

TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
November 26, 2018 7:00 p.m.
AGENDA

1. OPEN THE MEETING
2. DETERMINATION OF QUORUM/APPROVAL OF AGENDA
3. APPROVAL OF MINUTES
 - A. October 22, 2018 Regular Planning Board Meeting Minutes
4. NEW BUSINESS
 - A. Discussion of Matthews Property Site Plans
 - B. Discussion of Planning Board Training
5. OLD BUSINESS
 - A. Discussion and Consideration of Erosion Control Ordinance
 - B. Discussion of Land Use Plan Revisions
6. UPDATE FROM TOWN PLANNER AND REPORT FROM NOVEMBER TOWN COUNCIL MEETING
7. ADJOURNMENT

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
October 22, 2018
MINUTES
Page 1 of 9**

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 Chairman Rob Dow, Board members Brad Prillaman, Barbara Harrison, Jim Vivian, Steve Godfrey, and Gerry Hartman present. Board member Walt Hogan was absent.

Staff Present: Town Administrator/Planner Lisa Thompson

Visitors: Alix Pavlic Phillips, Bill Deter, Brian O’Connell, Drew Podrebarac, Brett Munnerlyn, Bobby Carascullo

Ms. Thompson requested that agenda item 6A be changed to read “Review and Consideration of the Erosion Control Ordinance”. The Board agreed that an update would be enough.

Chairman Dow asked if there was a reason Ms. Thompson wanted it voted on tonight. She responded that the ordinance must be adopted by the Town before it is sent to the state for their approval. The process can take up to 90 days to get everything turned over. The Board agreed to leave the agenda unchanged.

3. APPROVAL OF MINUTES

A. September 24, 2018 Regular Planning Board Meeting Minutes

Chairman Dow made a change on page 2 to clarify which subdivision he was concerned about.

- Motion:** Board member Hartman made a motion to approve the September 24, 2018 Regular Planning Board Meeting Minutes as amended.
- Second:** Board member Prillaman
- Vote:** The motion passed with a unanimous vote.

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

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.

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 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.

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 other lights be turned off at 9:00 PM and any use of Fireworks be permitted through the Union County Fire Marshall.

Bobby Carascullo, Operations Director for The Independence Fund presented the application. Board Member Hartman asked if there were any emergency services provided. The applicant responded that there are contracts for EMS.

Board Member Prillaman asked if fireworks were involved last year and if the fire department would be involved in that. The applicant responded that fireworks were not involved last year, and the fire department would be involved for safety purposes.

Ms. Thompson asked what the planned time for fireworks is. The applicant responded that it would probably be around 6:30 p.m.

Board member Harrison asked if a public notice of the fireworks needs to be made. Ms. Thompson stated that the public has been notified of a public hearing tonight and the town could let the public know.

Chairman Dow asked if fireworks are exempt from the blasting ordinance. Ms. Thompson confirmed that they are. He asked the applicant if alcohol was served at the event last year. The applicant responded that it was, and they have the ABC permit. Chairman Dow stated that the ordinance regulating temporary use permits does not say "12 months", but "in a calendar year". Hunter farm has 3 TUP applications in the last 12 months. Ms. Thompson stated that she would confirm the timing.

Chairman Dow asked if the music was going to be amplified. The applicant responded that it is an acoustic set that will be amplified. Chairman Dow asked if there were any stipulations on noise last year. Ms. Thompson responded there were none.

Board member Harrison asked if there would be bottled water and accessible port-a-johns available. The applicant responded that there would.

Chairman Dow asked for clarification on the event time. In Ms. Anderson's approval letter, the time is specified at 3 p.m. to 6 p.m. but the application specifies 3 p.m. to 7 p.m. and the lights will go out at 9.

Chairman Dow asked about the available parking. The applicant responded that parking would be at the Methodist church and the field behind the house at Hunter Farm. There will be generator lights for the parking lot and chem lights along the path to and from the parking lot.

Chairman Dow expressed concern about the fireworks being so close to Providence Road. The Applicant showed from where the pyrotechnics would be detonated. Chairman Dow noted that it was quite a way from the road.

Board member Vivian asked how high the fireworks will go. The applicant responded that they will go up to 600 feet. He stated the fireworks are 1100 feet from Providence Road and 500 feet from the closest residence, which is all within code. The adjoining property owners were notified of the public hearing for the Temporary Use Permit and will not require additional notice of the fireworks.

Ms. Thompson confirmed that the Code specifies the number of Temporary Use Applications is limited to 4 per calendar year, not over 2 months. This is the 4th application for Hunter Farm this calendar year.

Before issuing any temporary use permit, the Planning Board shall make the following determinations:

(i) The proposed temporary use will not materially endanger the public health, welfare and safety. The Planning Board agreed that presence of the fire department, Union County off duty sheriff, EMS, and the Fire Marshal approving the fireworks plan as well as access to facilities and bottled water will ensure the public health, welfare, and safety.

(ii) *That the proposed temporary use will not have a substantial negative effect on adjoining properties.* The Planning Board agreed that the hours of the event, public safety available, and distance of the fireworks from road and neighboring properties will ensure there will not be 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.* The Planning Board agreed that the spirit of this event, highlighting the honoring of veterans, and promoting charity and community, is in harmony with the general purpose of the Code of Ordinances.

(iv) *The proposed temporary use is held no more than four times per year at any particular location.* The Planning Board agreed this event is held no more than four times per year.

Board member Godfrey asked if neighbors were notified of the fireworks. Chairman Dow responded that notification requirements had been met with the public hearing notice being sent out to the adjoining properties.

Ms. Thompson stated that there is time if the Board chooses to make notifying neighbors a condition of approval. The Board agreed no extra notice was necessary.

Board member Vivian commented that the TUP application needs to be consistent with the ordinance regarding the number of times per year an event may be held.

Motion: Board member Hartman made a motion to approve the Temporary Use Permit Application for the Independence on the Farm event at Hunter Farm from 3 p.m. to 7 p.m. on Saturday November 17, 2018 with the condition that temporary lighting and lights be turned off at 10 p.m. and any use of fireworks be permitted through the Union County Fire Marshal.

Second: Board member Prillaman

Vote: The motion passed with a unanimous vote.

5. NEW BUSINESS

A. Review and Consideration of the Canisteo Subdivision Final Plat

Ms. Thompson presented the staff report: 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. The lots meet all required setbacks. Staff recommends approval of the final plat with the following conditions:

- Bond estimates to be approved by the Town's engineering consultant.
- 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.
- Declaration of Conservation Easement and restrictions shall be reviewed by the Town Attorney and executed prior to recording of the final plat

- Maintenance plan and maintenance agreement shall be reviewed by the Town Attorney and executed prior to recording of the final plat.
- Covenants, Conditions and Restrictions (CCRs) shall be reviewed by the Town Attorney and executed prior to recording of the final plat.
- Coordinate with USPS and DOT to approve the cluster mailboxes location within subdivision.

Chairman Dow stated that there is no conservation land labeled on the plat. Ms. Thompson stated that the applicant is calling it common open space. Chairman Dow stated that common open space is not conservation land.

Ms. Thompson stated that the applicant will change the land labeled common open space, not including the land where the subdivision monument sign will be built, to conservation land before the Council reviews the plat.

Chairman Dow asked if there were changes from the preliminary plat as far as lot sizes or number of lots. Ms. Thompson confirmed that there were no other changes from the preliminary plat.

The Board agreed that the final plat should be labeled consistent with the preliminary plat and make sure the monument is kept as common open space and the final mylar plat should have the engineer seal in the signature block.

Motion: Board member Hartman made a motion to send the Canisteo Subdivision Final Plat to Town Council with a favorable recommendation with the conditions listed by staff and the additional condition that common open space is re-labeled to conservation space consistent with the preliminary plat and the common open space where the subdivision monument will stand remain labeled as such.

Second: Board member Prillaman

Vote: The motion passed with a unanimous vote.

B. Review and Consideration of Text Amendments to Section 58-4 Definitions; Section 58-25 Outdoor Storage; and Section 58-175 Off Street Parking

Ms. Thompson presented the staff report: 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. Some towns do not allow storage on a residential lot, some require storage in a shed or be covered with a tarp. This is basic language to address the complaints received.

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

Chairman Dow stated that this doesn't seem to solve the problem.

Board member Prillaman stated that the vast majority of the newer developments have HOAs to deal with this issue.

Chairman Dow asked where this was happening. Ms. Thompson responded that it was Gatewood Lane. There is a boat and an RV that have been sitting out for over 5 years, not in the road, but on the side of the road. There are properties in Antioch Plantation as well.

Board member Vivian stated that Antioch Plantation should have CCRs. Ms. Thompson said a few of the subdivisions have HOAs that have been dissolved, so there isn't any enforcement of the CCRs.

Board member Harrison and Chairman Dow agreed that they don't think this ordinance will solve the problem.

Chairman Dow would like to look for guidance from Council. The Board agreed.

Ms. Thompson stated that the idea was to get the stored vehicles out of the front yard.

Chairman Dow stated that this is a big policy shift. He doesn't believe this is the municipality's place to regulate this.

The Planning Board directed staff to get guidance from Council and bring it back to Planning Board.

C. Discussion of Community Recreation Center (public and private) Definition

Chairman Dow stated that the Council has had discussion on tightening up the definition of community center. The definition currently reads: a building used for recreational, social, educational, and cultural activities usually owned and operated by a public nonprofit group or agency.

Ms. Thompson stated that in the list of conditional zoning uses, a community recreational center (not community center) it says both public and private. The definition says usually nonprofit, the use is listed as both public and private. They should be the same.

Chairman Dow stated that the Land Use Plan is supposed to be used to check zoning applications for their correctness. The ordinances are supposed to regulate the development.

Zoning should agree with the LUP. The LUP isn't an ordinance so it won't be specific and narrow, it is policy and intent. The ordinance is spelled out.

Chairman Dow stated that the word community has a lot of different uses, but basically a common group or a specific place. He said the Harris Teeter is a community grocery store, Mills Cleaners is a community dry cleaner.

Ms. Thompson replied that the Council made 4 conditions for approval trying to tie it to community use.

Board member Hartman stated those commercial enterprises typically serve the community, but that doesn't stop residents from going elsewhere. Those business can't close and be restricted for use for Weddington residents only. Private business is not prohibited by the ordinance.

Board member Prillaman stated that the YMCA is a private business, only allowing members to use it. This community center is a business, and the Land Use Plan has restricted business to the downtown commercial area. The definition has been twisted and manipulated to make this fit. The applicant is running a legitimate business.

Board member Harrison stated that after looking at that site and looking at what the applicant was offering, she determined it was more than just a business for the community. She stated that she looked at the Land Use Plan and the survey responses and that justified this conditional zoning.

Chairman Dow stated that there isn't concern about this area becoming a strip mall because it's approved for a conditional use fitness center. He asked how the Board should proceed.

Board member Hartman stated that the language should be brought into conformance.

Ms. Thompson stated that the Town needs to define a community recreational center and it can be done at the next meeting. Usually a community center is government run or quasi-government and the Town can define it as that. She said staff will gather different definitions of community center/community recreational center/recreational center and the Board can decide which to allow in residential conditional zoning or cross it out completely

Board member Hartman asked if the task is to define the community recreation center?

Chairman Dow responded that the task is to make the definition of community recreation center and the list of conditional zoning allowed uses sync.

Ms. Thompson stated that she will present different definitions and Board will work from there.

6. OLD BUSINESS

A. Update on Erosion Control Ordinance

Ms. Thompson presented an update. She stated that it is a copy of the Town of Waxhaw's ordinance. They require a permit and erosion control plan for any land disturbing activity over 12,000 sq. ft. The state requirement is 1 acre and Weddington will follow the state requirement because of lack of manpower. Any land disturbing activity over 1 acre will require application, permit and management plan. Applicants will be required to do weekly inspections and inspections within 24 hours after a storm event with more than .5 inches of rain in a 24-hour period.

Board member Harrison stated that Hurricane Florence was a 48-hour event. She asked when the inspection take place if a storm event lasts longer than 24 hours. Ms. Thompson responded that the inspection would occur within 24 hours after the event.

Board member Prillaman asked about the Town's erosion control inspector. Ms. Thompson answered that the Town is currently under contract with an engineer for code inspections and that engineer will perform the erosion inspections. She stated that he plans to become certified.

Board member Prillaman asked about section 65.16 (L)(3): A plan may be disapproved upon a finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant: 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; and how it would be enforced. Ms. Thompson stated that she would check with the Town Engineer and the Town Attorney.

Board member Hartman referenced section 65.16 (B) and asked how performance bond amount would be determined. Ms. Thompson stated that the Town Engineer determines the amount and she would check on how they determine the cost.

Board member Prillaman referenced section 65.18 (C) and asked if notice of violation had to be delivered in person. Ms. Thompson stated that the notice of violation has to be official and the State Statute regulates how violations are delivered.

Chairman Dow stated that sections 65.05(B) and 65.06 have reference to an individual lot when defining the land disturbing activities. Ms. Thompson stated that she would review those sections.

The Board agreed to table further discussion of the Erosion Control Ordinance to the November meeting. Ms. Thompson will forward questions to the Town Engineer for clarification.

B. Discussion of Land Use Plan Revisions

Chairman Dow asked what percentage of the entire Land Use Plan has been reviewed. The Board determined that there is about 2/3 left to review. Board member Vivian asked if the Board members would be willing to have a workshop.

Ms. Thompson asked the Board about their availability. She stated that the Town does not have to have public input but does need to hold a public hearing before approval.

Chairman Dow stated that the point of revising the Land Use Plan is to tighten up policies and goals. He suggested reviewing the entire plan, and get goals and policies input from the Council. He stated the best product for the Town would be to make the policies and goals bulletproof in an open forum in front of citizens.

The Planning Board discussed possible meeting times for workshops to continue Land Use Plan Revisions. They agreed to review sections individually before meeting as a group. Ms. Thompson tasked the Board members to review pages 8 through 18 - all goals and policies.

7. UPDATE FROM TOWN PLANNER AND REPORT FROM OCTOBER TOWN COUNCIL MEETING

Ms. Thompson presented the update: The Council approved the conditional zoning applications for the community recreation center and for the church at Rea Road and Reid Dairy Road. They approved a text amendment for parking - loading and unloading. This makes it unlawful for any person to park private vehicles whose overall dimensions, including any trailer that is attached, are more than 6 ½ feet wide or 20 feet long or 8 feet high, on streets or roads within the corporate limits of the town, except when engaged in loading and unloading or otherwise lawfully and actively engaged in conducting the business for which they are intended and only for the duration of such activities.

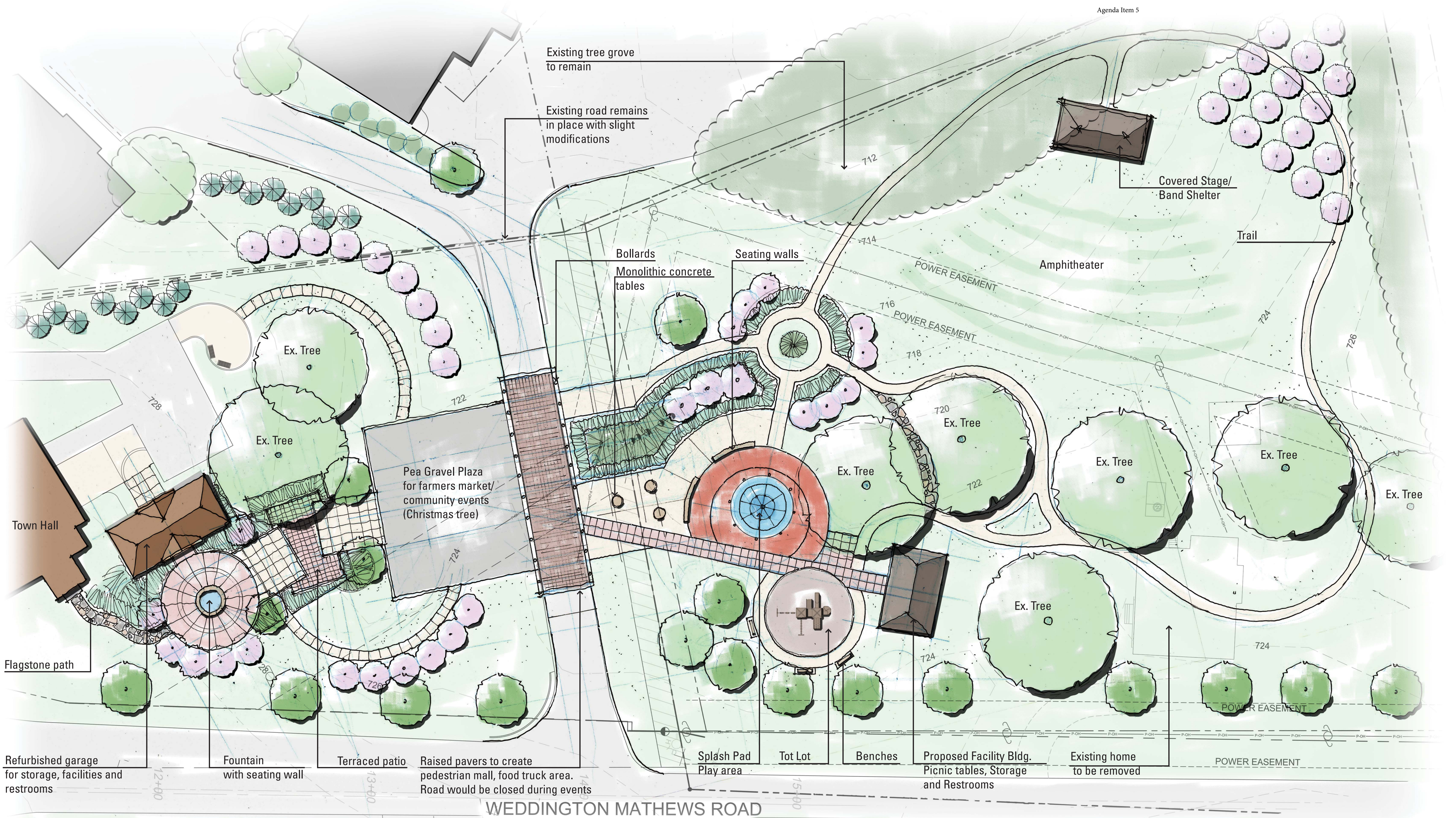
8. ADJOURNMENT

Motion: Board member Hartman made a motion to adjourn the October 22, 2018 Regular Planning Board Meeting at 8:49 p.m.
Second: Board member Prillaman
Vote: The motion passed with a unanimous vote.

Adopted: _____

Rob Dow, Chairman

Karen Dewey, Town Clerk

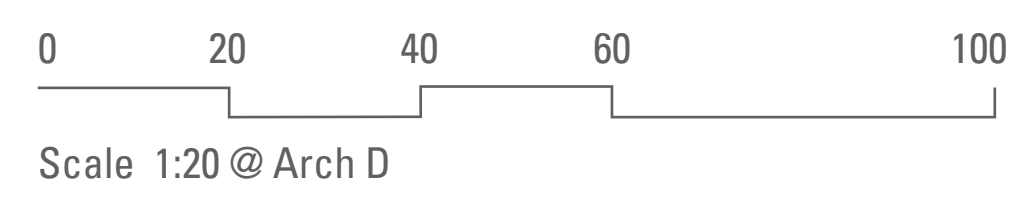


WEDDINGTON MATHEWS ROAD

PLAN CONCEPT A



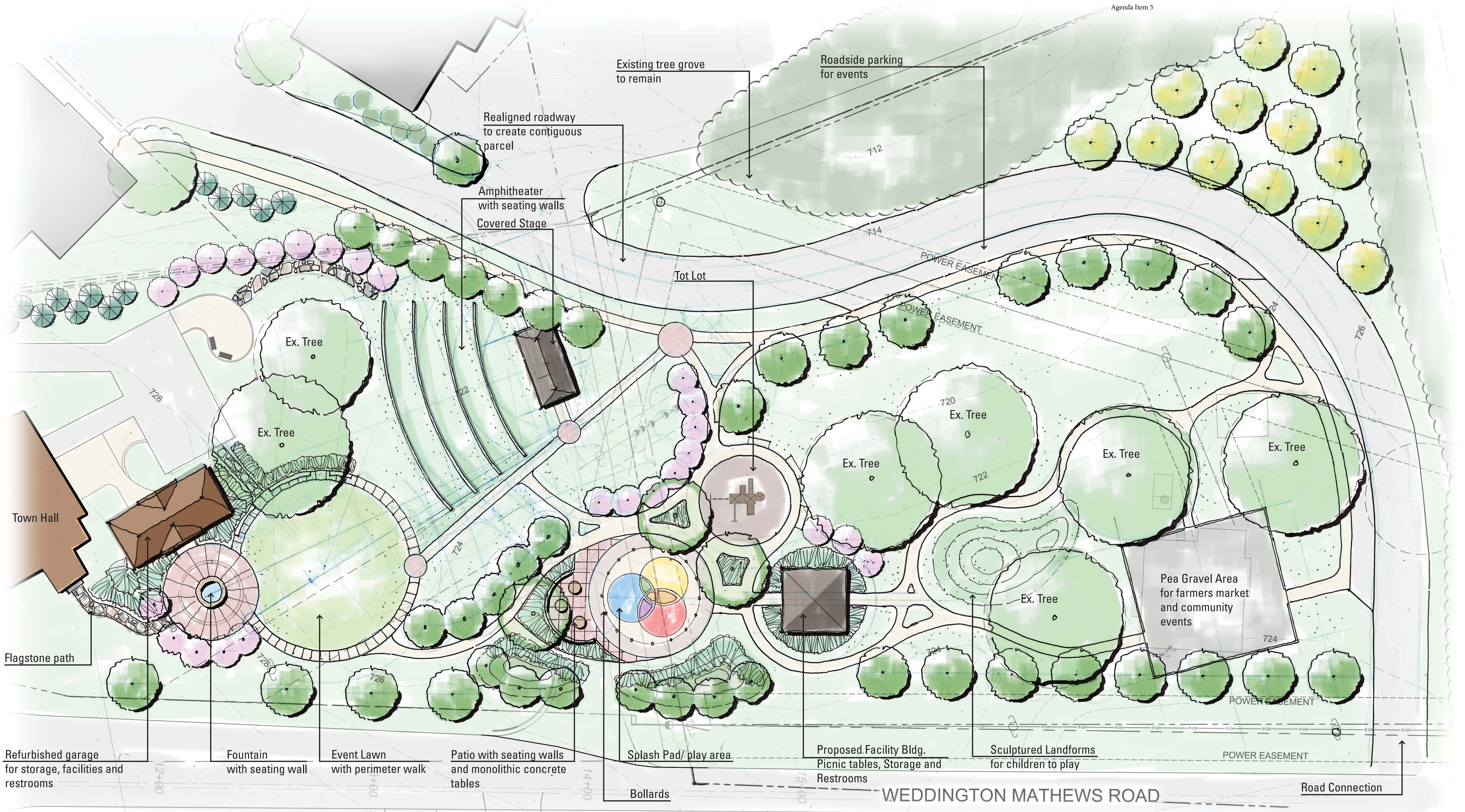
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environmental management



TOWN OF WEDDINGTON TOWN HALL PARK

This plan is conceptual in nature. Site revisions may occur based on grading and jurisdictional requirements.

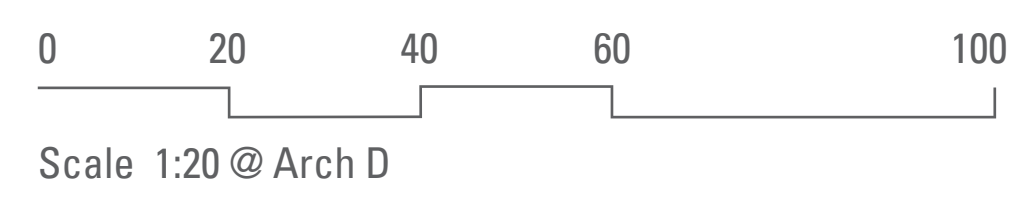
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2018-11-08



PLAN CONCEPT B



planning
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environmental management

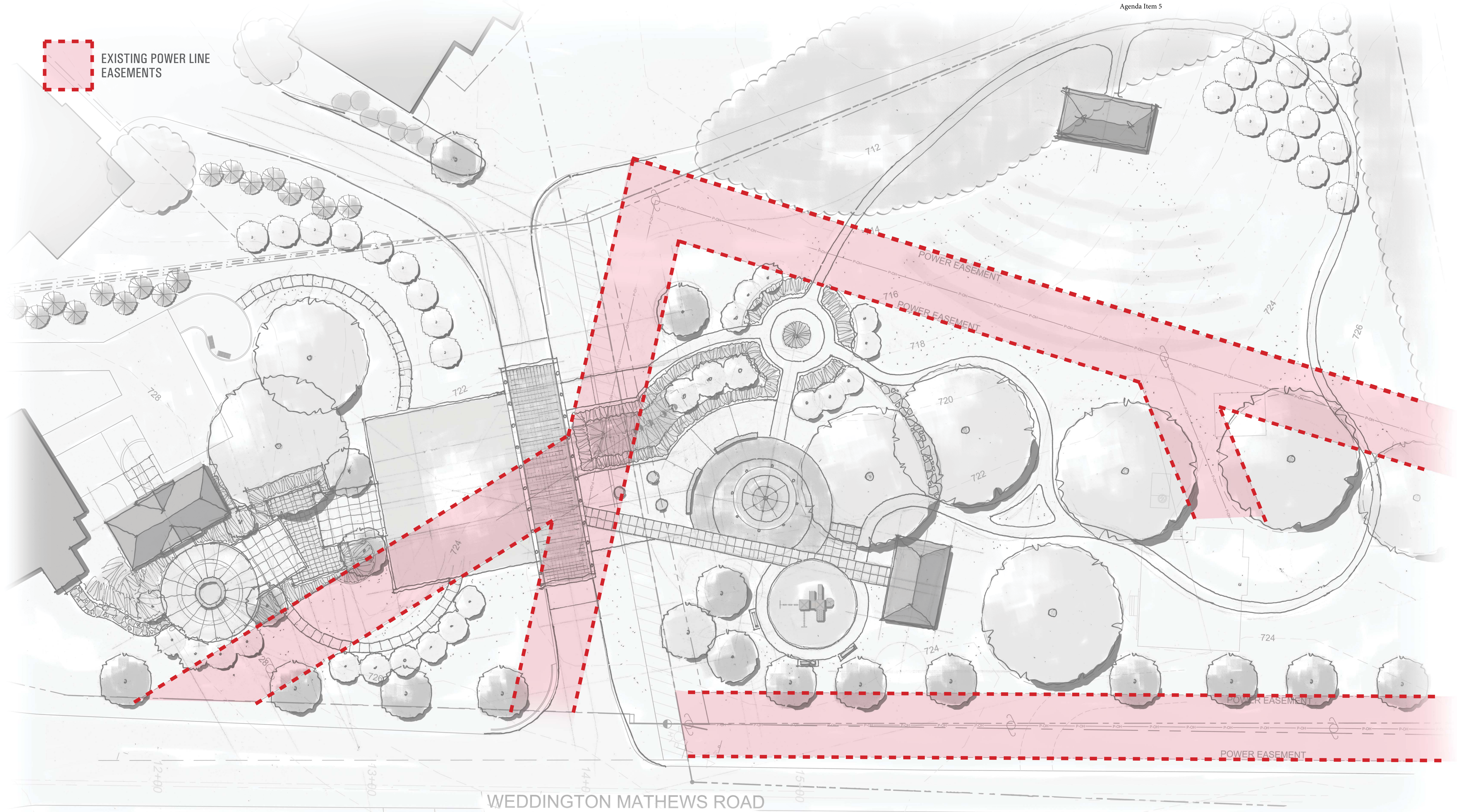


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2018-11-08

EXISTING POWER LINE EASEMENTS

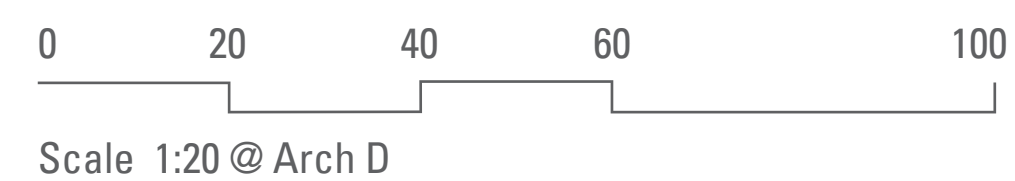


WEDDINGTON MATHEWS ROAD

POWER LINE EASEMENT EXHIBIT



planning
civil engineering
landscape architecture
environmental management



TOWN OF WEDDINGTON TOWN HALL PARK

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DATE
2018-11-08

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

MEMORANDUM

TO: Chairman and Planning Board

FROM: Karen Dewey, Town Clerk

DATE: November 26, 2018

SUBJECT: Update on Erosion Control Ordinance

After reviewing the Erosion Control Ordinance at the October 22, 2018 Regular Planning Board Meeting, the Board posed questions for staff to research. Below are the questions and answers given by the Town Engineer and Town Attorney.

1. Will inspections have to be done before the end of a rain event if that event lasts more than 24 hours. **Inspections after every rainfall are the responsibility of the Developer/Financially Responsible Party who is designated on the permit.**
2. Is the town hiring an inspector? **Gary Wright, the Town's current inspector, is proposed to continue to provide inspections services through LaBella's on-call contract, as needed**
3. Does notice of a violation have to be delivered in person? Email? **Notice of Violation must be served either 1) in person; 2) registered mail – return receipt requested, or 3) by utilizing a delivery service approved by federal regulations. Generally, the Town would serve in person and by registered mail. (E-mail is NOT a permitted means by which to serve the Notice of Violation).**
4. Can permit denial can be based on applicant conviction of a misdemeanor? **Pursuant to 113A-61(b1), the town may "disapprove" an erosion control plan if the applicant has been convicted of a misdemeanor under 113A-64(b). Should the town "disapprove" a plan on this basis, the applicant has certain rights including the right to appeal that decision directly to the state. To be clear the Town "may" but is not "compelled" to disapprove an erosion control plan under this section and I would advise that the planning board consult with legal counsel should it face this situation.**
5. How will engineer determine performance bond amounts. **Similar process as performance bond reviews for streets. Developer's engineer will provide estimate, Town Engineer will review and make recommendation to staff.**
6. Section 65.06 has reference to an individual lot?? Conflicts with section 65.05 (B) and 65.15 (B) **Text in 65.06 should be edited to remove the reference to the residential lot – "Whenever more than one (1) acre of land is uncovered or new residential development on an individual lot is initiated, the person conducting" (This has been corrected in the text of the ordinance)**



**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 upgrate 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) acre of land is uncovered, 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

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

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__

Elizabeth Callis, Mayor

Attest:

Karen Dewey, Town Clerk

- Maintain standards for development on steep slopes to reduce environmental impacts and hazards to residents. Preferred developments are built in concert with and 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

Land Use	Description
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.

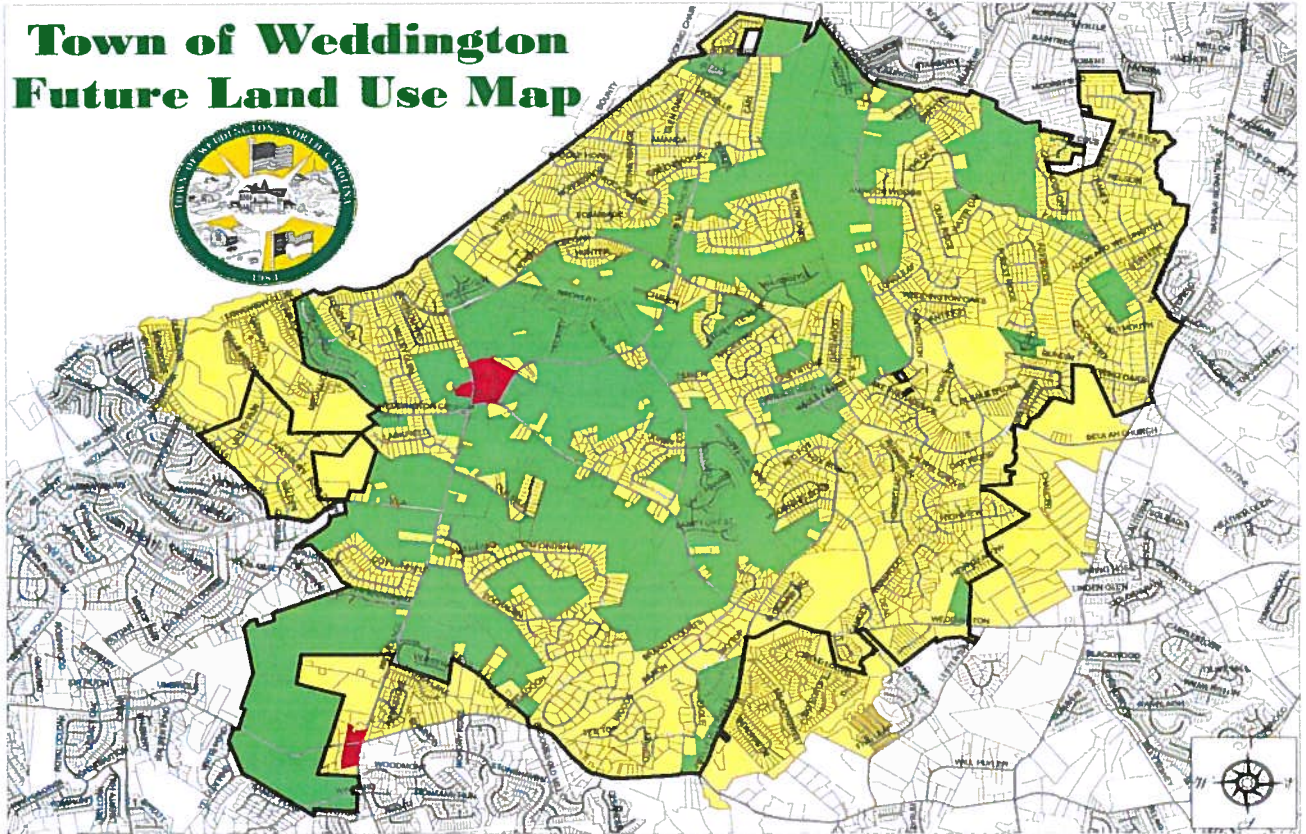
<p>Conservation Residential</p>	<p>This category applies to the areas within the Town that are currently zoned RCD or are six acres or greater in area. Some of this area has not been developed while some of the area is currently a conventional or conservation subdivision. Conventional subdivisions shall 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.</p>
<p>Neighborhood Business</p>	<p>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.</p>

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

Town of Weddington Future Land Use Map



- Traditional Residential
- Conservation Residential
- Business
- Weddington Town Limits*

Map Adopted 3/11/02
Last Amended 3/25/13
*Area outside of Town Limits is
Study Area Boundary

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

IV. PLAN ADMINISTRATION AND IMPLEMENTATION STRATEGIES

This element provides for the implementation and ongoing administration of the Land Use Plan by:

- Describing the processes for monitoring and amending the Plan over time;
- Explaining specific strategies required to achieve the Plan's goals and objectives; and
- Scheduling the implementation of plan strategies.

PLAN MONITORING & AMENDMENT

The Land Use Plan is intended to serve as a guide for public and private development and land use decisions through December 31, 2018. This plan shall be updated every five years. Changes to the Land Use Plan shall only be initiated by the Town Council, Planning Board or Zoning Administrator. As local and regional conditions change, changes to the policies (including maps) and strategies will be required to keep the plan current. While specific procedures for amendment should be adopted by ordinance, the following paragraphs outline the process for monitoring and amending the plan. The Town should conduct an annual review every July to determine its progress in achieving plan goals, objectives and strategies. During this review, the Town should evaluate development decisions (e.g., zoning changes, subdivisions, building permits and public works projects) that have been made by the Town and other jurisdictions, growth trends and the progress made in accomplishing the strategies listed in this Plan element. The result of the annual review may be to recommend revisions to policies, the future land use map or the implementation program.

POLICY REVISIONS

To ensure that the Land Use Plan remains an effective guide for decision-makers, the Town should conduct periodic evaluations of the Plan policies and strategies. These evaluations should be conducted every five years, depending on the rate of change in the community. Should a major review be necessary, the process should encourage input from merchants, neighborhood groups, developers, and other community interests? Any Plan amendments that appear appropriate as a result of this review should be processed according to the adopted Plan amendment process. These evaluations should consider the following:

Progress in implementing the Plan;

