

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
WEDDINGTON TOWN HALL  
1924 Weddington Road  
Weddington, NC 28104  
October 22, 2018 – 7:00 p.m.  
AGENDA**

1. OPEN THE MEETING
2. DETERMINATION OF QUORUM/APPROVAL OF AGENDA
3. APPROVAL OF MINUTES
  - A. September 24, 2018 Regular Planning Board Meeting Minutes
4. PUBLIC HEARING
  - A. Review and Consideration of Temporary Use Permit Application for the Independence on the Farm Event at Hunter Farm from 3:00 to 7:00 pm on Saturday November 17, 2018
5. NEW BUSINESS
  - A. Review and Consideration of the Canisteo Subdivision Final Plat
  - B. Review and Consideration of Text Amendments to Section 58-4 Definitions; Section 58-25 Outdoor Storage; and Section 58-175 Off Street Parking
  - C. Discussion of Community Recreation Center (public and private) Definition
6. OLD BUSINESS
  - A. Update on Erosion Control Ordinance
  - B. Discussion of Land Use Plan Revisions
7. UPDATE FROM TOWN PLANNER AND REPORT FROM OCTOBER TOWN COUNCIL MEETING
8. ADJOURNMENT

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September 24, 2018 – 7:00 p.m.  
MINUTES  
PAGE 1 OF 3**

**1. OPEN THE MEETING**

Chairman Dow called the meeting to order at 7:00 p.m.

**2. DETERMINATION OF QUORUM/APPROVAL OF AGENDA**

Quorum was determined with all Planning Board members present: Chairman Robert Dow, Board members Walt Hogan, Barbara Harrison, Brad Prillaman, Jim Vivian, Steve Godfrey, and Gerry Hartman.

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

Board member Hartman made a motion to switch the order of new and old business. Board member Prillaman seconded the motion. The motion passed with a unanimous vote.

**3. APPROVAL OF MINUTES**

**A. August 27, 2018 Regular Planning Board Meeting Minutes**

*Motion:* Board member Hartman made a motion to approve the August 27, 2018 Regular Planning Board Meeting Minutes as presented.  
*Second:* Board member Hogan  
*Vote:* The motion passed with a unanimous vote.

**4. NEW BUSINESS**

**A. Review and Consideration of The Falls at Weddington Phase 3 Map 1 Final Plat**

Ms. Thompson presented the staff report: The Falls at Weddington Subdivision preliminary plat consists of 185 lots and was approved on December 8, 2014. The subdivision is located on both sides of Antioch Church Rd and is being developed by The Falls at Weddington, LLC, as an RCD conservation subdivision. Phase 3 is the last phase to be developed and consists of 69 lots. It is the most western portion of the overall tract and is adjacent to Vintage Creek and Willow Oaks Subdivisions. *Section 58-58 (4) of the Weddington Zoning Ordinance* stipulates that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. A separate conservation easement plat has already been recorded. This map contains 2.74 acres of common open space.

There are 5 recommended conditions of approval:

1. Bond instruments to be reviewed and approved by the Town Attorney and the final bond instruments must be submitted to the Town prior to recording of the final plat.

2. Declaration of Conservation Easement and Restrictions shall be reviewed by the Town Attorney and executed prior to recording of the final plat
3. Maintenance Plan and Maintenance Agreement shall be reviewed by the Town Attorney and executed prior to recording of the final plat
4. Covenants, Conditions and Restrictions (CCRs) shall be reviewed by the Town Attorney and executed prior to recording of the final plat
5. Coordinate with USPS and DOT to approve the cluster mailboxes location within subdivision.

Chairman Dow asked if there were any material changes from the preliminary plat. Ms. Thompson responded there were none.

Chairman Dow asked about the presence of a gate on a road he noticed when driving through the Falls with Randall Arendt. With the recent flooding, Chairman Dow expressed his concern with residents being able to get out safely. Ms. Thompson replied that it is a temporary gate to prevent impermissible use on the undeveloped road. It will be there until January or February 2019.

Board member Vivian asked about the extension of Amanda Drive. Ms. Thompson replied that it is a parcel of land owned by the developer of Vintage Creek and they are checking with lawyers to see what they can do with land. It is not platted as public right of way. It was never shown on a final plat and the subdivision final plat doesn't show it as a public right of way connecting the two subdivisions.

**Motion:** Board member Hartman made a motion to forward the final plat for The Falls at Weddington – Phase 3 Map 1 to the Town Council with a favorable recommendation with the 5 conditions listed by Staff.

**Second:** Board member Vivian

**Vote:** The motion passed with a unanimous vote.

## **B. Review and Consideration of Entrance Monument for Canisteo Subdivision**

Ms. Thompson presented staff report: The Planning Board shall review and consider an entry monument sign application and plans for the Canisteo Subdivision. There will be one monument sign facing Deal Road. The column is 7' tall including a stone cap. The proposed plans include ornamental aluminum fence and lanterns. The site plan shows the monument sign located outside of the sight triangles and the 500' line of sight.

Section 58-152 (f) of the *Weddington Zoning Ordinance* permits two signs per subdivision entrance, behind the right-of-way line with a maximum area of 20 square feet per sign. The signs are in general conformance with the *Weddington Zoning Ordinance*.

Staff recommends approval of the Canisteo Entrance Monument Sign.

Board member Hartman asked about lighting on the monument sign. Ms. Thompson replied that there is landscaping lighting and it is consistent with the town ordinance.

Chairman Dow stated that the monument sign is only on one side. He asked if the building materials were brick and stone. Ms. Thompson responded that the materials are stone veneer and a cedar beam on the top.

**Motion:** Board member Hartman made a motion to approve the Canisteo Entrance Monument Sign.  
**Second:** Board member Vivian  
**Vote:** The motion passed with a unanimous vote.

## **5. OLD BUSINESS**

### **A. Discussion of Land Use Plan Revisions**

The Planning Board reviewed previous edits in section 1 and most of section 2 of the Land Use Plan and made additional revisions.

## **6. UPDATE FROM TOWN PLANNER AND REPORT FROM SEPTEMBER TOWN COUNCIL MEETING**

Ms. Dewey gave an update from the September Town Council Meeting:

- The Council called for two public hearings for conditional zoning applications to be held at the October meeting. One for Weddington Fitness Center and one for Christ Lutheran Church.
- The Council approved a Text Amendment prohibiting the burning of land clearing vegetation.
- The Council entered into contract for a site plan for the Matthews and Town Hall properties.
- The Council approved the Final Plat for Weddington Acres Subdivision.

## **7. ADJOURNMENT**

**Motion:** Board member Prillaman made a motion to adjourn the September 24, 2018 Regular Planning Board Meeting at 8:45 p.m.  
**Second:** Board member Hartman  
**Vote:** The motion passed with a unanimous vote.

Adopted: \_\_\_\_\_

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*Rob Dow, Chairman*

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*Karen Dewey, Town Clerk*

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# TOWN OF WEDDINGTON

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## MEMORANDUM

**TO:** Chairman and Planning Board

**FROM:** Lisa Thompson, Town Administrator/Planner

**DATE:** October 22, 2018

**SUBJECT:** Temporary Use Permit – Independence on the Farm

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Ms. Shannon Hough with the Independence Fund has submitted an application for a Temporary Use Permit for a veteran fundraiser event. The proposed event will be at the Hunter Farm located at 13616 Providence Rd. on Saturday, November 17, 2018, from 3pm – 7pm

### **Application Information**

Date of Application: September 19, 2018

Property Owner's Name: Nancy Anderson

Parcel ID#: 06150044

Property Location: 13624 Providence Road, Weddington (Hunter Farm)

Existing Zoning: R-CD

Existing Use: Agricultural

Property Size: 47.6580 Acres

### **Additional Information:**

The event is a veteran appreciation BBQ complete with kid's games, bouncy houses, wagon rides, concert and fireworks (TBD).

- Attendance is projected at 700 persons
- A copy of the Certificate of Liability Insurance is on file with the Town of Weddington
- Food vendors have approval from Union County Environmental Health
- A Union County Mass Gathering Permit is not required
- Portable bathroom facilities will be used.
- The location for all proposed uses can be found on the Site Plan provided.
- The applicant has applied for three TUPs within the last 12 months.

Temporary lighting was required to be approved by Town Council last year. Since then, a text amendment was approved that states any temporary lighting as proposed through a temporary use permit shall be reviewed and approved by Planning Board when considering the permit.

In accordance with the provisions of *Article I, Section 58-13* of the *Weddington Zoning Ordinance*, the property owners and the owners of the parcels of land within 200 feet of the property involved in the Temporary Use Application have been sent notification of the public hearing.

Before issuing any temporary use permit, the planning board shall make the following determinations:

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

Staff has reviewed the application and submitted documents and finds the Temporary Use Permit Application to be in compliance with Weddington's Zoning Ordinance and therefore recommends approval with the condition that the temporary lighting and the lights be turned off at 9:00 PM and any use of Fireworks be permitted through the Union County Fire Marshall.

Attachments:  
Application  
Narrative  
Site plan



# Town of Weddington



## Temporary Use Permit Application

### Applicant Information

Permit Number: \_\_\_\_\_

Name: Shannon Hough / The Independence Fund Phone Number: 704-712-5380  
 Mailing Address: 9018 Perimeter Woods Dr Suite 500 Email: shough@independencefund.org  
 City: Charlotte State: NC Zip: 28216

### Property Owner Information (if different from applicant)

Name: Hunter Farm / Nancy Anderson  
 Address: 13624 Providence Rd  
 City: Weddington State: NC Zip: 28104

Lot Number: \_\_\_\_\_  
 Subdivision: \_\_\_\_\_  
 Parcel Number: \_\_\_\_\_

Describe the nature of the use requested:

Veteran appreciation / caregiver family appreciation event @ Hunter Farm. 1st annual event. To celebrate the organization for services rendered to the veteran community.

### 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

Shannon Hough  
 Signature of Applicant

9/11/18  
 Date

Nancy S. Anderson  
 Signature of Property Owner (if different)

Sept 19, 2018  
 Date

Permit Approved? Yes ☐ No ☐

If Yes, Permit is Valid from: \_\_\_\_\_ to \_\_\_\_\_

Zoning Administrator \_\_\_\_\_

Date \_\_\_\_\_



The Independence Fund is hosting our Second Annual Independence on the Farm event November 17<sup>th</sup>, 2018 from 3-7pm at Hunter Farms (13624 Providence Rd Weddington NC 28104). The event is a Veteran appreciation bbq complete with kids' games, bouncy houses, wagon rides, concert with 20 Ride and potentially a firework display (To be determined).

The event will be from 3pm-7pm on the 17<sup>th</sup> of November. There will be reserve/off-duty Sheriff attendance, ambulance services, volunteers and staff working the event to ensure crowd control and safe order.

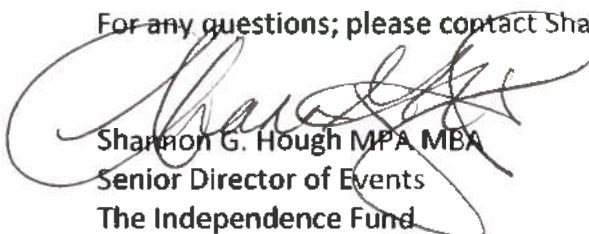
There is a concert again this year with the band, 20 Ride, because of the concert there will be a temporary stage with lights. This structure will be up for the day of the event.

There will be signage as we did last year; bringing awareness to where the farm is located and to parking locations. These areas will be patrolled by the Sheriff's department.

We are contracting with a service to provide clean-up of waste/trash and port a potties.

A site plan, insurance, Sheriff crowd/parking control (is being signed with alcohol permit), and we do not require a mass gathering permit as the event is under 6 hours and does not meet the ordinance requirements.

For any questions; please contact Shannon Hough, Senior Director of Events.



Shannon G. Hough MPA MBA  
Senior Director of Events  
The Independence Fund  
608-344-0210  
704-712-5380





To Whom it May Concern:

From: The Independence Fund

Hunter Farms/Nancy Anderson, Owner

This letter is to provide permission and temporary use of Hunter Farms to The Independence Fund for an event on November 17, 2018 from 3pm-6pm. This is the second annual Independence on the Farm event we have hosted with the Independence Fund. There will be a concert, kids' entertainment, wagon rides, whiskey, beer and wine tasting, food trucks and various other events during the day. Parking will be provided on the farm and the Sheriff's off-duty department has been contracted with for the day of the event for crowd control, parking and traffic control.

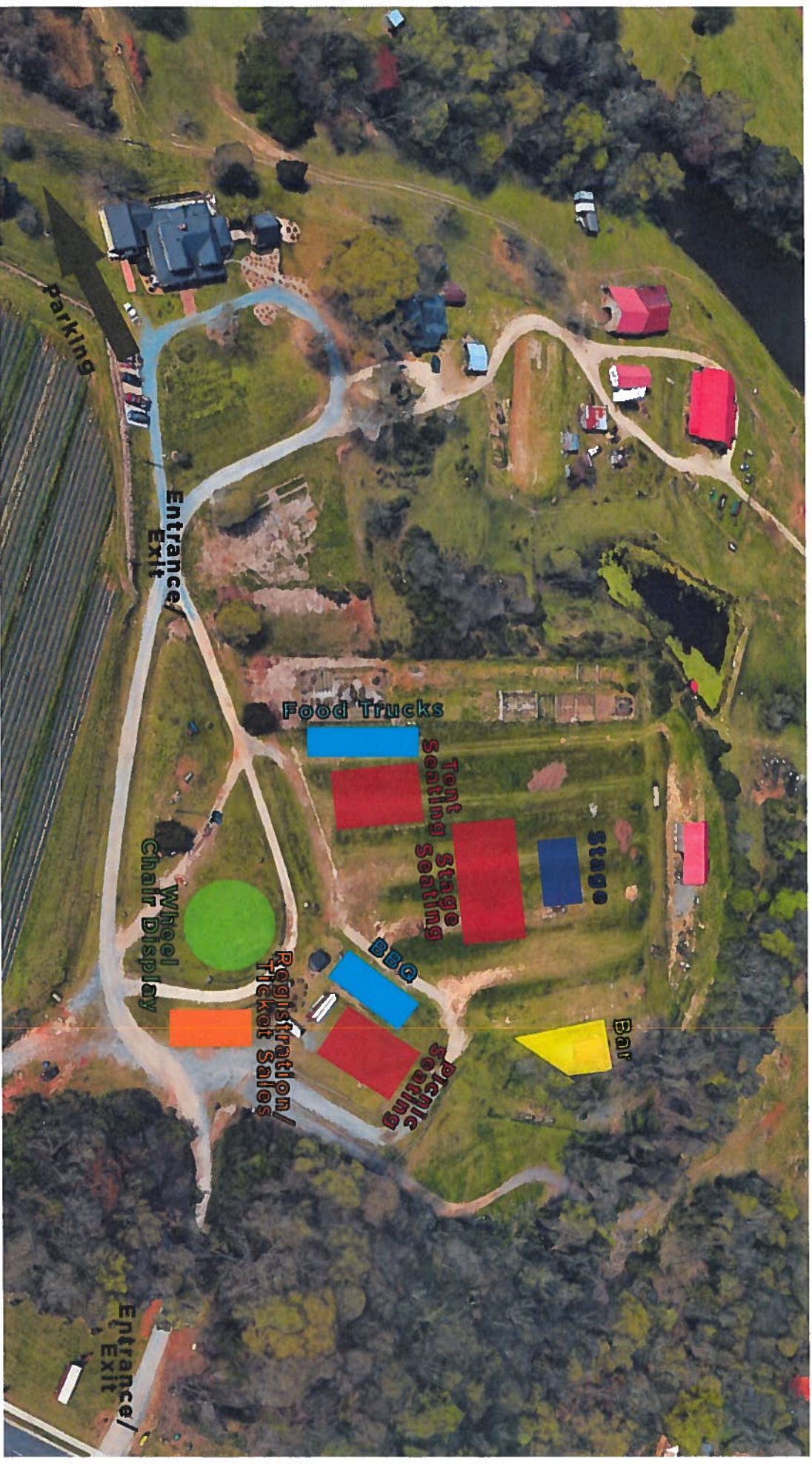
I am fully aware of the program and venue for the day of November 17<sup>th</sup>.

Sincerely,

*Nancy Anderson*  
Nancy Anderson

Owner, Hunter Farms

# Independence On The Farm 17 November 2018



THE  
INDEPENDENCE  
FUND

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# TOWN OF WEDDINGTON

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## MEMORANDUM

**TO:** Chairman and Planning Board

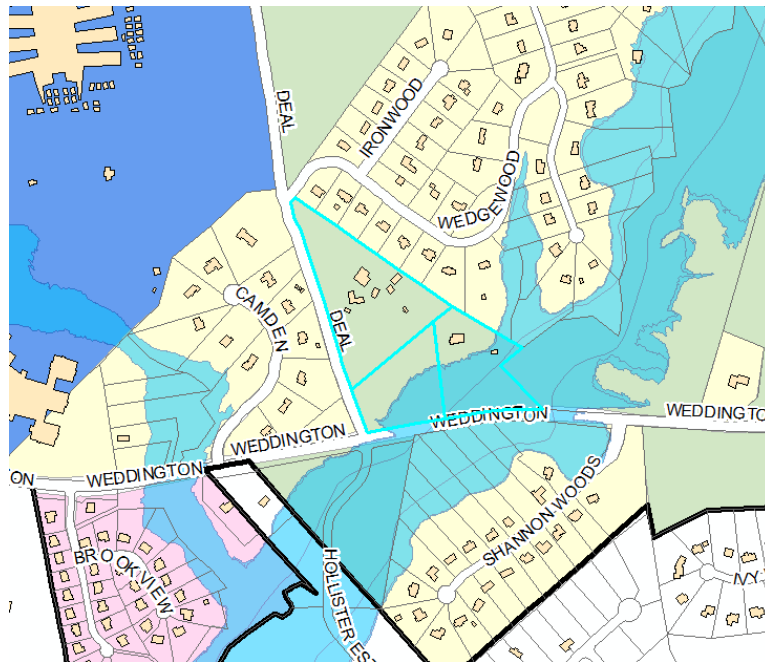
**FROM:** Lisa Thompson, Administrator/Planner

**DATE:** October 22, 2018

**SUBJECT:** Canisteo Final Plat

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The Planning Board is requested to review and make a recommendation on a final plat for the Canisteo subdivision.



### **Application Information:**

Date of Application: October 15, 2018  
Applicant/Developer Name: Deal Road Ventures, LLC  
Parcel ID#: 06099011A, 06072003A, and 06072003E  
Property Location: Northeast corner of Weddington and Deal Roads

## **Project Information**

The Canisteo subdivision consists of 15 lots on 19.96 acres. The preliminary plat/construction plans were approved in October 2017. The subdivision is located on the northeast corner of Deal and Weddington Road and is being developed by Deal Road Ventures, LLC, as an RCD conservation subdivision.

Development Standards are as follows:

- Front Yard Setback: 30'
- Side Yard Setback: 5' (30' separation between principal buildings)
- Side Corner Setback: 15' (with street frontage)
- Rear Setback: 20'

## **Recommendation**

The final plat is in conformity with the approved preliminary plat and construction plans therefore staff recommends approval of the final plat with the following conditions:

1. Bond estimates to be approved by the Town's engineering consultant.
2. Bond instruments to be reviewed and approved by the Town Attorney and the final bond instruments must be submitted to the Town prior to recording of the final plat.
3. Declaration of Conservation Easement and Restrictions shall be reviewed by the Town Attorney and executed prior to recording of the final plat.
4. Maintenance Plan and Maintenance Agreement shall be reviewed by the Town Attorney and executed prior to recording of the final plat.
5. Covenants, Conditions and Restrictions (CCRs) shall be reviewed by the Town Attorney and executed prior to recording of the final plat.
6. Coordinate with USPS and DOT to approve the cluster mailboxes location within subdivision.



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# **TOWN OF W E D D I N G T O N**

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## **MEMORANDUM**

**TO:** Chairman and Planning Board

**FROM:** Lisa Thompson, Town Administrator/Planner

**DATE:** October 22, 2018

**SUBJECT:** Text Amendment to Section 58-4 Definitions; Section 58-25 Outdoor Storage;  
and Section 58-175 Off Street Parking

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The Town has received complaints about tractors, boats, and recreational vehicles being stored along the side of the road or within front yards. They do not meet the classification of abandoned or junked motor vehicles as defined by the state.

Staff is proposing language to require that vehicles be stored on an improved surface, i.e. a driveway, within the front yard or within the side or rear yard; and larger RV/campers and boats to be on an improved surface in the front yard or screened from view of the street in a side or rear yard.

Staff recommends approval of the text amendment to Section 58-4 Definitions; Section 58-25 Outdoor Storage; and Section 58-175 Off Street Parking.

**In Section 58-175(3)(d): delete the following sentences:** “Boats, motor homes and camping trailers may, however, be stored or temporarily parked in a residential district. All inoperative motor vehicles stored outdoors shall be parked behind the residence and screened from the public right-of-way.”

**Replace with:** Vehicles must be parked on an improved surface, see Section 58-25, Outdoor Storage

**In Section 58-4: add the following new definitions:**

**Motor Vehicle:** Any machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle. *LAND VEHICLE* means any machine designed or intended to travel over land by self-propulsion or while attached to a self-propelled vehicle. *WATER VEHICLE* means any machine designed or intended to travel over water by self-propulsion or while attached to a self-propelled vehicle.

**Recreational Vehicle:** A vehicular type portable structure without permanent foundation that can be towed, hauled or driven and primarily designated as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Add the following new Section**

#### **Section 58-25, OUTDOOR STORAGE**

- (a) The storage of goods or products as an ancillary use is permitted in residential districts. The goods or products shall be stored in the side or rear yard and screened with an opaque fence, a tarp/cover, or within a shed or building.
- (b) Storage of Motor Vehicles, Recreational Vehicles and Water Vehicles in Residential Districts:
  - 1. Land Vehicles: Except for Abandoned Vehicles and Junked Vehicles, which are governed by Chapter 92 of the Town of Weddington Code of Ordinances, and Recreational Vehicles, which are governed by Section 58-25 (b)(2) below, Land Vehicles shall be stored on an improved driveway or in the side yard or rear yard. Land Vehicles that are not parked on an improved driveway for a party or special event are exempt.
  - 2. Recreational and Water Vehicles: Recreational and Water Vehicles shall be stored on an improved driveway, or in the side yard or rear yard as long as it's screened from the view of the street. A limit of one recreational vehicle or boat or trailer per property is allowed to be parked on an improved driveway in the front yard. Water Vehicles shall not exceed twenty-six (26) feet in length by the manufacturer's published overall length, and each

trailer's load may not exceed 6,500 pounds by the manufacturer's published dry weight. Water Vehicles exceeding the above length and any trailer exceeding the above weight may not be stored in residential districts.

All Vehicles, Recreational Vehicles, and Boats, Watercraft, and Non-propelled Vessels must be stored in accordance with this section within three (3) months of adoption of this section.



## **EROSION AND SEDIMENTATION CONTROL ORDINANCE**

**November  
2018**

### **AN ORDINANCE TO ADD CHAPTER 65 TO THE TOWN OF WEDDINGTON CODE OF ORDINANCES**

**BE IT ORDAINED** by the Town Council of the Town of Weddington that the Town of Weddington Code of Ordinances be amended to add Chapter 65, Erosion and Sedimentation Control, as follows:



## **CHAPTER 65: EROSION AND SEDIMENTATION CONTROL**

### **PREAMBLE**

#### **65.01 PURPOSE**

#### **65.02 JURISDICTION**

#### **65.03 DEFINITIONS**

#### **65.04 EXCLUSIONS**

#### **65.05 GENERAL REQUIREMENTS AND OBJECTIVES**

#### **65.06 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITIES**

#### **65.07 DESIGN AND PERFORMANCE STANDARDS**

#### **65.08 STORMWATER OUTLET PROTECTION**

#### **65.09 BORROW AND WASTE AREAS**

#### **65.10 ACCESS AND HAUL ROADS**

#### **65.11 OPERATIONS IN LAKES OR NATURAL WATERCOURSES**

#### **65.12 RESPONSIBILITY FOR MAINTENANCE**

#### **65.13 ADDITIONAL MEASURES**

#### **65.14 EXISTING UNCOVERED AREAS**

#### **65.15 PERMITS**

#### **65.16 EROSION AND SEDIMENTATION CONTROL PLANS**

#### **65.17 TRANSFERS OF PLANS**

#### **65.18 INSPECTIONS AND INVESTIGATIONS**

#### **65.19 PENALTIES**

#### **65.20 INJUNCTIVE RELIEF**

#### **65.21 RESTORATION OF AREAS AFFECTED BY FAILURE TO COMPLY**

#### **65.22 APPEALS**

#### **65.23 SEVERABILITY**

#### **65.24 EFFECTIVE DATE**

## **PREAMBLE**

The sedimentation of streams, lakes and other waters of this State constitute a major pollution problem. Sedimentation occurs from the erosion or depositing of soil and other materials into the waters, principally from construction sites and road maintenance. The continued development of this Town will result in an intensification of pollution through sedimentation unless timely and appropriate action is taken. Control of erosion and sedimentation is deemed vital to the public interest and necessary to the public health and welfare, and expenditures of funds for erosion and sedimentation control programs shall be deemed for a public purpose. It is the purpose of this Ordinance to provide for the creation, administration, and enforcement of a program and for the adoption of minimal mandatory standards which will permit development of this Town to continue with the least detrimental effects from pollution by sedimentation.

**65.01 PURPOSE.** This Ordinance is adopted for the purpose of:

- (1) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- (2) Establishing procedures through which these purposes can be fulfilled.

## **65.02 JURISDICTION.**

This Ordinance is hereby adopted by the Town Council to apply to all areas within the corporate limits of the Town of Weddington.

The Town shall not have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:

- a. Conducted by the State.
- b. Conducted by the United States.
- c. Conducted by persons having the power of eminent domain other than a local government.
- d. Conducted by a local government.
- e. Funded in whole or in part by the State or the United States.
- f. Related to oil and gas exploration and development on the well pad site.

In addition, certain exclusions are set forth in Section 65.04.

Where a conflict exists between any limitation or requirement contained in this Ordinance and those in any other ordinance, regulation, or plan, the more restrictive limitation or requirement shall apply. Except as otherwise provided herein, this ordinance shall not repeal, abrogate, or revoke any other ordinance, regulation, or plan.

## **65.03 DEFINITIONS.**

The words and phrases used in this Ordinance shall have the meaning assigned in this Section provided, unless the context clearly indicates otherwise. These definitions are derived from the North Carolina Sedimentation Control regulations, 15A NCAC § 4A.0105 and the Sedimentation Pollution Control Act of 1973, NCGS § 113A-52.

**Accelerated Erosion** – means any increase over the rate of natural erosion as a result of land disturbing activity.

**Act** – means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it, as amended from time to time.

**Adequate Erosion Control Measure, Structure, or Device** – means one which controls the soil material within the land area under responsible control of the person conducting the land- disturbing activity, as such controls are specified in the Ordinance.

**Affiliate** – a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control of another person.

**Being Conducted** – means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

**Borrow** – means fill material which is required for on-site construction and is obtained from other locations.

**Buffer Zone** – means the strip of land adjacent to a lake or natural watercourse.

**Completion of Construction or Development** – means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

**Commission/NCSCC** – means the North Carolina Sedimentation Control Commission.

**Department** - means the North Carolina Department of Environmental Quality.

**Discharge Point** – means that point at which runoff leaves a tract.

**District/SWCD** – means the Union Soil and Water Conservation District (also referred to as the “SWCD”) created pursuant to Chapter 139 of the North Carolina Statutes.

**Energy Dissipater** – means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

**Erosion** – means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

**Ground Cover** – means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

**Lake or Natural Watercourse** – means any stream, river, brook, swamp, creek, run, branch, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

**Land-Disturbing Activity** – means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

**Local Government** – means any county, village, town, or city, or any combination of counties, villages, towns and cities, acting through a joint program with the Town pursuant to the provisions of the Act.

**NCSCC** – means the North Carolina Sedimentation Control Commission.

**Natural Erosion** – means the wearing away of the earth’s surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

**Parent** – means an affiliate that directly or indirectly, through one or more intermediaries, controls another person.

**Person** – means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

**Person Conducting Land-Disturbing Activity** – means any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

**Person Responsible for the Violation** – as used in this Ordinance and G.S. 113A-64 means:

(1) The developer or other person who has or holds themselves out as having financial or operational control over the land-disturbing activity; and/or

(2) The landowner or person in possession or control of the land who has directly or indirectly allowed the land-disturbing activity or has benefited from it or has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

**Phase of Grading** – means one of two types of grading, rough or fine.

**Plan** – means a complete Erosion and Sedimentation Control Plan.

**Sediment** – means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

**Sedimentation** – means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

**Siltation** – means sediment resulting from accelerated erosion which is removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited in or is in suspension in water.

**Storm Drainage Facilities** – means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

**Storm Water Runoff** – means the direct runoff of water resulting from precipitation in any form.

**Subsidiary** – an Affiliate that is directly or indirectly, through one or more intermediaries, controlled by another person.

**SWCD/ Union SWCD** – means the Union Soil and Water Conservation District.

**Ten-Year Storm** – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

**Town** – means Town of Weddington.

**Town Council** – means the Town of Weddington Town Council.

**Town of Weddington Erosion Control Inspector/ Erosion Control Inspector/ Inspector** – includes the Town of Weddington Zoning Administrator, who is principally responsible for the administration of this Section, or his duly authorized designee. This term shall also include any persons, agents or other representatives of the town as authorized by the Zoning Administrator.

**Tract** – means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

**Twenty-five Year Storm** – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

**Two-Year Storm** – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 2 years, and of a duration which will produce the maximum peak rate of runoff, from the Watershed of interest under average antecedent wetness conditions.

**Uncover(s)(ed)(ing)** – means the removal of ground cover from, on, or above the soil surface.

**Undertaken** – means the initiating of an activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

**Velocity** – means the average speed of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

**Waste** – means surplus materials resulting from on-site construction and being disposed of at locations either on or off site other than the initial source of the materials.

**Watershed** – means the region drained by or contributing water to a stream, lake or other body of water.

**Working Days** – means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

#### **65.04 EXCLUSIONS.**

This Section shall not apply to the following land-disturbing activities:

- (1) Activities including the production and relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
  - a. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.
  - b. Dairy animals and dairy products.
  - c. Poultry and poultry products.
  - d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
  - e. Bees and apiary products.
  - f. Fur producing animals.

- g. Mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.
- (2) Activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the Department. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract.
- (3) Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.
- (4) For the duration of an emergency, activities essential to protect human life, including activities specified in an executive order issued under G.S. 166A-19.30(a)(5).
- (5) Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
- (6) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2

## **65.05 GENERAL REQUIREMENTS AND OBJECTIVES.**

- (A) **Plan Approval Required.** No Person shall initiate any land-disturbing activity which disturbs one (1) acre or more of land subject to this ordinance without first having plan approval from the Erosion Control Inspector.
- (B) **Plan Approval Exceptions.** Land-disturbing activities which disturb less than one (1) acre of land are excluded from plan submittal and approval, provided that erosion control devices are installed as needed in accordance with the specifications and details found in the DEQ Planning & Design Manual. If the person performing the land-disturbing activity fails to provide and maintain proper erosion control measures, the Erosion Control Inspector may require a plan be submitted for review and approval.
- (C) **Protection of Property.** Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
- (D) **Basic Control Objectives.** A plan may be disapproved pursuant to Section 65.16 of this Ordinance if the plan fails to address the following control objectives:
  - (1) Identify Critical Areas – On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
  - (2) Limit Time of Exposure – All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time.
  - (3) Limit Exposed Areas – All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
  - (4) Control Surface Water – Surface water runoff originating up- or down-drain of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
  - (5) Control Sedimentation – All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.

- (6) Manage Storm Water Runoff – When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

## **65.06 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITIES.**

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

### **(A) Buffer Zone.**

- (1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity.
- (2) Unless otherwise provided, the width of the buffer zone begins and is measured landward from the normal pool elevation of impounded structures (lakes) to the nearest edge of the disturbed area and/ or five feet from the edge of the top of the bank of streams or rivers to the nearest edge of the disturbed area. Natural or artificial means of confining visible siltation must be placed, constructed or installed outside the undisturbed buffer zone.
- (3) For any watercourse, where more than one stream buffer width is imposed by Town of Weddington Code of Ordinance or other local, state or federal law(s), rule(s), or regulation(s), the greater buffer width stipulated shall apply.

- (B) Graded Slopes and Fills.** The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 14 calendar days of completion of any phase of grading, be planted or otherwise be provided with ground cover, devices, or structures sufficient to restrain erosion.

- (C) Fill Material.** Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.

- (D) Ground Cover.** Whenever more than one ( 1 ) a c r e of land is uncovered or new residential development on an individual lot is initiated, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 15 working days or 60 calendar days, whichever is shorter following completion of construction or development.

- (E) Prior Plan Approval.** No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract unless a Plan for the activity is filed with and approved by the Town of Weddington. The land-disturbing activity may be initiated and conducted in accordance with the

plan once the plan has been approved. The (Town shall forward to the Director of the Division of Water Resources a copy of each Plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

#### **65.07 DESIGN AND PERFORMANCE STANDARDS.**

Erosion and sedimentation control measures, structures, and devices shall be so planned designed, and constructed as to provide protection from the calculated maximum peak rate of storm water runoff from the ten-year storm. Storm water runoff rates shall be calculated using the procedures in the USDA, Natural Resources Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures.

#### **65.08 STORMWATER OUTLET PROTECTION.**

- (A) Persons shall conduct land-disturbing activity so that the post-construction velocity of the ten-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
  - (1) The velocity established in Table 65.08-1 of this Section; or
  - (2) The velocity of the ten-year storm runoff in the receiving watercourse prior to the land-disturbing activity.
- (B) If the conditions of Section 65.08 (A) cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to land-disturbing activity" velocity by ten percent (10%).
- (C) **Acceptable Management Measures.** Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:
  - (1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious.
  - (2) Avoid increases in storm water runoff discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections.
  - (3) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple rip-rapped sections to complex structures.
  - (4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.
- (D) **Exceptions.** This rule shall not apply where it can be demonstrated that storm water discharge velocities will not create an erosion problem in the receiving watercourse.
- (E) Maximum permissible velocity for storm water discharges shall be regulated in accordance with Table 65.08-1.

*Table 65.08-1 Maximum Permissible Velocities*



| <b>Material</b>                               | <b>Feet/Second</b> | <b>Meters/Second</b> |
|---|--------------------|----------------------|
| <b>Fine sand (noncolloidal)</b>               | <b>2.5</b>         | <b>0.8</b>           |
| <b>Sandy loam (noncolloidal)</b>              | <b>2.5</b>         | <b>0.8</b>           |
| <b>Silt loam (noncolloidal)</b>               | <b>3.0</b>         | <b>0.9</b>           |
| <b>Ordinary firm loam</b>                     | <b>3.5</b>         | <b>1.1</b>           |
| <b>Fine gravel</b>                            | <b>5.0</b>         | <b>1.5</b>           |
| <b>Stiff clay (very colloidal)</b>            | <b>5.0</b>         | <b>1.5</b>           |
| <b>Graded, loam to cobbles (noncolloidal)</b> | <b>5.0</b>         | <b>1.5</b>           |
| <b>Graded, silt to cobbles (colloidal)</b>    | <b>5.5</b>         | <b>1.7</b>           |
| <b>Alluvial silts (noncolloidal)</b>          | <b>3.5</b>         | <b>1.1</b>           |
| <b>Alluvial silts (colloidal)</b>             | <b>5.0</b>         | <b>1.5</b>           |
| <b>Coarse gravel (noncolloidal)</b>           | <b>6.0</b>         | <b>1.8</b>           |
| <b>Cobbles and shingles</b>                   | <b>5.5</b>         | <b>1.7</b>           |
| <b>Shales and hard pans</b>                   | <b>6.0</b>         | <b>1.8</b>           |

#### **65.09 BORROW AND WASTE AREAS.**

When the Person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the North Carolina Department of Environment and Natural Resources' Division of Solid Waste Management, shall be considered as part of the land- disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land- disturbing activity.

#### **65.10 ACCESS AND HAUL ROADS.**

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

#### **65.11 OPERATIONS IN LAKES OR NATURAL WATERCOURSES.**

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a lake, stream or other watercourse where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the lake, stream or other watercourse flow characteristics, except when justification acceptable to the Town for significant alteration to flow characteristic is provided.

#### **65.12 RESPONSIBILITY FOR MAINTENANCE.**

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this Ordinance or the Act, or any order adopted pursuant to this Ordinance or the Act. After site development, the landowner or person in possession of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

#### **65.13 ADDITIONAL MEASURES.**

Whenever the Erosion Control Inspector determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

#### **65.14 EXISTING UNCOVERED AREAS.**

- (A) All uncovered areas existing on the effective date of this Ordinance which resulted from land-disturbing activity which exceed one (1) acre of land, that are subject to continued accelerated erosion and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- (B) The Erosion Control Inspector will serve upon the landowner or other person in possession or control of that land a written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice will set forth the measures needed to comply, and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the Erosion Control Inspector shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.
- (C) The Erosion Control Inspector reserves the right to require preparation and approval of a plan in any instance where extensive control measures are required.

#### **65.15 PERMITS.**

- (A) No person shall undertake any land-disturbing activity subject to this Ordinance without having first obtained a Plan Certificate and Letter of Approval or ESC Installation and Maintenance Agreement Approval from the Erosion Control Inspector, except that no Plan Certificate and Letter of Approval or ESC Installation and Maintenance Agreement Approval shall be required for any Land-Disturbing Activity:
  - (1) For the purpose of fighting fires; or
  - (2) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage; or
  - (3) That does not disturb more than one (1) acre in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.
- (B) Although a Plan Certificate and Letter of Approval is not required for land-disturbing activity comprising less than one (1) acre for residential projects, such activity shall be subject to all other requirements of this Ordinance and any other applicable standards or ordinances adopted by the Town of Weddington.
- (C) Submittals for erosion and sediment control plan approval and erosion control inspections shall be subject to any and all relevant fees as adopted by the Town Council and prescribed in the Town of Weddington Code of Ordinances. Fees shall accompany plan submittals, otherwise the submittal shall be determined incomplete and shall be returned to the applicant.

#### **65.16 EROSION AND SEDIMENTATION CONTROL PLANS.**

- (A) Persons conducting land-disturbing activity shall be responsible for preparing a plan for all land-disturbing activities subject to this Ordinance whenever the proposed activity is to be

undertaken on a tract disturbing more than one (1) acre of land, excluding single-family residential development addressed in Section 65.05 (B).

- (B)** Three complete copies of the plan shall be filed with the Control Inspector in the office of the Town of Weddington Zoning Administrator at least 30 days prior to the commencement of the proposed activity. A fee, made payable to the Town of Weddington, shall be charged for each plan review. Such fee shall be in accordance with a fee schedule adopted by the Town of Weddington Town Council. No plan shall be considered complete unless accompanied by such fee and a performance bond in the form of a certified check, cash or irrevocable letter of credit, in an amount deemed sufficient by the Town Engineer to cover all costs of protection or other improvements required to establish protective cover on the site in conformity with this ordinance. The performance bond shall remain effective until work has been completed, inspected and approved by the Town.
- (C)** The Erosion Control Inspector shall transmit a copy of the complete plan to the Union Soil and Water Conservation District (SWCD) for their review. The SWCD shall be given up to twenty (20) days to make comment on the plan. Failure of the SWCD to submit its comments to the Erosion Control Inspector within such time period shall not delay final action on the proposed plan by the Erosion Control Inspector.
- (D)** The Erosion Control Inspector shall render a decision on a plan within thirty (30) days of submittal. The Erosion Control Inspector shall condition approval of a draft plan upon the applicants' compliance with local, state and federal water quality laws, regulations, ordinances and rules. Such decision shall be approval, approval with modifications, approval with performance reservations, or disapproval. Failure to approve, approve with modifications or performance reservations, or disapprove a complete plan within thirty (30) days of receipt shall be deemed approval.
- (E)** Any final decision made pertaining to the proposed plan shall be filed in the Town of Weddington Zoning Administrator (or as otherwise designated by the Town) and sent to the applicant by first class mail.
- (F)** Denial of a plan or a revised plan must specifically state in writing the reasons for disapproval. The Erosion Control Inspector must approve, approve with modifications, or disapprove a revised plan within fifteen (15) days of receipt, or it is deemed to be approved.
- (G)** Plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, or if no land-disturbing activity has occurred with three (3) years. If, following commencement of a land-disturbing activity pursuant to an approved plan, the Erosion Control Inspector determines that the plan is inadequate to meet the requirements of this ordinance, the Erosion Control Inspector may require any revision of the plan that is necessary to comply with this ordinance.
- (H)** Persons conducting land-disturbing activities which are addressed by Section 65.16 shall have secured a Plan Certificate and Letter of Approval (in accordance with procedures described herein) before any land-disturbing activities commence. A copy of the approved plan and the Certificate of Plan Approval shall be maintained at the job site by the persons conducting the land-disturbing activity. After approving the plan, if the Erosion Control Inspector, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Inspector may require that a revised plan be submitted. Pending the preparation and approval of the revised

plan, work shall cease or shall continue under conditions outlined by the Erosion Control Inspector.

- (I) A plan may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or their attorney-in-fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance. If the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land disturbing activity.
- (J) The person submitting a plan to the Erosion Control Inspector is, prior to submission of the plan, solely and exclusively responsible for determining whether the proposed land-disturbing activities require any form of state or federal environmental certification or documentation. Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for Town review. The Erosion Control Inspector, upon discovery that an environmental certification or documentation is required but was not obtained, shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 65.16 (D) of this Ordinance shall not begin until a complete environmental document or certificate is available for review by the Erosion Control Inspector. However, no term or condition in the Ordinance shall be interpreted to place the burden for determining the necessity for an environmental certificate or documentation upon the Erosion Control Inspector, and the person submitting the plan, as well as any other persons specified by law, rule or regulation, shall remain solely and exclusively responsible for such determination.
- (K) The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this Ordinance. Any erosion and sediment control measures and/or devices must be drawn to scale and contour when deemed applicable by the Erosion Control Inspector. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation shall be found in the DEQ Erosion Control and Sedimentation Planning and Design Manual. The Erosion Control Inspector shall automatically disapprove a plan if it is determined that implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters.
- (L) A plan may be disapproved upon a finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant:
  - (1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the NCSCC or the Town pursuant to the Act and has not complied with the notice within the time specified in the notice.
  - (2) Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted pursuant to the Act by the time the payment is due.

- (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act; or
- (4) Has failed to substantially comply with applicable local, State or Federal laws, regulations, rules or ordinances adopted pursuant to the Act. For purposes of this subsection 65.16 (L), an applicant's record may be considered for only the two (2) years prior to the application date.

(M) Applications for amendment of a plan in written and/or graphic form may be made at any time under the same format as the original application. Until such time as said amendment is approved by Erosion Control Inspector, land-disturbing activity shall not proceed except in accordance with the plan as originally approved.

(N) Any person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.

#### **65.17 TRANSFER OF PLANS.**

(A) The Town of Weddington may transfer a plan if all of the following conditions are met:

(1) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.

(2) The local government finds all of the following:

a. The plan holder is one of the following:

(i) A natural person who is deceased.

(ii) A partnership, Limited Liability Corporation, corporation, or any other business association that has been dissolved.

(iii) A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.

(iv) A person who has sold the property on which the permitted activity is occurring or will occur.

b. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.

c. The successor-owner is the sole claimant of the right to engage in the permitted activity.

d. There will be no substantial change in the permitted activity.

(B) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.

(C) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.

(D) Notwithstanding changes to law made after the original issuance of the plan, the local government may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the local government from requiring a revised plan pursuant to Section 65.16(G).

(E) Denials of transfer requests may be appealed pursuant to Section 65.22(A)

#### **65.18 INSPECTIONS AND INVESTIGATIONS.**

- (A) The Erosion Control Inspector will periodically inspect land-disturbing activities to ensure compliance with the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each plan. The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with 65.06 (C). The person who performs the inspection shall maintain and make available a record of the deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan.
- (B) No person shall willfully resist, delay, or obstruct the Erosion Control Inspector, while inspecting or attempting to inspect a land-disturbing activity under this section.
- (C) If it is determined that a person engaged in the land-disturbing activity has failed to comply with the Act, this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, or has failed to comply with an approved plan, a notice of violation shall be served upon that person. The notice shall be served by registered or certified mail or by any means authorized under GS 1A-1, Rule 4. The Notice of Violation shall specify a date by which, or a cure period within which, the person must comply with this Ordinance, and inform the person of the actions that need to be taken to comply with this Ordinance. The Notice shall set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which such measures shall be completed, and warn that failure to correct the violation within the time period stated is subject to a civil penalty and other enforcement actions. However, no time period for compliance need be given for failure to submit a plan for approval, for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties, or for the penalty that may be assessed pursuant to this Ordinance for the day the violation is assessed by the Erosion Control Inspector. Any person who fails to comply within the time specified in the Notice is subject to additional civil and criminal penalties for a continuing violation as provided in this Ordinance.

If the person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Erosion Control Inspector shall deliver the notice of violation in person and shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program in the Department (DEQ), referral to a cooperative extension program, or by the provision of written materials such as Department (DEQ) guidance documents. If the Erosion Control Inspector is unable to deliver the notice of violation in person within 15 days following discovery of the violation, the notice of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.

- (D) The Erosion Control Inspector shall have the power to conduct such investigation as may be reasonably deemed necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity. No person shall refuse entry or access to the Erosion Control Inspector who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties as provided in this Ordinance.

- (E) The Erosion Control Inspector shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.
- (F) On any tract on which five (5) or more acres are disturbed, the person conducting land-disturbing activity will be responsible for self-inspection of erosion and sedimentation control facilities at least once every seven (7) days or within 24 hours of a storm event of greater than 0.5 inches of rain per 24-hour period.

## **65.19 PENALTIES; STOP WORK ORDERS.**

### **(A) Civil Penalties.**

- (1) Any person who violates any of the provisions of the applicable State, Federal or local laws, rules, regulations or ordinances, including this Ordinance, or rules or orders adopted or issued pursuant to applicable State, Federal or local laws, rules, regulations or ordinances, including this Ordinance, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty for a violation is five thousand dollars (\$5,000). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the person has not been assessed any civil penalty under this subsection for any previous violation and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).
- (2) The Erosion Control Inspector shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty, the reason for assessing the penalty, the option available to that person to request a remission of the civil penalty under G.S. 113A-64.2, the date of the deadline for that person to make the remission request regarding this particular penalty, and, when that person has not been assessed any civil penalty under this section for any previous violation, the date of the deadline for that person to abate continuing environmental damage resulting from the violation in order to be subject to the maximum cumulative total civil penalty under subdivision (1) of this subsection. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Town of Weddington within 30 days after it is due, the Erosion Control Inspector may institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred or the violator's residence or principal place of business is located. A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.
- (3) In determining the amount of the penalty, items which may be considered are the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by non-compliance, whether the violation was committed willfully and the prior record of the violator in complying with or failing to comply with this Ordinance.
- (4) The clear proceeds of civil penalties collected by the Town must be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

**(B) Criminal Penalties.** Any Person who knowingly or willfully violates any provision of this Ordinance, or rule, regulation or order adopted or issued pursuant to this Ordinance, or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000.00.

**(C) Stop Work Orders.**

- (1) The Erosion Control Inspector may issue a stop-work order if he finds that a land-disturbing activity is being conducted in violation of this Section or of any rule adopted or order issued pursuant to this Section, that the violation is knowing and willful, and that either:
  - (a) Off-site sedimentation has eliminated or severely degraded a use in a lake or natural watercourse or that such degradation is imminent.
  - (b) Off-site sedimentation has caused severe damage to adjacent land or that such damage is imminent.
  - (c) The land-disturbing activity is being conducted without an approved plan.
- (2) The stop-work order shall be in writing and shall state what work is to be stopped and what measures are required to abate the violation. The order shall include a statement of the findings made by the Town of Weddington pursuant to subsection (a) of this section, and shall list the conditions under which work that has been stopped by the order may be resumed. The delivery of equipment and materials which does not contribute to the violation may continue while the stop-work order is in effect. A copy of this section shall be attached to the order.
- (3) The stop-work order shall be served by the sheriff of Union County or by some other person duly authorized by law to serve process as provided by G.S. 1A-1, Rule 4, and shall be served on the person at the site of the land-disturbing activity who is in operational control of the land-disturbing activity. The sheriff or other person duly authorized by law to serve process shall post a copy of the stop-work order in a conspicuous place at the site of the land-disturbing activity. The Town of Weddington shall also deliver a copy of the stop-work order to any person that the Town of Weddington has reason to believe may be responsible for the violation.
- (4) The directives of a stop-work order become effective upon service of the order. Thereafter, any person notified of the stop-work order who violates any of the directives set out in the order may be assessed a civil penalty as provided in Section 65.18(A). A stop-work order issued pursuant to this section may be issued for a period not to exceed five days.
- (5) The Erosion Control Inspector shall designate an employee (which may be the Erosion Control Inspector) to monitor compliance with the stop-work order. The name of the employee so designated shall be included in the stop-work order. The employee so designated, or the Erosion Control Inspector, shall rescind the stop-work order if all the violations for which the stop-work order are issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken. The Erosion Control Inspector shall rescind a stop-work order that is issued in error.
- (6) The issuance of a stop-work order shall be a final agency decision subject to judicial review in the same manner as an order in a contested case pursuant to Article 4 of Chapter 150B of the General Statutes. The petition for judicial review shall be filed in the superior court of the county in which the land-disturbing activity is being conducted.
- (7) As used in this section, days are computed as provided in G.S. 1A-1, Rule 6.
- (8) The Attorney for the Town of Weddington shall file a cause of action to abate the violations which resulted in the issuance of a stop-work order within two business days of the service of the stop-work order. The cause of action shall include a motion for an ex parte temporary restraining order to abate the violation and to effect necessary remedial measures. The



resident superior court judge or any judge assigned to hear the motion for the temporary restraining order shall hear and determine the motion within two days of the filing of the complaint. The clerk of superior court shall accept complaints filed pursuant to this section without the payment of filing fees. Filing fees shall be paid to the clerk of superior court within 30 days of the filing of the complaint.

#### **65.20 INJUNCTIVE RELIEF.**

- (A) Whenever the Erosion Control Inspector has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any term, condition, or provision of an approved plan, he/ she may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court in Union County.
- (B) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order of judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

#### **65.21 RESTORATION OF AREAS AFFECTED BY FAILURE TO COMPLY.**

The Erosion Control Inspector may require a person who engaged in a land- disturbing activity and failed to retain sediment generated by the activity as required by subsection 65.06 (C) to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

#### **65.22 APPEALS.**

Procedures which constitute the appeals process, related to the following actions:

- (A) **Plan Approval with Modifications or Plan Disapproval.** The appeal of an approval, approval with modifications or disapproval of a plan made by the Erosion Control Inspector with regard to this Ordinance shall be governed by the following provisions:
  - (1) The order of approval, disapproval, or modification of any proposed Plan made by the Erosion Control Inspector shall entitle the Person challenging such decision to a public hearing before the Town of Weddington Board of Adjustment if such Person submits written demand for a hearing and completes the necessary forms and pays the required appeals fee within fifteen (15) days following the date the decision was filed in The Town's Zoning Administrator office or mailed to the applicant, whichever date is later. Such written request and completed forms shall be submitted to the Clerk of the Board of Adjustment or his designee. Forms shall be available at the Town of Weddington Town Hall, or as directed by the Erosion Control Inspector. A fee for such public hearing shall be in accordance with a fee schedule adopted by the Town of Weddington Town Council. No request shall be considered complete unless accompanied by such fee.
  - (2) Notice of the Board of Adjustment public hearing shall be sent by first class mail to the applicant at least ten (10) days prior to the public hearing and to any person who has submitted written request to receive such notice at least ten (10) days prior to the date of the public hearing. The hearing shall be held no later than thirty (30) days after the date of receipt of said written request.

- (3) A hearing shall be conducted by the Board of Adjustment. A concurring vote per the Board of Adjustment's officially adopted by-laws will be necessary to reverse any order, requirement, decision, or determination of any official charged with the enforcement of this Ordinance, or to decide in favor of an appellant any matter upon which is required to pass or to grant variance from the provisions of this Ordinance. The Town shall keep minutes of the proceedings, showing the votes of each member upon each question and the attendance of each member at such hearings. The final disposition of the Town shall be based on findings of fact.
- (4) A party dissatisfied with the decision of the Board of Adjustment following the public hearing shall appeal such decision to the NCSCC pursuant to Title 15, Chapter 4B, Section .0018(d) of the North Carolina Administrative Code and as provided by NC GS 113A-61(c).

**(B) Plan Disapproval Due To Prior Violation, Unpaid Penalties, or Non-compliance.** In the event that a plan is disapproved pursuant to Subsection 65.16 (L) of this Ordinance, the Town of Weddington Inspector shall notify the Director of the Division of Land Resources of such disapproval, along with the reasons therefore, within ten (10) days after the date of the decision. The Erosion Control Inspector shall advise the applicant and the Director of the Division of Land Resources in writing as to the specific reasons that the plan was disapproved. The applicant may appeal the Erosion Control Inspector's disapproval of the plan pursuant to Subsection 65.16 (L) of this Ordinance directly to the NCSCC.

**(C) Issuance of Notice of Violation, Penalties, or Order of Restoration.** The appeal of Issuance of Notice of Violation, Assessment of Civil Penalty, or Order of Restoration made by the Town of Weddington with regard to this Ordinance shall be governed by the following provisions:

- (1) The issuance of a notice of violation, assessment of a civil penalty, or an order of restoration by the Erosion Control Inspector shall entitle the person alleged to be in violation of the Ordinance (petitioner) to appeal within thirty days by filing a petition for a contested case with the State Office of Administrative Hearings under Article 3 of Chapter 150B.

**65.23 SEVERABILITY.** If any section or specific provision or standard of this ordinance is found by a court to be unconstitutional or invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, or standard of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

**65.24 EFFECTIVE DATE.** This ordinance shall become effective upon approval of the North Carolina Sedimentation Control Commission.

Adopted the \_\_\_\_ day of \_\_\_\_\_, 201\_\_

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Elizabeth Callis, Mayor

Attest:

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Karen Dewey, Town Clerk

## EXECUTIVE SUMMARY

### I. INTRODUCTION

This document is a statement of the community's vision for its own future and a guide to achieve that vision through December 31, 2023. This plan shall be updated every five years. These time periods are ambitious-indicative and the Town's failure to conduct an evaluation within these time periods shall not confer any rights on any affected parties. The view of the future expressed in the Land Use Plan (i.e., the Plan) is shaped by local community values, ideals and views-aspirations about the best management-stewardship and use of the community's resources.

The Plan uses text, maps and diagrams to establish policies and programs that the Town may use to address the many issues facing the community. The Plan is a tool for managing community change to achieve the desired quality of life.

This document serves as the replacement to the 2002-2013 Weddington Land Use Plan ~~that was written by the Centralina Council of Governments, which That plan replaced the 1996 Weddington Land Use Plan that was written by the UNC Charlotte Urban Institute. Elements of that original Plan, however, are still contained in this document and are duly noted where applicable.~~ The Plan is being adopted pursuant to NCGS 160A-383.

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#### A. WHY PLAN?

Successful communities do not just happen; they must be continually shaped and guided. A community must actively manage its growth and respond to changing circumstances if it is to continue to meet the needs of its residents and retain the quality of life that initially attracted those residents to the community.

Residents of Weddington value the high quality of the natural environment, the rural character and diversity of the style of their neighborhoods, as well as the strong sense of community identity. They have also expressed ~~concern~~ about the impact-effects of new growth in and surrounding Weddington. ~~has increased as residents have experienced increased traffic congestion, school crowding, and the rapid loss of natural, open areas. Effective growth management can will help the community address each of these concerns.~~

The Town recognizes the importance of coordinating growth management efforts with Union County and adjacent communities while also cognizant of the limitation of the

authority the Town possesses – the Town can strive to influence the policies and actions of other parties, but it does not have direct authority to do so, as with decisions relating to schools or transportation corridors. Accordingly, the Town seeks to develop a productive relationship with the County towards coordinated strategies and County should develop coordinated strategies for growth management to make efficient use of valuable infrastructure that is already in place, and to minimize unnecessary loss of the surrounding open space areas where such infrastructure is not yet in place. A good plan and effective plan implementation measures can curb the trend towards sprawl development while accommodating appropriate new development consistent with the future vision.

This Plan, once adopted and applied consistently and carefully, is intended to foster will develop and strengthen partnerships among service providers and between the public and private sectors. The Such partnerships can achieve infinitely more for the community than any would acting alone. An important premise-principle of an effective land use plan is that it creates to create a “win/win” situations for both the public and private sectors, for existing and new neighborhoods, for open space land conservation, and for the community’s fiscal integrity and enhanced quality of life.

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#### **B. WHAT IS IN THE LAND USE PLAN?**

This Land Use Plan focuses on land use and development issues-matters facing Weddington, North Carolina. The following listing of sections outlines the major areas covered by the Land Use Plan.

**Section II - Community Vision** defines a vision for the community’s future that is the basis for the Plan’s recommendations. The most significant aspect of Weddington’s planning process has been the high level of citizen involvement. The Town’s approach has included surveys, interviews, public hearings, workshops, and newsletters, in an effort to inform the public and to capture the thoughts, ideas, hopes and desires of the community. Community values set priorities for community action and plan implementation.

**Section III - Goals, Policies and Recommendations** identifies specific goals and policies intended to guide future growth and development decisions.

**Section IV - Plan Implementation and Administration** outlines recommended strategies needed to achieve the Plan’s goals in a manner that is consistent with the Town’s policies.

**Section V - Context for Planning** summarizes existing conditions, trends and issues facing the community and establishes the setting for the Plan and the basis for its goals and policies. This section:

- Summarizes the Town's history;
- Identifies natural environmental factors and physical constraints and opportunities that affect development within the planning area;
- Identifies demographic characteristics and trends;
- Identifies issues and regulatory considerations related to existing and future land use and the planning area;
- Establishes the basis for community design and image guidelines for the enhancement of Weddington's natural and built environments;
- Identifies both public and private community facilities and service providers within the community.

#### **C. WHAT DO THESE TERMS MEAN?**

The following terms are used throughout the Plan to convey key concepts

*Goal.* Description of a desired state of affairs for the community in the future. Goals are the broad public purposes toward which policies and programs are directed. Generally, more than one set of actions (policies) may be needed to achieve each goal. In this Plan, goals are phrased to express the desired results of the Plan; they complete the sentence "Our goal is..."

*Policy.* A statement of government intent against which individual actions and decisions are evaluated.

*Strategy.* Individual tasks or accomplishments which, taken together, will enable the Town to achieve its goals. Strategies recommend specific courses of action to implement the Plan.

#### **D. HOW SHOULD THE PLAN BE USED?**

The Plan is a guide to action. It is not, itself, an implementation tool. By ensuring that individual actions are consistent with the goals, objectives and policies of the Plan, the Town can effectively achieve the vision. For example, the Planning Board and the Town Council will use the Plan's policies and maps to decide whether to approve a proposed rezoning of land within its Town limits. Zoning and subdivision regulations should govern how development takes place in conformance with the Plan. Upon adoption of

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this Plan, the Town should review existing development regulations and ordinances to determine their consistency with this Plan.

Although amendments to the Plan are discouraged, the Plan should be a dynamic document, subject to periodic and occasional amendment but only when conditions within the Town drastically change. Periodic updates of the Plan may be needed to ensure that it continues to meet the needs of the Town.

The Plan ~~is~~ not an ordinance. Rather, it~~is~~ is designed to serve as a guide for future growth and development within Weddington. The Plan therefore does not have the weight nor the mandate for enforcement as does an ordinance. The Town Council will have use this Plan as a guide ~~and a factor to consider~~ in its future land use decisions.

#### **E. COORDINATION WITH OTHER JURISDICTIONS**

Many problems faced by local governments are regional in nature. Issues such as population growth, environmental preservation, growth patterns, and the adequacy of public facilities and services often transcend local, neighborhood or Town boundaries. Accordingly, the study area of the Plan (i.e., the “Planning Area”) looks beyond the corporate limits of Weddington and includes possible future growth that may be regional in nature. Regional growth areas include those areas contained in the Weddington-Marvin annexation agreement and nearby jurisdictions that Weddington would have the ability to annex. It also includes other unincorporated areas to the south and east of Weddington that have also been identified for possible future annexation. Official Town actions in response to this Plan will be limited to the area within the Town’s current and future municipal jurisdiction, including any extraterritorial jurisdictional boundaries that may be granted to the Town.

This Plan strongly supports partnerships between Weddington, Union County and communities adjacent to the Planning Area such as Wesley Chapel, Waxhaw, Marvin, Indian Trail and Stallings. These partnerships should focus on coordinated growth management and service provision strategies. Through effective coordination, Town residents will enjoy the benefits of a more stable, sustainable region. Failure to coordinate will result in excessive consumption of valuable open space land.

#### **F. WHO IMPLEMENTS THE PLAN?**

The policies and strategies of the Plan must be implemented in a timely manner in order to ensure that the vision of the Plan becomes a reality. Who should be charged with the implementation of the goals, policies and strategies? It is a joint effort of the Town Council, the Planning Board and Town staff.



## II. COMMUNITY VISION

Weddington has the distinct atmosphere of a small town and a quality of life that provides its citizens with a sense of place that is [lacking-different](#) in other parts of the region. The natural environment and community structure that characterize Weddington, along with its land use regulations, have been major factors in shaping the growth of the town and making it a desirable place to live.

Local leaders are aware of the fact that the Town cannot prohibit new growth from occurring. Thus, a primary community goal is to maintain the Town's rural character as new growth occurs. New growth must occur within a framework that is in keeping with the existing rural community character and that avoids negative social, economic and environmental effects on the town.

Growth in Weddington is inevitable. The majority of residents are happy with the Town's existing low-density single-family developments. Few support a "growth at any cost" policy. This document evaluates the amount of growth likely to occur and makes recommendations concerning the location and relationship of the land uses in order to establish and maintain a healthy relationship between the developing community and the environment.

### A. PUBLIC PARTICIPATION

In developing a plan, the most important item in assuring that the community has ownership in the product is public participation. A public participation process identifies a community's shared preferences, can serve as a means to refine goals and objectives, and can ensure that Plan implementation measures address these objectives. However, reaching public consensus is often an intensive, time-consuming and sometimes controversial process. There are important benefits to active citizen involvement in the planning process, such as educating the public about local government actions, generating fresh ideas about old problems, and improving the community climate of trust and teamwork. A citizenry that is given the opportunity to participate does not feel excluded, even if it doesn't take an active role. Most important of all, effective citizen participation, no matter how time-consuming, saves time and builds support for community goals.

The Town of Weddington has taken a number of steps to make public input a meaningful part of the planning process in developing this Plan. The Town undertook a land use survey that addressed a number of key issues facing the Town. In addition, the Town [has](#)



conducted public workshops and meetings to receive input and to inform the public about the planning process and Plan goals, objectives, and possible implementation measures.

#### **B. COMMUNITY SURVEY**

The Town conducted a citizens' survey, in the spring of 2018 to gauge public opinion on future land uses and community vision. The survey questionnaire and results are found in **Appendix B**. The online survey access information was mailed to owners of all parcels within the Town and paper copies were made available upon request. Survey results were used to identify key community issues. Approximately 31% of households completed the survey.

#### **C. COMMUNITY SNAPSHOT**

The citizens of Weddington are very satisfied with the community, the Town's land development pattern, and the quality of life they enjoy. Many people who have moved to Weddington did so to take advantage of the quality of life that the Town provides. When driving into Weddington from neighboring communities, one notices a distinctly different land use pattern upon entering the Town. As compared with ~~these other~~ communities, the Town has been quite successful in maintaining a low-density residential character that sets it apart from many of its neighbors.

The Plan contains many individual goals, policies, and implementation recommendations. Together, these detailed statements provide guidance in achieving the Town's vision of its future. Some of these goals reflect long-standing Town policies. Others identify new directions and actions that are designed to maintain the Town's high quality of life. Recognition and discussion of the key issues formed the basis for the Town's development of community vision priorities. The following themes emerged from the public participation process, and provide key policy direction for developing the goals and objectives of the Plan, ~~and are reflected throughout the Plan.~~

#### **D. PLAN FOR APPROPRIATE AND COMPATIBLE LAND USES:**

➤ Plan for predominantly single-family development. Single-family subdivisions are the preferred land use type; residents continue to show limited to no interest in having ~~additional other types of~~ development in the Town. The Town has also approved Conservation Subdivisions which maintain a 1-acre density with smaller lots and preserve 50% of the development as conservation area allow for smaller lots but also require 50% conservation lands. The conservation land cannot be ~~re~~developed. ~~This results in a density neutral development where the overall density remains one unit per acre.~~

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➤ Monitor development patterns in the Town and surrounding areas ~~due to resident~~ ~~There is some~~ concern about the amount and rate of growth ~~happening in the area that has been occurring.~~ The Town grew at a rapid rate in the 2000's ~~and many farm fields and forested areas were converted into building lots.~~ Knowing the town cannot slow or stop development ~~growth, it continues to the town should make a shift in how it frames the issue, like continuing to get input from the community, along with professionals' expertise, which will help manage that growth. e.g. what else would the town like to see in our community, what are optimal ratios for certain kinds of development and over what period of time.~~

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➤ Maintain land use regulations that protect and maintain the Town's open space, unique character and overall quality of life.

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#### **E. COORDINATE THE PROVISION OF ADEQUATE PUBLIC SERVICES:**

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➤ Continue to coordinate with other jurisdictions that plan, fund, construct, and maintain a regional network of ~~arterial and collector~~ streets. There are a number of critical road improvements scheduled in the Weddington vicinity over the next few years ~~, the most important being the construction of the Rea Road Extension (known as the re-alignment of NC 84) coming south from Mecklenburg County and linking into Marvin Weddington Road. This road is eventually planned to link into NC 84 between Cox Road and Twelve Mile Creek Road. That portion of the construction project between NC 16 and NC 84 is included on the local Thoroughfare Plan and LARTP.~~ Changes in alignments, intersections, or improvement schedules may affect land use planning and development in Weddington. ~~The recent completion of the widening of NC 16 has resulted in increased development pressures along NC 16 throughout Weddington.~~ In 2009, the Town of Weddington partnered with the Village of Marvin, Town of Waxhaw and Village of Wesley Chapel to develop a Western Union County Transportation Plan. The municipalities enlisted the assistance of Centralina COG and Transportation Planners, Martin/Alexiou/Bryson to create this multi-jurisdictional plan. *Staff Note: there is a large section on transportation in another Chapter – removed unnecessary statement about Rea Rd Ext. here*

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➤ Continue to coordinate development approvals with the availability of adequate water and wastewater facilities. Ensure that well and septic are limited to those areas where

centralized services are not practical and the well and septic are adequate to meet the long-term needs of the development.

#### **F. MANAGE NATURAL RESOURCES:**

➤ —Use land use planning to protect wetlands, floodplains, aquifers and wellhead protection areas.

➤ Develop strategies and regulations for protecting open spaces. There is some concern that the amount and rate of growth that has been occurring will eliminate all of the open spaces that are an essential component of the Town's character.

➤ Maintain standards for development on steep slopes to reduce environmental impacts and hazards to residents. Preferred —~~D~~developments are preferred ~~which are~~ built in concert with and ~~which~~ take advantage of their natural environmental features and attributes.

➤ Develop open space networks with the potential to connect conservation land, greenways and multi-use paths

### III. GOALS AND POLICIES

**Future Land Use.** Weddington's *Land Use Plan* is the fulfillment of input and conversation that has transpired while planning for the Town's future. Land Use policies build the framework on which land use decisions can be founded. They are aimed at providing guidance in the location of future land uses and the redevelopment of existing land uses. Land use is dynamic rather than static. It is a process that is marked by public input and is dependent upon continued participation of residents, property owners and business owners for its success. The Land Use plan is that component of this document that links all the factors impacting Weddington. The purpose of the Land Use plan is to institute an ostensibly efficient direction to delineate Weddington's future development patterns - where the community members want to go and how the Town leaders can get there.

The Future Land Use map is not the zoning map for the Town. The Future Land Use map is conceptual and is intended to guide future land use decisions. Future land uses are developed in the context of all of the Plan's goals and policies.

#### **Land Use Goals:**

- Goal 1: To ensure that all new development takes place in a manner that conserves open space and scenic views.
- Goal 2: To limit development activities on environmentally sensitive lands.
- Goal 3: Minimize the visual effect of development from surrounding properties and roadways.
- Goal 4: To maintain the town's strong single-family residential character.
- Goal 5: To retain a mix of land uses that reinforces Weddington's unique small town character.
- Goal 6: To ensure that the type, location, and scale of existing commercial and future commercial development in the Town provides goods and services for the residents of Weddington and neighboring communities.

Goal 7: Through the conditional zoning process, provide smaller lot sizes to accommodate a variety of age and income groups, and broader residential preferences, so that the community's population diversity may be enhanced.

**Land Use Policies:**

Policy 1: Preserve open space and scenic views through appropriate zoning regulations. Require open space preservation in both conventional and conservation subdivisions and commercial developments.

Policy 2: Preserve the Town's natural resources. Depending upon the fragility of the resource, restrictions should limit or prohibit construction, grading, and even vegetative clearing.

Policy 3: Limit development to areas of the Town that have suitable soil and topographic characteristics for development.

Policy 4: Limit development in designated 100-year floodplains, wetlands and along natural waterways to reduce the risk of significant damage and injury to life and property.

Policy 5: Ensure that development is consistent with the Town's quality and aesthetic values, thereby protecting property values.

Policy 6: Retain the character of the community by ensuring that new residential development consists of single-family homes.

Policy 7: Continue to allow manufactured housing in Weddington on individual lots within Residential (R) zoning districts in accordance with NCGS 160A-383.1.

Policy 8: Prohibit medium and high-density residential development and large-scale commercial development that could create potential traffic and safety problems for the Town.

Policy 9: Ensure that the scale and design of commercial development is consistent with the unique small-town character of Weddington. Limit such development to small-scale retail and service businesses, serving Town residents and surrounding communities, particularly specialty shops and restaurants and prohibit regional scale retail and service commercial establishments. Provide

for open space preservation in new and/or expanded commercial developments.

Policy 10: Minimize the number of street curb cuts to avoid traffic congestion and ensure public safety.

Policy 11: Ensure that land uses abutting residential development are compatible with the scale, intensity and overall character of existing and planned neighborhoods.

Policy 12: Consider land use descriptions shown in **Exhibit 1** and the Future Land Use Map shown in **Exhibit 2** in making zoning and development decisions.

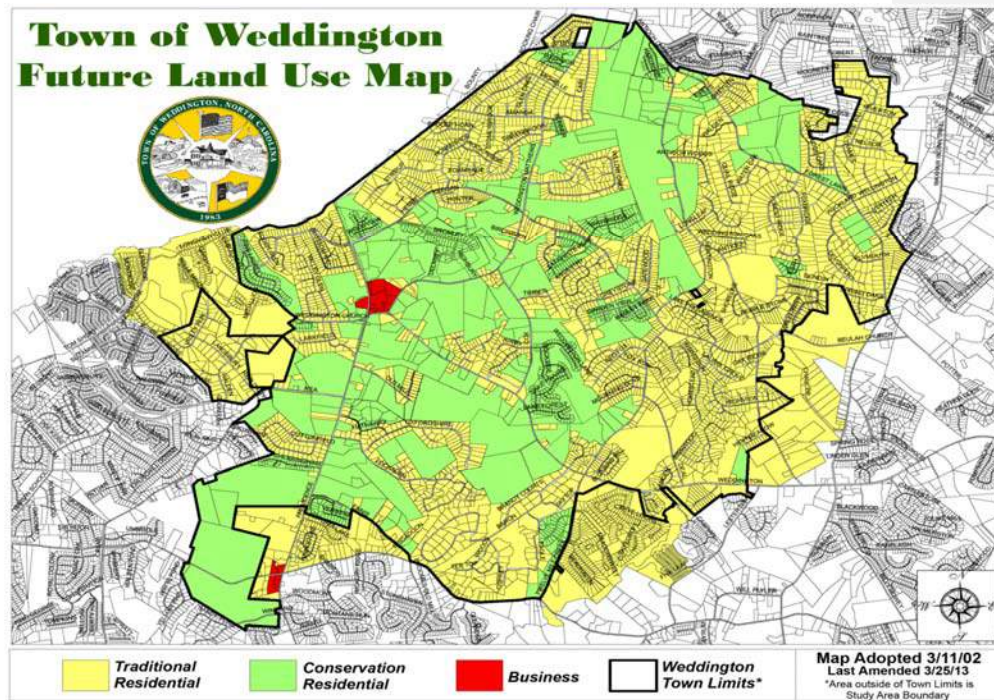
**Exhibit 1: Future Land Use Categories**

| <b>Land Use</b>          | <b>Description</b>  |
|--------------------------|---|
| Traditional Residential  | This category applies to areas where most of the lots and parcels are less than six acres in area. Most of this area is platted and is, or will be zoned for 40,000 square foot lots at a density of approximately one dwelling unit per acre, in accordance with the Town's current Residential (R-40, R-40D, R-60, R-80, RE and RCD conventional) zoning districts.   |
| Conservation Residential | This category applies to the areas within the Town that are currently zoned RCD or are six acres or greater in area. Some of this area has not been developed while some of the area is currently a conventional or conservation subdivision. Conventional subdivisions shall have minimum lot sizes of 40,000 square feet, plus be subject to a 10% open space requirement. Conservation subdivisions shall be subject to a conditional zoning permit and allow for smaller lot sizes, yet retain a density of approximately one dwelling unit per 40,000 square feet. |
| Neighborhood Business    | Existing commercially zoned (MX, B-1(CD) or B-2(CD)) parcels that lie in the vicinity of the "Town Center" or near the intersection of New Town Road and NC 16. This area is intended for neighborhood scale businesses that serve the needs of Weddington's residents and surrounding communities. All new commercial development in the Town Center is subject to additional requirements found in the Downtown Overlay District.   |

Policy 13: Through the conditional zoning process, provide for alternative smaller lot sizes to accommodate a variety of age and income groups, which promotes community, residential, and population diversity.

Policy 14: Allow alternative smaller lots to promote residential and population diversity in the community.

INSERT  
Exhibit 2: Future Land Use Map





**Public Facilities and Services Goals:**

Goal 1: To have all Weddington residents provided with an efficient delivery of emergency services.

Goal 2: To ensure that all existing and future developments in Weddington are served by adequate water and sewage disposal facilities.

Goal 3: To encourage that any future park and recreation needs of Weddington residents are met with adequate recreational facilities in the area.

Goal 4: To provide safe and convenient mobility for Weddington residents of all ages.

**Public Facilities and Services Policies:**

Policy 1: Plan for and equitably fund the efficient provision of emergency services.

Policy 2: Require transportation, water, wastewater and drainage system improvements to be constructed concurrent with new development and that provide adequate capacity to meet demands from existing and new users.

Policy 3: Monitor and have input on utility extensions by Union and Mecklenburg Counties.

Policy 4: Identify the future recreational needs of the Town's residents through periodic surveys and assessments, as appropriate.

Policy 5: Ensure that future public recreation facilities and programs within Weddington serve the needs of all residents and are accessible to all citizens.

Policy 6: Require that roads be designed and constructed to provide a high level of safety and attractiveness. Road design shall consider the safety of pedestrians, bicyclists and motorists, as well as the character of the neighborhood through which the road travels.

Policy 7: Coordinate with State and local officials to stay informed and have input on road and thoroughfare plans that impact Town residents.

Policy 8: Ensure that all new transportation infrastructure is constructed to NCDOT standards.

Policy 9: While most new roads in Weddington in the past have been publicly owned and maintained roads continue to allow for privately maintained transportation infrastructure, provided they are built and maintained to meet all applicable NCDOT standards.

### **Community Design and Image Goals**

Goal 1: To maintain and enhance the Town's aesthetic qualities and physical character.

Goal 2: To retain a single business center within the Town that occupies the same area as the existing Town core. While businesses in the center will maintain the small-town scale needed to serve local residents, the design of the center should become more pedestrian-oriented.

### **Community Design and Image Policies**

The overriding objective of the policy guidelines set forth in this section is to protect and promote the health, safety, and welfare of the citizens, and future citizens of the Town.

Policy 1: Continue to encourage the preservation of older homes and structures in the community to preserve a sense of history

Policy 2: Continue to support the adaptive reuse of historic structures in the community.

Policy 3: Continue to support the Weddington Historic Preservation Commission's efforts to preserve historically significant structures and sites.

Policy 4: Maintain design standards for future non-residential developments.

Policy 5: Maintain public signs, Town banners, Town sidewalks and landscaping around these signs to beautify the Town and to draw the attention of persons traveling through Weddington.

Policy 6: Give the highest priority for beautification efforts and corridor design to major thoroughfares and key entryways.

Policy 7: Coordinate with local utility companies and developers when placing electric, telephone, and cable television lines underground in accordance with the Town's Subdivision Ordinance in order to minimize removal or degradation of trees during installation and maintenance of such facilities.

Policy 8: Ensure that new commercial development is designed with pedestrian-oriented features that provide safe, attractive and convenient linkages to residential neighborhoods, wherever practical.

Policy 9: Use regulatory and non-regulatory incentives to encourage good design. Maintain development standards and regulations that provide adequate flexibility to respond to changing conditions and needs in the community.

Policy 10: Require redevelopment and new development projects to incorporate public spaces.

#### **Growth Coordination Goals:**

Goal 1: To implement the plan through appropriate regulations and, to the extent practical, coordinate with Union County and other service providers.

Goal 2: To consider ways to coordinate the timing, location and intensity of new development with the provision of public facilities that are adequate to serve the new development.

#### **Growth Coordination Policies**

Policy 1: To the extent possible, pursue planning jurisdiction over the area surrounding Weddington's borders and negotiate an extraterritorial jurisdiction (ETJ) agreement with Union County, per NCGA 160A-360, or through local legislation, to ensure that land use, public improvements and development are consistent with the desired character of the Town.

Policy 2: Use voluntary annexation, where appropriate, to ensure that proposed developments in areas adjoining Weddington's Town limits are consistent with the Town's development standards.

Policy 3: Continue to participate in a coordinated, regional approach to transportation planning and seek adequate funding to support all transportation needs.

Policy 4: Work closely with officials from NCDOT and Union County to ensure that subdivision plans and development proposals do not interfere with existing roads or planned roadways designated in the Thoroughfare Plan and LARTP.

Policy 5: Communicate on a continuing basis with officials from Mecklenburg County, Union County and the other municipalities of western Union County to keep abreast of and have input on developments that may impact the Weddington area.

Policy 6: Coordinate with other service providers on the timing and location of installation or replacement of utilities.

Policy 7: Continue to play an active role on the Charlotte Regional Transportation Planning Organization (CRTPO).

~~Policy 8: As this Plan is not an ordinance and is not in itself binding on the Town Council, before rendering zoning change recommendations or decisions, the Planning Board and the Town Council shall carefully consider the proposed change and its consistency with the goals and policies of this Plan.~~

Policy 9: Coordinate with the County library system to provide convenient and accessible library services.