

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 Weddington Road
Weddington, NC 28104
MAY 29, 2018 – 7:00 P.M.**

AGENDA

1. OPEN THE MEETING
2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA
3. APPROVAL OF MINUTES
 - A. April 23, 2017 Regular Planning Board Meeting Minutes
4. OLD BUSINESS
 - A. Review and Recommendation of a Modification of the Subdivision Ordinance Section 46-76 (g) Cul-De-Sac for Woodford Chase Subdivision
 - B. Discussion of Marginal Access Street
5. NEW BUSINESS
 - A. Discussion of Land Use Plan Revisions
6. UPDATE FROM TOWN PLANNER
7. REPORT FROM THE MAY TOWN COUNCIL MEETING
8. ADJOURNMENT

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
APRIL 23, 2018 – 7:00 P.M.
Minutes
Page 1 of 5**

1. OPEN THE MEETING

Chairman Dow opened the meeting at 7:00 p.m.

2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA

Quorum was determined with Chairman Rob Dow, Board members Walt Hogan, Brad Prillaman, Barbara Harrison, Steve Godfrey, and Gerry Hartman in attendance.

Board member Jim Vivian was absent.

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

Visitors: Steve McClendon, Bill Deter, Paul Bielicki

Staff requested item D under New Business be removed. The Board agreed.

3. APPROVAL OF MINUTES

A. March 26, 2017 Regular Planning Board Meeting Minutes

Motion: Board member Hartman made a motion to approve the March 26, 2018 Regular Planning Board Meeting Minutes as presented.

Second: Board member Hogan

Vote: The motion passed with a unanimous vote

4. OLD BUSINESS

5. NEW BUSINESS

A. Review and Consideration of Conditional Rezoning from R-40 to R-CD for a portion of parcel number 06177015 for Wesley Chapel Volunteer Fire Department to construct a single story fire department

Ms. Thompson presented the staff report: The Wesley Chapel Volunteer Fire Department requests a conditional rezoning to construct a single-story fire department at the northeast corner of Rea and Reid Dairy Roads. The parcel is 1.718 acres and is currently zoned R40. The site plan shows a single access point that needs to be approved by NCDOT. The drive aisle has been changed to one way with 18 ft. wide drive aisle. There are 8 parking stalls required, the site plan has 11. The Town Traffic Engineer has determined that a TIA not required. The applicant will have to put in an 18 foot landscape buffer. They will supplement

existing tree line in the rear. . Detailed landscape plans with specs and materials will be done during construction plan approval. Elevations show brick and fiber cement siding, which is consistent with architectural standards. Two Public Involvement Meetings were held on March 5. Staff has listed conditions:

- One way traffic shall be noted on site plan
- Site plan approval is conditional on approval of the right of way abandonment.
- County septic and water plans to be approved by Union County Public Works
- All signage must comply with Chapter 58, Article 5 of the Weddington Code of Ordinances, which includes Planning Board review and approval
- Any future proposed Lighting Plan must be approved by the Town Council and shall comply with the Town Lighting Ordinance
- Prior to commencement of construction, Construction Documents shall be approved by the Weddington Town Council in accordance with Section 58-271 of the Weddington Code of Ordinances. Any significant changes to the site plan shall cause the applicant to resubmit through the conditional rezoning process.
- Prior to commencement of construction, the applicant must obtain approved driveway permits from NCDOT
- Applicant must align the landscape buffer requirements with the proposed stormwater management design at construction document submittal to ensure that grading within the buffers does not infringe on the buffer requirements.

Board member Harrison asked if abandonment of the right of way would give NCDOT enough room to widen Rea Road again.

Ms. Thompson stated that she wasn't sure. Chairman Dow stated that he believes that would have been considered.

Ms. Thompson stated that one of concerns mentioned at the public involvement meeting was school congestion causing a problem for the fire department responding. She stated that she took video at the school dismissal time and there was about 50 seconds of traffic backed up at the light.

Board member Hogan asked if there was a way to control the stop light at that intersection. Chief McClendon responded that there are devices that can be installed on the signal, however WCVFD doesn't use any of those devices and there are not any in operation in Union County.

Board member Hartman asked if the Planning Board needs to state anything about the rezoning needing to be consistent with Land Use Plan. Ms. Thompson stated that she drafted a statement to review before making the motion..

Motion: Board member Hartman made a motion to forward the conditional rezoning from R-40 to R-CD for a portion of parcel 06177015 for Wesley Chapel Volunteer Fire Department to construct a single story fire department to Town Council with a favorable recommendation with the conditions listed by staff, and the Land Use Plan Consistency Statement as follows:

Rezoning the portion of property to R40 - conditional for a fire department use, meets the goals of the land use plan in that it maintains the residential character using high quality materials consistent with the surrounding area; and the scale and design is in keeping with the unique small-town character. It is reasonable as the zoning allows for public and emergency facilities that are necessary to serve the growing area.

Second: Board member Prillaman

Vote: The motion passed with a unanimous vote

B. Review and Consideration of a Text Amendment to Section 46-76 (c) Marginal Access Street and 46-9 Definitions

Chairman Dow stated that he believes there are big inconsistencies in the ordinance language that requires the planner to make decisions she shouldn't have to make.. Chairman Dow stated that changes now will have no impact on Reece Gibson property but will help in the future. He expressed the need to make language consistent and easier to understand.

Ms. Thompson presented the staff report: When a subdivision abuts a major thoroughfare, a marginal access street is required, unless the Town Council finds it impractical. The Town has approved 5 other subdivisions where the marginal access has been a driveway easement located on the lot. She explained the changes suggested:

- added language to the ordinance about lots fronting a street when there is no other alternative,
- the ordinance is to read that marginal access is required. currently, it reads "required by Town Council",
- language was added that it has to be public right of way, if made a private right of way, it has to be a minimum of 25 acres and go through PRD rezoning.
- 30 feet of separation is required to buffer between the thoroughfare and access street to give a sort of viewshed buffer.
- the road be built to NCDOT standards
- removed language about Town Council finding it impractical.
- updated definitions to correct old references to CTP.

Board member Hartman asked about the reference to major subdivisions in section 46-76C, and about situations with minor subdivisions. Ms. Thompson explained that this would only be required when subdivisions have 4 lots or more. If a developer wants to build a major subdivision and wants to front lots on a major thoroughfare, a marginal access street is required.

Board member Prillaman asked about the minimum of 30 feet of buffer. He suggested making a consideration for road expansions like subdivisions affected by the Rea Road Extension.

Ms. Thompson suggested an overlay district for future expansions on certain roads.

Chairman Dow stated that ordinances have inconsistencies in the definitions between use of easement and street. The Planning Board needs to look at that and other definitions. The ordinance needs to be crystal clear whether a situation qualifies for a Marginal Access Street when forced by the unique nature of the land to be developed. He suggested that “street” be changed to “easement” and it cannot be limited to only being allowed in a PRD. Chairman Dow stated that a Marginal Access Easement should not be a stated maintained road. The Bromley Subdivision is a good application of the marginal access street.

Board member Prillaman asked who pays to maintain the easement? Chairman Dow responded that responsibility would go to the HOA and do a separate agreement with the houses being served by the marginal access easement.

Chairman Dow expressed that the Planning Board doesn’t want to take away property from developers. The goal is to work with them to get the best product representing the Town.

The Planning Board directed Ms. Thompson to compile the terms throughout the ordinance that are inconsistently defined. Once that list is compiled, they will determine how to revise the ordinance and if a special meeting is needed. Some of the suggested terms and definitions are:

- Street – a street should be a dedicated and accepted public right of way. The definition is too big and all encompassing, including roads, thoroughfares, and expressways.
- Abut – the use is questionable throughout the ordinances.
- Easement
- Thoroughfares

C. Review and Consideration of Text Amendment to Section 46-15 titled Modifications

Ms. Thompson stated that the intent of this text amendment is if a sketch plan for conservation needs a modification, the modification petition comes to the Planning Board and Town Council before the planner can sign off on a sketch plan for a conventional subdivision or the Planning Board signs off on a sketch plan for a conservation subdivision.

Board member Prillaman asked if there is a need to have a statement that reads that the need for a modification is not a direct result of the owner’s actions. Ms Thompson stated that this is a Council/Planning Board legislative review versus a Board of Adjustment quasi judicial hearing; however that is the only difference. The subdivision ordinance goes through a modification process and the zoning ordinance goes through a variance process, but they can use the same language.

The Board agreed to add the additional language as a number 6.

Motion: Board member Hartman made a motion to forward Text Amendment to Section 46-15 titled Modifications to the Town Council with a favorable recommendation with the addition of number 6 in paragraph (d) Consideration by Town Council: The

need for modification is not a direct result of actions taken by the applicant or property owner.

Second: Board member Prillaman

Vote: The motion passed with a unanimous vote.

~~D. Review and Consideration of a modification of the Subdivision Ordinance Section 46-76 (g) Cul-de-sac for Woodford Chase Subdivision.~~

6. UPDATE FROM TOWN PLANNER

Ms. Thompson presented an update: she stated that the survey is out and is due by the end of the week. The Town plans to extend the timeline and mail out postcards. The Town has received 450 responses. The survey was sent through a link on the website and email lists.

7. REPORT FROM THE APRIL TOWN COUNCIL MEETING

Ms. Thompson stated: Town Council discussed the Reese Gibson property. The consideration for the preliminary plat/construction plans was tabled until the May meeting.

Chairman Dow asked if any comments were made on the plans. Ms. Thompson stated that Council liked the changes made from the Planning Board comments. She explained that the Council thought that moving the access street to the center of the property may solve the cul de sac length issue and they are waiting a DOT decision on that option.

Chairman Dow asked if the Council was okay with a marginal access street with private driveway. Ms. Thompson confirmed that they are.

Ms. Thompson finished the report by informing the Planning Board that Karen Wolter from Bringewatt and Snover Law Firm is the new attorney for the Town of Weddington.

8. ADJOURNMENT

Motion: Board member Prillaman made a motion to adjourn the April 23, 2018 Regular Planning Board Meeting at 9:03 p.m.

Second: Board member Harrison

Vote: The motion passed with a unanimous vote.

Adopted: _____

Rob Dow, Chairman

Karen Dewey, Town Clerk

TOWN OF WEDDINGTON

MEMORANDUM

TO: Chairman and Planning Board
FROM: Lisa Thompson Town Administrator/Planner
DATE: May 29, 2018
SUBJECT: Subdivision Modification

E. Reece Gibson is requesting a modification of the subdivision ordinance from Section 46-76(g), related to cul-de-sac length. Cul-de-sacs are limited to 600 feet in length.

In making a decision on this modification, the Planning Board and Council shall take in account Section 46-15 of the Code of Ordinances:

Sec. 46-15. - Modifications.

Authorization. The town council may authorize a modification of these regulations when, in its opinion, undue hardship may result from strict compliance with these regulations. Such a modification shall be granted only to the extent that is absolutely necessary and not to an extent which would violate the intent of this chapter.

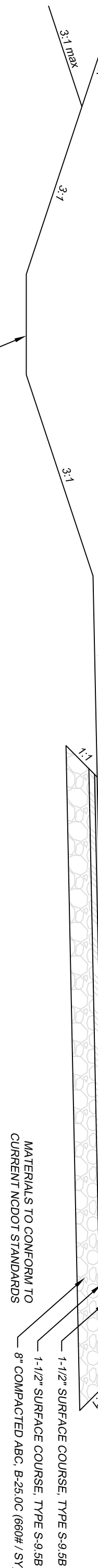
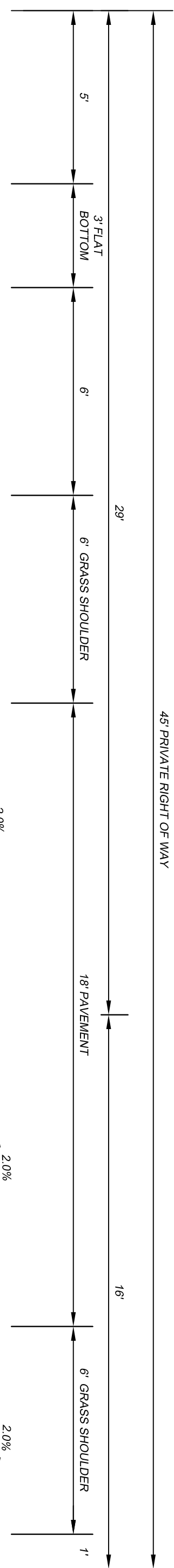
No modification shall be granted unless the town council finds that:

- (1) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (2) The modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) The circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this chapter.
- (4) The granting of the modification will not be detrimental to the public health, safety and welfare or be injurious to other property in the territory in which said property is situated.
- (5) The modification will not vary the provisions of Chapter 58 applicable to the property.

In approving modifications, the town council may require such conditions as will, in its judgment, secure substantially the objectives and standards or requirements of this chapter.

Attached

Petition
Approved Sketch Plan
Preliminary Plat

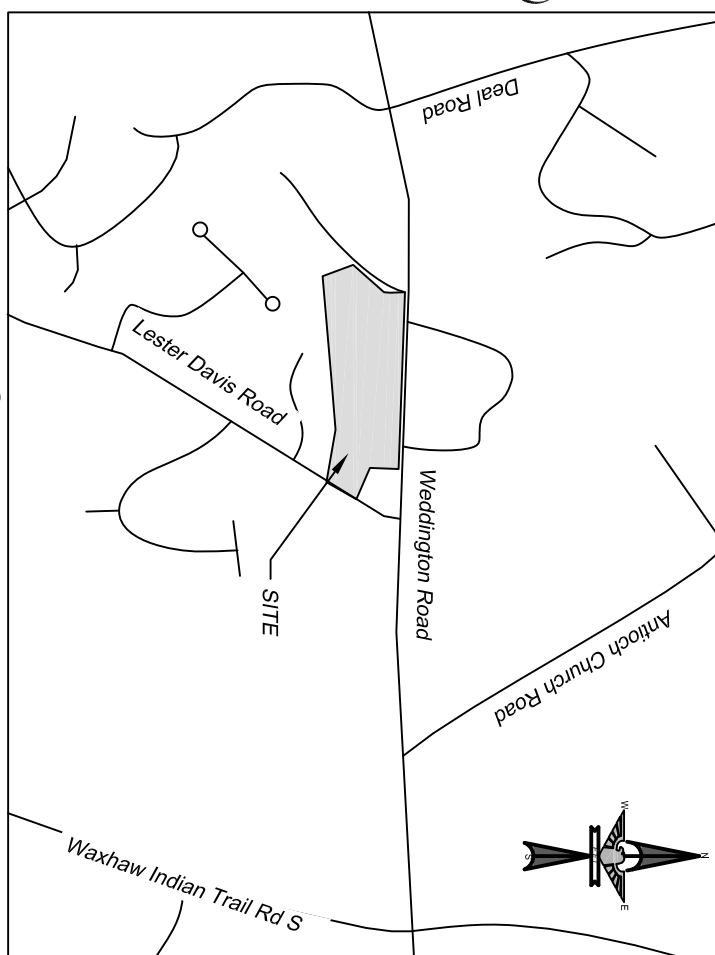


BINDER COURSE TO BE APPLIED IMMEDIATELY AFTER STONE IS PLACED.
SURFACE COURSE TO BE APPLIED AT COMPLETION OF HOUSE CONSTRUCTION
OR AT TIME DETERMINED BY THE OWNER/DEVELOPER.

MATERIALS TO CONFORM TO
CURRENT NCOT STANDARDS
1-1/2" SURFACE COURSE TYPE S-9.4B
8" COMPACTED ABC, B-5.0C (60W / SY)

SITE DATA:	
Owner:	E. Reese Gibson
Site:	c/o Hinson and Faulk
Site Address:	309 Post Office Drive
Indian Trail, NC:	28079
Parcel:	(704) 882-0031
Tax Parcel:	06072004
Gross Acreage:	43.1322 Acres
Net Acreage:	43.1207 Acres
Location:	Weddington, NC
Existing Zoning:	R-CD Conventional
Total Lots:	9 Lots
Common Open Space:	+/- 1.207 Acres (100% of net)
Total Provided:	+/- 1.000 Acres (13.3%)
Undeveloped:	+/- 1.352 Acres (11.2%)
Minimum Lot Size:	43.617 sq ft / 1.00 ac
Average Lot Size:	52.054 sq ft / 1.20 ac
Single Family Detached Units:	
Residential Unit Size/Setbacks:	
Single Family Detached Units:	
Side Yard:	15 Min.
Rear Yard:	40 Min.
Lot Area:	40,000 s.f. Min.
Lot Width:	120' Min. (at front s/b)

- NOTES:**
1. THE 72" C&P STREAM CROSSING WILL BE INSTALLED AT THE SAME TIME AS THE COMMON DRIVEWAY IN ORDER TO PROVIDE SITE DETENTION
 2. THE 72" C&P STREAM CROSSING CULVERT WILL BE MAINTAINED BY THE PROPERTY OWNER
 3. THE DRIVEWAY FOR LOT #1 WILL BE EXPECTED TO OVERTOP DURING THE 50 AND 100 YEAR STORM EVENTS.



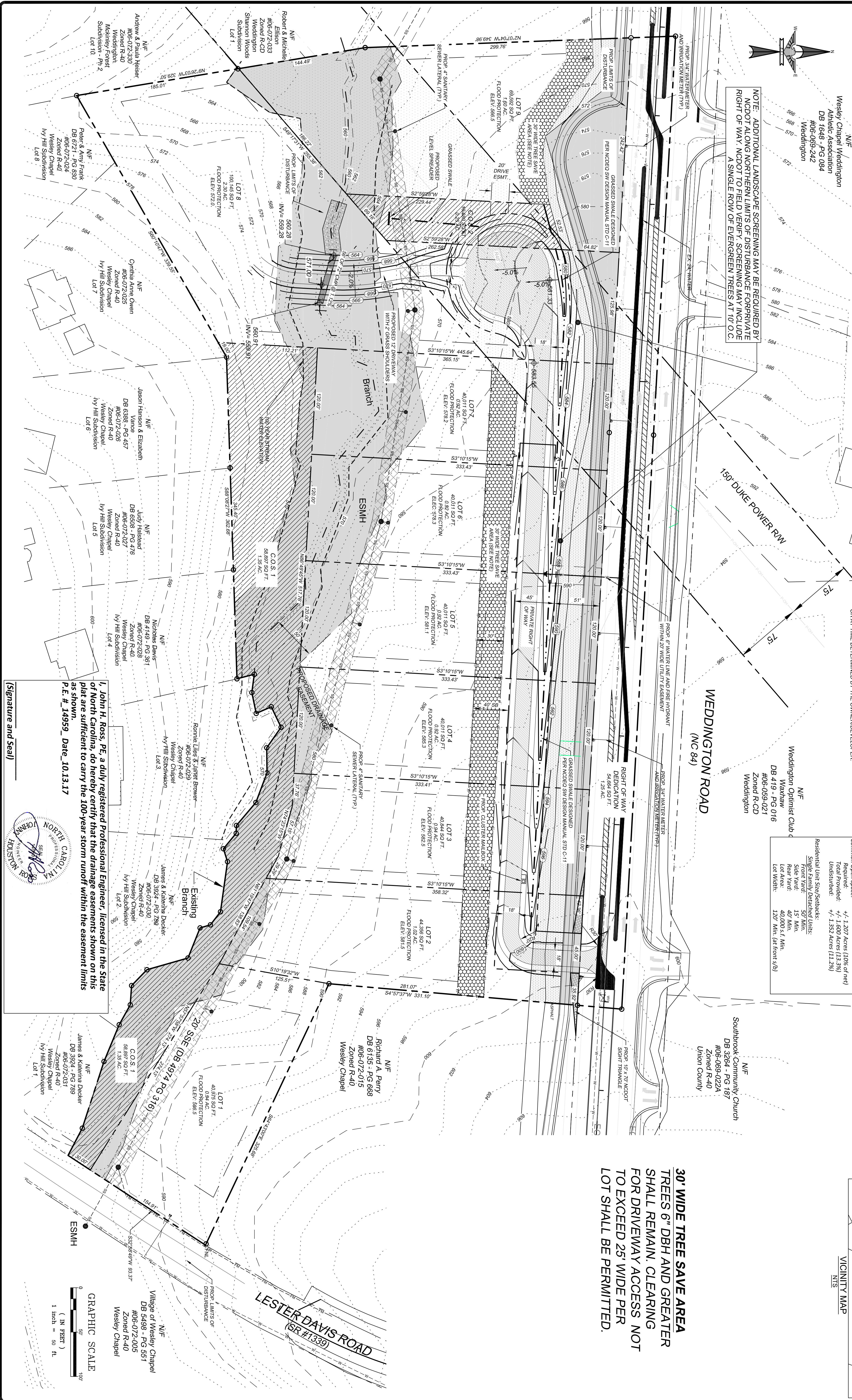
VICINITY MAP
NTS

NOTE: ADDITIONAL LANDSCAPE SCREENING MAY BE REQUIRED BY NC DOT ALONG NORTHERN LIMITS OF DISTURBANCE FOR PRIVATE RIGHT OF WAY. NC DOT TO FIELD VERIFY. SCREENING MAY INCLUDE A SINGLE ROW OF EVERGREEN TREES AT 10' O.C.

WEDDINGTON ROAD
(NC 84)

Southbrook Community Church
DB 3264 - PG 167
#06-089-022A
Zoned R-40
Union County

30' WIDE TREE SAVE AREA
TREES 6" DBH AND GREATER
SHALL REMAIN. CLEARING
FOR DRIVEWAY ACCESS NOT
TO EXCEED 25' WIDE PER
LOT SHALL BE PERMITTED.



I, John H. Ross, PE, a duly registered Professional Engineer, licensed in the State of North Carolina, do hereby certify that the drainage easements shown on this plat are sufficient to carry the 100-year storm runoff within the easement limits as shown.
P.E. # 14959 Date 10.13.17

(Signature and Seal)

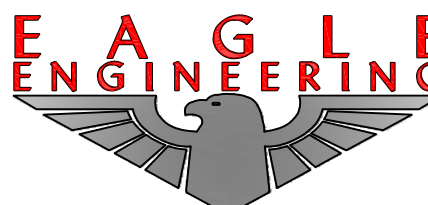
SEAL
JOHN H. ROSS
PE
NORTH CAROLINA
HOUSTON

PRELIMINARY PLAT

DESIGNED BY	SAP	DRAWN BY	SAP	CHECKED BY	JHR
Scale	AS SHOWN	DATE	11/06/2017	JOB NUMBER	5851

WOODFORD CHASE
TOWN OF WEDDINGTON
SANDY RIDGE TWSP, UNION CO., NC
E. REESE GIBSON
309 POST OFFICE DRIVE
INDIAN TRAIL, NC

NO.	DATE	BY	ISSUE
1	02-14-18	-	ADDRESS TOWN OF WEDDINGTON PRELIMINARY PLAT COMMENTS
2	02-26-18	JLR	REVISE NOTES PER TOWN ENGINEER COMMENTS



FIRM LICENSE # C-0873
2013A Van Buren Avenue P.O. BOX 551
Indian Trail, NC 28079 Alpharetta, GA 30009
(704) 882-4222 (678) 339-0640
www.eagleonline.net

P-1

APPLICATION FOR MODIFICATION FROM THE SUBDIVISION ORDINANCE OF THE TOWN OF WEDDINGTON, NORTH CAROLINA

The Town Council may authorize a modification from the Subdivision Ordinance when, in its opinion, undue hardship may result from strict compliance with these regulations. Such a modification shall be granted only to the extent that is absolutely necessary and not to an extent, which would violate the intent of this ordinance.

The Undersigned does (do) hereby respectfully request that a modification from the Subdivision Ordinance of Weddington, North Carolina, be granted, and in support of this application, the following facts are shown:

1. The property affected by this application is owned by E. Reece Gibson as evidence by deed from Grantor recorded in Deed Book 362 at page 076 in Union County Registry and in Tax Map # 06, Map # 072 and Parcel # 004 in the Tax Supervisor's Office of Union County.

2. This property is locally known as (street address or other identifier):

Woodford Chase (Formerly Weddington Park Estates)

3. A sketch plan, drawn to scale, is attached showing property dimensions, boundaries, and existing and proposed building/additions and development; and illustrating the modification requested.
4. That the addresses and phone numbers of the owner and applicant (if different from the owner) are as follows:

APPLICANT: (Name) Mr. Wesley Hinson/Attorney in Fact for E. Reece Gibson
(Address) 309 Post Office Drive, Indian Trail, NC 28079
(Phone) (704) 684-0031

5. The installation of said improvements has resulted (will result) in a violation of the Subdivision Ordinance of the Town of Weddington, North Carolina, in this respect (describe the exact nature of the modification requested making references to the applicable sections of Chapter 46, Subdivisions, of the Weddington Code of Ordinances:

Application to modify the ordinance requirement that no internal cul-de-sac drive isle exceed 600 ft in length in a conventional subdivision.

6. The necessity for the modification is supported by the following findings of fact and no modification shall be granted unless the Town Council finds:
 - a) That there are special circumstances or conditions affecting said property such

that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land. **Please describe how this modification request meets this standard:**

The site contains numerous circumstances and conditions affecting the property, including but not limited to, above ground and underground drainage and utility easement encumbrances and potential future NCDOT roadway improvements to NC Hwy 84. Applicant is requesting modification to accommodate potential future NCDOT improvements, and as suggested by NCDOT engineer, the western drive connection on the approved Sketch Plan was removed resulting in a private street/cul-de-sac greater than 600 feet in length. NCDOT recommended moving curb cut down Hwy 84 to best accommodate future installation of super street bulb. Reducing the cul-de-sac to 600 feet would also compromise the buildable area resulting in the loss of at least one lot from the subdivision yield.

- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner. **Please describe how this modification request meets this standard:**

Approval of the private driveway and access easement at a length greater than 600 feet preserves the applicant's ability to develop the site as a conventional subdivision yielding acre lots and is consistent with the yield on the approved Sketch Plan. Further, approval accommodates NCDOT future roadway expansion of Hwy 84.

- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance. **Please describe how this modification request meets this standard:**

The circumstances noted herein, and on the preliminary plat, are unique and specific to the physical characteristics of the subject site. Other parcels in the jurisdiction are not necessarily encumbered with the same magnitude of site constraints and subject to planned future NCDOT improvements.

- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated. **Please describe how this modification request meets this standard:**

Granting the modification to construct a marginally longer private street within a private street easement will not be detrimental or injurious in that it will still comply with maximum lengths allowed by NCDOT and by the Town in accordance with other portions of the subdivision ordinance. Further, the modification promotes the public health and safety by lengthening the distance between the NCDOT superstreet bulb configuration and the entrance to the

proposed subdivision making for a safer means of ingress and egress to the subdivision.

- e) That the modification will not vary the provisions of the Town of Weddington Subdivision Ordinance applicable to the property. **Please describe how this modification request meets this standard:**

Standards of Chapter 58 applicable to the subject property will not be varied by the requested modification. Conventional Subdivision standards defined by the Town of Weddington Zoning Ordinance will apply to proposed subdivision.

In granting any modification, the Town Council shall make findings required above, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

In approving modifications, the Town Council may require such conditions as will in its judgment secure substantially the objectives and standards or requirements of this Ordinance.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

<u>Wesley S. Hinson</u>	<u>4/23/18</u>
SIGNATURE OF APPLICANT	DATE

TOWN OF WEDDINGTON

MEMORANDUM

TO: Chairman and Planning Board

FROM: Lisa Thompson, Town Administrator/Planner

DATE: May 29, 2018

SUBJECT: Text Amendment to Section 46-76 (c) Marginal Access Street and 46-9; Definitions

A marginal access street is a minor street that runs parallel to a thoroughfare which provides access to abutting properties. The intent is to eliminate curb cuts to keep traffic moving safely.

The town staff and town attorney's interpretation of the ordinance is that if lots abut a thoroughfare, a marginal access street is required, except where the town council finds it impractical, which in that case shared driveways or other options may be available that meet the intent of the ordinance. Because the subdivision ordinance allows for modifications, staff simplified the language to require the marginal access street and removed the language about impracticality. If it's impractical to provide a marginal access street, findings through Section 46-15 need to be determined.

In addition, through previous subdivision approvals, a marginal access street has been approved as a private driveway easement allowing each property owner the right to use the easement. The true definition of a street requires public or private (when permitted through PRD) right of way. Staff clarified the language to allow shared driveway easements and changed the terminology from street to drive.

Lastly, staff included a statement requiring the marginal access street be built to NCDOT standard, a 50' buffer between the marginal access street and the through street, and updated the definitions to reference the CTP maps.

At the last Planning Board meeting, the Board asked if staff would provide a list of terms and definitions including driveway, easement, access, abuts and adjoins – the list is attached for review.

Section 46-76. Road Standards and buffering along thoroughfares.

(c) Marginal access ~~drive street~~. ~~Where a tract of land to be subdivided~~ When a major subdivision adjoins a ~~major or minor~~ thoroughfare as designated on the ~~town zoning map~~ **LARTP or the Comprehensive Transportation Plan maps, and the lots front the thoroughfare because there is no other alternative for a public road,** the subdivider shall be required ~~by the town council~~ to provide a marginal access ~~drive street~~ parallel to the ~~major~~ thoroughfare or reverse frontage on a minor street for the lots to be developed adjacent to the ~~major~~ thoroughfare. **A marginal access street drive shall meet the following requirements:** ~~Where reverse frontage is established, private driveways shall be prevented from having direct access to the thoroughfare. In cases where it is not feasible or practical for the subdivider to provide a marginal access street, or when the town council determines that the installation of a marginal access would result in a less desirable subdivision design, the town council may grant an exception to the requirement for a marginal access street. In granting said exception the town council shall find that the spirit and intent of this chapter are preserved and that circumstances particular to the subject property, such as topography or shape of the tract, exist to warrant the exception.~~

- 1) The marginal access drive shall be a minimum of 18' wide and located on a shared access easement that is a minimum 25' wide.
- 2) The access easement shall be a minimum of 50' from the thoroughfare right of way;
- 3) A visual screen shall be provided between the thoroughfare and access easement.
- 4) The marginal access drive shall be built to NCDOT specifications.
- 5) A recorded shared access agreement shall be provided prior to approving the final plat.

Section 46-9 Definitions

~~Street~~, Marginal access **drive**, means a ~~minor street shared driveway easement~~ which is parallel to and adjacent to **thoroughfares** ~~major streets and highways~~ and which provides access to abutting properties and protection from through traffic.

Thoroughfare, major, means a major thoroughfare as designated by the **Comprehensive Transportation Plan** ~~Mecklenburg Union Thoroughfare Plan~~ or Local Area Regional Transportation Plan (LARTP) and adopted by the town, as amended from time to time. The term "major thoroughfare" includes any other routes as designated by the town.

Thoroughfare, minor, means a minor thoroughfare as designated by the **Comprehensive Transportation Plan** ~~Mecklenburg Union Thoroughfare Plan~~ or Local Area Regional Transportation Plan (LARTP) and adopted by the town, as amended from time to time. The term "minor thoroughfare" includes any other routes as designated by the town.

SUBDIVISION ORDINANCE

Sec. 46-7. - Streets and public utilities.

No **street** shall be maintained by the town or **street** dedication accepted for ownership and maintenance in any subdivision by virtue of enactment of this chapter. Pursuant to G.S. 160A-374, approval of a plat required under this chapter shall not be deemed to constitute or affect acceptance by the town of the dedication of any **street** or other ground, public utility or other public facility shown on the plat. Rather, such acceptance, if granted, will be by separate ordinance.

Section 46-9 Definitions

Private driveway means a **road** way serving two or fewer lots, building sites, or other division of land not intended to be public ingress or egress.

Easement means the right to use a specified portion of a tract or tracts of land for a specified purpose. All **easement**s must be in a form suitable for recording as part of a plat.

Easement lot means a lot having an area of a minimum of five acres created pursuant to [section 46-76](#) and that is connected to a public **road** for access via a recorded **easement**. An **easement** lot may be a minimum of 80,000 square feet when created within a conservation **easement** of at least 25 acres that is dedicated to a conservation organization. The principal uses shall be limited to those uses (i.e., uses by right) that are permitted uses in the underlying zoning district.

Road, frontage means a local **street** or **road** that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Comment [p1]: This term is not used anywhere – recommend deleting it.

Road, local residential means culs-de-sac, loop **streets** less than 2,500 feet in length, or **streets** less than one mile in length that do not connect **thoroughfares**, serve major traffic generators, or collect traffic from more than 100 dwelling units.

Comment [p2]: This term is not used, recommend deleting it.

Road, private means an undedicated private right-of-way which affords access to abutting properties and requires a subdivision **street**'s disclosure statement in accordance with G.S. 136-102.6.

Road, residential collector means a local access **street** which serves as a connector **street** between local residential **streets** and the **thoroughfare** system. Residential collector **streets** typically collect traffic from 100 to 400 dwelling units.

Comment [p3]: Is there a difference between this and street, collector?

Street means a dedicated and accepted public right-of-way for vehicular traffic, or a private **road**, when permitted by this chapter. The term "street" includes, but is not limited to, any **road**, freeway, highway, expressway or **thoroughfare**.

Street, collector means **streets** which carry traffic from minor **streets** to the system of major **streets**.

Comment [p4]: There is no definition of a major street

Street, marginal access, means a minor street which is parallel to and adjacent to thoroughfares, major streets and highways and which provides access to abutting properties and protection from through traffic.

Comment [p5]: rename

Streets, minor (residential), means a street which is used primarily for access to the abutting properties.

Thoroughfare, major, means a major thoroughfare as designated by the Comprehensive Transportation Plan ~~Mecklenburg Union Thoroughfare Plan~~ or Local Area Regional Transportation Plan (LARTP) and adopted by the town, as amended from time to time. The term "major thoroughfare" includes any other routes as designated by the town.

Comment [p6]: this is an old reference – it's CTP now.

Thoroughfare, minor, means a minor thoroughfare as designated by the Comprehensive Transportation Plan ~~Mecklenburg Union Thoroughfare Plan~~ or Local Area Regional Transportation Plan (LARTP) and adopted by the town, as amended from time to time. The term "minor thoroughfare" includes any other routes as designated by the town.

Sec. 46-44. - Major subdivision preliminary plat submission and review for conservation subdivisions.

(d) Conservation subdivision design standards delineation standards.

(4) Alignment of streets ; street access.

a. With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.

b. Streets shall be designed and laid out in a manner that minimizes adverse impacts on the conservation lands. To the greatest extent practicable, wetland crossings and new streets or driveways traversing steep slopes shall be avoided.

c. Street connections shall be designed so as to minimize the number of new culs-de-sac and to facilitate easy access to and from homes in different parts of the tract (and on adjoining parcels). Where practical, at least two means of ingress and egress from the conservation subdivision onto adjoining public roads shall be provided for all conservation subdivisions containing more than 15 lots.

d. Developable lots shall be accessed from interior streets, rather than from roads bordering the tract. Single loaded streets are encouraged to the greatest degree feasible.

e. Two points of ingress and egress onto an adjoining public road from a conservation subdivision containing more than 15 lots is encouraged. Proposals for more than two points of ingress and egress onto any adjoining public road shall be allowed on a case-by-case basis only when determined by the town council that it would not have a negative impact on traffic levels and patterns and the viability of the conservation subdivision.

Sec. 46-75. - Subdivision design.

(c) **Easements.** Easements shall be provided as follows:

(3) **Access easements.** Private and recorded easements created according to subsection 46-76(a) that provide access from an easement lot to a public road.

Sec. 46-76. - Road standards and buffering along thoroughfares.

(a) **Public roads.**

(1) All subdivision lots, except as provided herein and in section 58-10, shall abut public roads. All public roads shall be built to the design criteria and construction standards of the state department of transportation and the town for subdivision roads. Streets which are not eligible to be put on the state department of transportation system because there are too few lots or residences shall, nevertheless, be offered for dedication to the public and shall be designed and constructed in accordance with the above-referenced standards. A written maintenance agreement with provision for maintenance of the street until it is accepted as part of the state system shall be included in the final plat.

(2) Exceptions to the public road frontage requirements shall be as follows: Any lot or tract shall be allowed to have easement lots created for construction of single-family dwellings as the principal use. Creation of such lots is made necessary by virtue of the fact that development of said property by conventional means (i.e., extension of public street) is impractical due to the disproportionate costs of required improvements as compared to the relative value of lots created and is within the spirit and intent of this chapter. These lots shall be created as follows:

a. The applicant shall submit an application to the planning board with a sketch plat showing the proposed easement lots for approval to proceed further as specified in this section.

b. All access easements shall be at least 45 feet in width and shall meet or exceed the state department of transportation minimum standards for subdivision road width where possible. The travel surface of said easement shall be at least 16 feet in width. The travel surface need not be paved. The easement shall be maintained at all times in a condition that is passable for service and emergency vehicles.

c. The creation of easement lots shall follow the procedures of a minor subdivision as outlined in section 46-40. In addition, a statement shall be placed on the subdivision plat acknowledging that said lots were being created upon a privately maintained and recorded easement, and a statement indicating the parties responsible for maintaining the easement.

d. Creation of such easement lots and access easements shall not impair future extension of an adequate system of public streets to serve such lots.

e. Easement lots shall not be further subdivided unless the newly created lots abut a public road. Any additional subdivision of easement lots shall be a major subdivision and shall be reviewed using the major subdivision plat approval process.

f. If public road access becomes available to easement lots, all affected lot owners shall have the easement terminated of record.

(b) *Subdivision street disclosure statement.* All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designated as a public street and shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street shall be included with the final plat.

(c) *Marginal access street.* Where a tract of land to be subdivided adjoins a major or minor thoroughfare as designated on the town zoning map, the subdivider shall be required by the town council to provide a marginal access street parallel to the major thoroughfare or reverse frontage on a minor street for the lots to be developed adjacent to the major thoroughfare. Where reverse frontage is established, private driveways shall be prevented from having direct access to the thoroughfare. In cases where it is not feasible or practical for the subdivider to provide a marginal access street, or when the town council determines that the installation of a marginal access would result in a less desirable subdivision design, the town council may grant an exception to the requirement for a marginal access street. In granting said exception the town council shall find that the spirit and intent of this chapter are preserved and that circumstances particular to the subject property, such as topography or shape of the tract, exist to warrant the exception.

(e) *Access to adjacent properties.* Where it is deemed desirable by the town council, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

(f) *Street design and standards.* Minimum street right-of-way and pavement widths, as well as other engineering design standards shall be in accordance with the minimum design criteria for subdivision roads as established from time to time, by the division of highways, state department of transportation publication entitled "Subdivision Roads: Minimum Construction Standards", except where modified by the Town of Weddington Roadway Standards.

(j) *Street layout.*

(1) *Conformity to existing maps or plans.* Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

(2) *Continuation of adjoining streets.* The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

(3) *Large tracts or parcels.* Where land is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

(4) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways offered for dedication to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

(5) *Permits for connection to state roads.* An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at both the Charlotte and Monroe Offices of the Division of Highways.

(6) *Reservation of future right-of-way.* Whenever a tract of land to be subdivided includes any part of a major or minor thoroughfare shown on the Mecklenburg-Union Thoroughfare Plan adopted by the town, and whenever such right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the major or minor thoroughfare must be platted in the location and to the width specified in the plan. The subdivider is responsible for the reservation of the right-of-way. All measurements involving minimum lot standards under this chapter will be made at the edge of the full/future right-of-way.

Comment [p7]: Old reference

ZONING ORDINANCE

58-4 – Definitions.

Lot, easement, means a lot having an area of a minimum of five acres created per subsection 46-76(a) and that is connected to a public road for access via a recorded easement. An easement lot may be a minimum of 80,000 square feet when created within a conservation easement of at least 25 acres that is dedicated to a conservation organization. The principal uses shall be limited to those uses (i.e., uses by right) that are permitted uses in the underlying zoning district.

LARTP (local area regional transportation plan) means the plan developed in collaboration with and adopted by the Village of Marvin, the Town of Waxhaw, the Town of Weddington, and the Village of Wesley Chapel. The provisions of the plan are intended to ensure: (a) an integrated system of roads that provides safe and efficient traffic circulation; (b) the efficient movement of through traffic by providing an interconnected system of roads; (c) uncomplicated road layouts so that emergency service personnel, public service personnel and visitors can find their way to and from destinations; and (d) controlled access to thoroughfares.

Thoroughfare means streets which provide for movement of high volumes of traffic throughout the town. In general, thoroughfare streets consist of numbered state roads and other major streets as described in NCDOT, Union County, or Town of Weddington Thoroughfare Plans. Design criteria for thoroughfare streets shall be determined by the NCDOT, and construction plans shall be reviewed and approved by the NCDOT District Engineer.

Sec. 58-10. - Lot to abut a public street; exceptions.

No building or structure shall be erected or located, nor shall any principal use be instituted on a lot which does not abut a public street with the following exceptions:

(1) A single-family dwelling or mobile home may be constructed on a lot which does not abut a street, provided such lot existed prior to the date the ordinance from which this chapter is derived became effective and provided such lot is provided access to a public street by an easement at least 20 feet in width for occupants of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for service and emergency vehicles. Said easement may also be used where needed for the installation and maintenance of utility facilities.

(2) Easement lots created pursuant to subsection 46-76(a).

Sec. 58-60. - MX mixed-use conditional district.

b. Except as provided herein, all principal buildings and structures located within the project area shall meet a minimum setback of 25 feet from any public road right-of-way and from any surrounding property not being rezoned as part of the MX district. Where a public road right-of-way along a major or minor thoroughfare has not been established by the Mecklenburg Union Metropolitan Planning Organization's Thoroughfare Plan, the right-of-way shall be

determined by a measurement of 50 feet from the centerline of the pavement to the measured line and area of that right-of-way must be dedicated to state department of transportation to provide for future widening. In addition, after considering the criteria for the MX district design as set forth in subsection [58-5\(3\)b](#), the town council, at its sole discretion, may reduce one or more of the setbacks to less than 25 feet, but only after the applicant has demonstrated one or more of the following:

d. Landscaping, screening and buffers shall meet or exceed the minimum standards as provided per [section 58-8](#). A buffer shall be built and maintained the entire width of the property fronting major or minor [thoroughfares](#) and major or minor [roads](#). The buffers shall be built the width of the setback. All such buffers and/or screens shall be built in such a manner as to effectively screen the development from any major or minor [thoroughfare](#) and major or minor [road](#), and/or residential or commercial property existing at the time the MX district is approved. All such landscaping, screening and buffers shall include, protect and maintain existing and planted trees.

Sec. 58-272. - Downtown overlay district.

(c) Access from [thoroughfares](#).

(1) Access to parcels within the overlay district from Providence [Road](#) shall be limited to the existing number of access points. Any existing access point may be shifted or modified to accommodate new development and/or parking, subject to council approval and provided the total number of access points is not increased.

(2) Access to parcels within the overlay district from Weddington-Matthews [Road](#) shall be limited to one shared access point.

(3) The town council may require all applicants proposing new commercial development within the downtown overlay to coordinate with NCDOT and contribute to the cost of construction for the east-west collector [road](#) as shown in the local area regional transportation plan. The cost of the contribution will be approved by both the town council and NCDOT and may be placed into an escrow account, or a similar account, until sufficient funds are in place for construction of the [road](#).

a. The town council may require that maintenance of the collector [road](#) to be the responsibility of any or all of the owners within the downtown overlay, until the point that NCDOT takes over maintenance of the [road](#).

b. If and when the collector [road](#) is constructed, it shall be limited to one shared access point to parcels within the downtown overlay.

(d) Connectivity within the Town Center.

(4) Any proposed development site plan must coordinate with NCDOT and include sidewalks along the [thoroughfare](#) or the collector [road](#). Maintenance of the sidewalks must be the responsibility of the property owner, or included within a maintenance agreement including several property owners.

(7) Proposed structures within the downtown overlay should be located towards the exterior of the parcels (along the [thoroughfares](#)), and contain interior parking. The town council may approve structures located towards the interior of the parcels if more than one structure is proposed on the same parcel.