previously submitted for consideration by the town.
- (18) The subdivider shall file the approved final plat within 90 days of approval; otherwise such approval shall be null and void, and the subdivider must begin the procedure for approval from the sketch plan stage, with payment of the required fee.
- (e) *Additional information needed for needed for conservation subdivisions.* In addition to all other information required for final plats outlined in subsections (a)—(f) of this section and section 46-46, the final plat for a conservation subdivision shall be accompanied by the following information, and where the requirements of subsections (a)—(f) of this section and Section 46-46 and this chapter conflict, the requirements of this section shall control for conservation subdivisions:
- (1) The maintenance plan and maintenance agreement that shows how all conservation lands will be owned and managed in accordance with subsection 58-58(4)i.
 - (2) All conservation lands developed per section 46-44 shall be recorded at the county register of deeds in their entirety concurrent with the initial recordation of the final plat.
 - (3) Prior to the issuance of any zoning permits for lots located within the subdivision, the conservation easement shall be recorded and deeded to either the homeowners' association, conservation organization, and/or other easement holders as specified in the maintenance plans and maintenance agreement, as described in subsection 58-58(4)i. Proof of such recording shall be required prior to the issuance of any zoning permits.