

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, DECEMBER 16, 2019 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
AGENDA**

1. Open the Meeting
2. Determination of Quorum
3. Approval of Minutes – November 25, 2019 Regular Planning Board Meeting Minutes
4. Old Business
5. New Business
 - A. Approve 2020 Regular Meeting Calendar
 - B. Discussion and Recommendation of Text Amendment to Chapter 58 Section 58-13 Temporary Structures and Uses
6. Update from Town Planner and Report from the December Town Council Meeting
7. Recognition of Planning Board Members Gerald Hartman and Barbara Harrison
8. Board member comments
9. Adjournment

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, NOVEMBER 25, 2019 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. Open the Meeting

Chairman Brad Prillaman called the meeting to order at 6:59 p.m.

2. Determination of Quorum

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

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

Visitors: Union County Urban Forester Bill Smith, Barry Kelly

3. Approval of Minutes – September 23, 2019 Regular Planning Board Meeting Minutes

Discussion: Board member Hogan asked for confirmation on the 12,000 square foot minimum lot size in the R-CD subdivision ordinance. Ms. Thompson responded that the minimum lot size was not changed.

Motion: Board member Hartman made a motion to approve the September 23, 2019 Regular Planning Board Meeting Minutes as presented.

Second: Board member Hogan

Vote: The motion passed with a unanimous vote.

4. Old Business

A. Discussion of Tree Ordinance

Ms. Thompson discussed reviewing a tree ordinance. Town Council approved a contract with Land design for help in creating a tree ordinance. Ms. Thompson introduced Bill Smith, Union County Urban Forester.

Mr. Smith asked the Board why changing the ordinance was being considered. Chairman Prillaman responded that when developments submit applications, the town would like to accommodate certain heritage trees, preserve the tree scape and scenic beauty of Weddington. Currently the town has no tree preservation requirement. Board member Hechtel added that they are trying to maintain the rural character of Weddington.

Mr. Smith and the Board continued discussion of tree preservation to maintain rural character. The current Weddington conservation subdivision ordinance provides for significant tree save areas, that will allow for trees to grow in an undisturbed area. The current conventional subdivision ordinance does not provide for maintaining the scenic view of the property. The goal of a tree ordinance is not to regulate individual homeowners, but to focus on saving the trees before development.

The Planning Board agreed to continue discussion and review the conventional subdivision ordinance.

B. Discussion and Recommendation of a Text Amendment to Section 58.606(e) of the Erosion and Sediment Control Ordinance

Ms. Thompson explained: the ordinance was reviewed by the state commission and received conditional approval. Section 58.606 (e) needs to be removed as it references the soil conservation district that was removed from the ordinance in the first draft.

Motion: Board member Hartman made a motion to forward the Text amendment to section 58.606(e) of the erosion and Sediment Control Ordinance to the Town Council with a favorable recommendation for approval
Second: Board member Hogan
Vote: The motion passed with a unanimous vote.

5. New Business

A. Review and Consideration of Wesley Chapel Volunteer Fire Department Construction Documents

Ms. Thompson presented the staff report: Weddington Code of Ordinances Section 58-271(i) requires building schematics, landscape plans and the signage proportion of the construction drawings be approved by the Design Review Board (DRB). The function of the DRB shall be performed by the Planning Board.

Sign Plan

The freestanding ground sign will be located at the entrance, perpendicular to Reid Dairy Rd. The specifications for the monument sign are as follows:

- Sign face total area is approximately 17.11 square feet and will not exceed 20 square feet. The stone monument will be larger as Code allows.
- The maximum height of monument is 7'. They are proposing 4'.
- The monument is clear of the site triangle, 5' from edge of pavement and out of State right-of-way.
- The applicant proposes a masonry veneer with cast stone coping and the sign copy will surrounded by heavy timber stain to match the building

Board member Harrison asked which right of way the sign would be. Ms. Thompson responded that the sign would be at the entrance on Reid Dairy Road.

Landscaping Plan

The applicant is proposing plants and shrubs as depicted on Sheet L100 with details on L101. The required buffer is 18'; however, the applicant is proposing a privacy fence that allows the buffer to be reduced by 20%. The buffer shown is 14.5'. The fence is 6' in height which is the required minimum height. Four trees and 20 shrubs are required per 100 linear feet. 40% of the trees shall be large mature trees however most of the buffer is within 18' of overhead power lines. The ordinance specifies only shrubs with a mature height less than 20' shall be within 18'. Staff will work with the Union Power arborist to see if there are any trees acceptable to be planted in these areas. Staff is seeking an exception to our tree buffer requirement if there is no alternative. Off-street parking,

loading facilities and dumpsters shall be screened. Dwarf hollies are proposed around the front parking area and generator pad; a 6' masonry wall surrounded by savannah hollies are proposed around the dumpster.

Elevations

The architectural design standards are regulated in Section 14 of the Weddington Code of Ordinances. This Section applies to all nonresidential buildings. The elevations depict a fiber cement siding, with a 4-9' stone veneer and capstone. The roof is a 6"/12" gable roof with asphalt shingles. All rooftop utilities are concealed. The elevations meet the overall design and appearance standards given the scale of the building, roofline, windows and landscaping along the front façade to prevent massing, and high-quality materials.

Staff recommends approval of the signage plan, landscape plan, and elevations with the condition that the buffer and street trees be reviewed by the Union Power arborist to find an acceptable alternative to the requirement.

- Motion:** Board member Hartman made a motion to approve the construction documents; the signage plan, landscape plan, and elevations; with the condition that the buffer and street trees be reviewed by Union Power arborist to find an acceptable alternative to the requirement.
- Second:** Board member Godfrey
- Vote:** The motion passed with a unanimous vote.

6. Update from Town Planner and Report from the October and November Town Council Meetings

Ms. Thompson presented the update: at the October meeting, the Council approved the Erosion and Sediment Control Ordinance, the changes to the RCD Conservation Subdivision ordinance, discussed an event policy, and at the November meeting, Council ordered the road right of way abandonments for Rea Road for the Wesley Chapel Volunteer Fire Department and for Michelle Court near Cari Lane. They approved adding a leading left signal at 12 Mile Creek and 84 that will happen in the next month or so. The commercial driveway easement lease for Weddington Corners was renewed for 10 years. Ms. Thompson has a pre application meeting with Shea Homes for adding property behind the horse farm on Cox Road adding on to Atherton as a conventional subdivision.

7. Board member comments

Board member Vivian asked about the Tilley Morris round a bout by the private school and if it was moving forward as he noticed NCDOT had re-staked the property. Ms. Thompson responded that project is slated for 2021.

Board member Harrison stated that the battery-operated lights on the town monuments are not working. She suggested to put in electric lights. Ms. Thompson stated that she would look into that.

8. Adjournment

- Motion:** Board member Hartman made a motion to adjourn the November 25, 2019 Regular Planning Board Meeting at 7:51 p.m.
- Second:** Board member Hogan
- Vote:** The motion passed with a unanimous vote.

Approved: _____

Brad Prillaman, Chairman

Karen Dewey, Town Clerk

DRAFT

**TOWN OF WEDDINGTON
2020 PLANNING BOARD MEETING SCHEDULE**

4TH MONDAY OF EVERY MONTH

DATE	TIME	LOCATION
January 27, 2020	7:00 p.m.	Town Hall Council Chambers
February 24, 2020	7:00 p.m.	Town Hall Council Chambers
March 23, 2020	7:00 p.m.	Town Hall Council Chambers
April 27, 2020	7:00 p.m.	Town Hall Council Chambers
May ??, 2020 *reg. mtg falls on Memorial Day	7:00 p.m.	Town Hall Council Chambers
June 22, 2020	7:00 p.m.	Town Hall Council Chambers
July 20, 2020	7:00 p.m.	Town Hall Council Chambers
August 24, 2020	7:00 p.m.	Town Hall Council Chambers
September 28, 2020	7:00 p.m.	Town Hall Council Chambers
October 26, 2020	7:00 p.m.	Town Hall Council Chambers
November 23, 2020	7:00 p.m.	Town Hall Council Chambers
December 28, 2020	7:00 p.m.	Town Hall Council Chambers

**2020 HISTORIC PRESERVATION COMMISSION MEETING SCHEDULE
4TH MONDAY OF THE FIRST MONTH OF EVERY QUARTER AFTER THE REGULARLY SCHEDULED
PLANNING BOARD MEETING AT 7:00 P.M.**

DATE	LOCATION
January 27, 2020	Town Hall Council Chambers
April 27, 2020	Town Hall Council Chambers
July 20, 2020	Town Hall Council Chambers
October 26, 2020	Town Hall Council Chambers
January 25, 2021	Town Hall Council Chambers

2020 BOARD OF ADJUSTMENT MEETING SCHEDULE

DATE	TIME	LOCATION
January	After PB Meeting	Town Hall Council Chambers
As needed		
	After PB Meeting	Town Hall Council Chambers

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

MEMORANDUM

TO: Chairman and Planning Board

FROM: Lisa Thompson, Town Administrator/Planner

DATE: December 16, 2019

SUBJECT: Text Amendment to Section 58-13 Temporary Structures and Uses

In October, the town adopted an event policy. The policy identifies levels of support provided by the Town; outlines event requirements and responsibilities; and sets forth the application process required of event sponsors. It covers liability insurance requirements, risk control, traffic control, food vendors, alcohol, participant waivers, etc.

The temporary use/event section of the Town's ordinance needs to be updated to follow policy. The text attached reorganizes section 58-13, gives the zoning administrator authority to approve permits, amends the notice requirement for events, includes submission requirements, and adds additional approval criteria standards.

A mark-up of the town's current ordinance is attached.

Sec. 58-13. - Temporary structures and uses.

(A) Permit Required.

Temporary structures and uses, when in compliance with all applicable provisions of this chapter and all ordinances of the town, shall be approved by the zoning administrator, who shall issue a permit for such approval. The applicant shall complete and submit an application and a fee, in accordance with a fee schedule adopted by the town council.

(1) The following temporary structures ~~and uses~~ shall be permitted:

(a) In the event of a disaster, the result of which would require the rebuilding of a dwelling, the owner and his family may occupy a mobile home on the property. The permit shall be issued for a six-month period and may be renewed by the town council, provided construction has proceeded in a diligent manner.

(b) Mobile homes, construction trailers and temporary buildings not for residential purposes, when used by a contractor for field offices and storage during the building of structures on the same site, are permitted. The permit shall be issued for a one-year period and may be renewed by the zoning administrator on an annual basis, provided the construction has proceeded in a diligent manner. Renewal shall take place during the renewal window prescribed in the Town of Weddington Annual Enforcement Manual. Failure to renew the permit may result in enforcement and penalties described in [section 58-3](#).

(c) Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are permitted only with a permit granted pursuant to this section. The zoning administrator shall issue such permit for a period of one year. An extension of up to one additional year may be granted by the zoning administrator, provided that the development is being actively marketed and three or more residential lots within the subdivision remain to be sold by the developer. Following this initial extension period, the permit may be extended only within the discretion of the town council and only for a period of time the town council deems appropriate, provided the subdivision is being actively marketed and three or more residential lots within the subdivision remain to be sold by the developer. Renewal shall take place during the renewal window prescribed in the Town of Weddington Annual Enforcement Manual. Failure to renew the permit may result in enforcement and penalties described in [section 58-3](#). After the developer sells all lots within the subdivision, or after any permit granted under this section expires, whichever occurs first, the temporary structures shall be removed, and any permanent structures temporarily used as a sales office shall be used only for a purpose otherwise permitted in that district. After a permit issued under this section expires, no other

permits under this section may be issued for that same subdivision unless approved by the town council. For purposes of this section, having a sales office within a subdivision, by itself, shall not constitute "actively marketing" the subdivision.

(2) The following temporary uses shall be permitted:

(a) Any use of a temporary nature (i.e., less than 45 days in duration and held no more than four times per year at any particular location) which would not otherwise be permitted in a particular zoning district and which will materially affect normal activities (i.e., increased traffic, noise, etc.) ~~may be issued a temporary use permit as herein provided. The applicant shall complete and submit an application and a fee, in accordance with a fee schedule adopted by the town council.~~ a. The zoning administrator may grant a temporary use permit for the following temporary uses: such as Sales-sales for civic, charitable and nonprofit organizations, i.e., Christmas tree sales and Grand openings within 6 months of obtaining a certificate of occupancy. ~~The permit shall be valid for a specified period only, not to exceed 45 days in duration.~~

~~b. The planning board may issue a temporary use permit for all other temporary uses including p~~

(b) Public events such as festivals, concerts, carnivals, circuses, etc., only after a public hearing-notice are sent ~~has been conducted~~ as follows:

1. Notices shall be sent by the town by first class mail to the applicant and to owners of all contiguous pieces of property and to all other property owners whose properties lie within 200 feet of any portion of the property ~~in question~~ at least ~~ten-thirty~~ days prior to the ~~public hearing event~~. The notice shall indicate the nature of the ~~public hearing event~~ and the date, time and place at which it is to occur. ~~The applicant shall provide the town with a list of all affected property owners.~~

~~2. Notice shall also be posted by the town clerk in a conspicuous location at the town hall at least ten days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.~~

~~3. A sign shall also be placed by the town in a conspicuous location on the subject properties indicating the nature of the public hearing and date, time and place at which it is to occur. Said sign shall be placed on the properties in question at least ten days prior to the public hearing.~~

~~4. Before issuing any temporary use permit, the zoning administrator and/or planning board shall make the following determinations:~~

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

~~In addition, the planning board may authorize conditions regarding duration of the use, hours of operation, signage, lighting, temporary structures, etc., and such conditions shall be made part of the temporary use permit issued. Violations of such conditions shall be considered a violation of this chapter.~~

~~c. The decision of the planning board may be appealed by the applicant to the town council. The decision of the zoning administrator may be appealed by the applicant to the board of adjustment pursuant to article VIII of this chapter. A written application for town council review shall be submitted to the zoning administrator within seven days of the planning board decision.~~

(B) Submission Requirements An application for a temporary use permit will include a written description of the proposed use or event, the duration of the use or event, the hours of operations, anticipated attendance, and any buildings/structures and signs used in conjunction with the event, as well as a response to each of the criteria established below. In addition, permit may only be processed if the applicant complies with the following:

(1) written permission is submitted to the Town from the property owner of the site from which a temporary use or event will take place;

(2) building permits or approval by the Union County Building Official and Fire Code Inspector are submitted if the temporary use involves use of a temporary structure or tent. Also, any applicable approvals must be obtained in writing from the Union County Health Department for any temporary use or event involving food service.

(3) Application should be made at least 10 working days in advance of the requested start date for a temporary structure or 45 days for a special event. The Zoning Administrator will make a determination whether to approve, approve with conditions or deny the permit within 10 working days after the date of application.

(4) Any applicant denied a permit by the Zoning Administrator will be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Board of Adjustment.

(C) Approval Criteria and Standards

Before issuing any temporary use permit, the zoning administrator shall make the following determinations:

(1) That the proposed temporary use will not materially endanger the public health, welfare and safety;

(2) That the proposed temporary use will not have a substantial negative effect on adjoining properties;

(3) That the proposed temporary use is in harmony with the general purpose and intent of this chapter and preserves its spirit;

(4) The proposed temporary use is held no more than four times per year at any particular location.

(5) The duration and hours of operation of the temporary use must be consistent with the intent of the event or use and compatible with the surrounding land uses. The duration and hours of operation will be established by the Zoning Administrator at the time of approval of the temporary use permit.

(6) The temporary use, as determined by the Town, will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

(7) Adequate off-street parking will be provided for the temporary use, and it will not create a parking shortage for any of the other existing uses on the site.

(8) The temporary use will be compatible in intensity, appearance, and operation with surrounding land uses in the area, and it will not impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

(9) The Zoning Administrator will review all signage in conjunction with the issuance of the temporary use permit for compliance with the sign requirements set forth in 58-151, Sign Regulation.

(10) The Zoning Administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.

(D) Expiration and Lapse of Approval

If the use described in the temporary use permit has not begun within 90 days from the date of issuance, the temporary use permit will expire and be of no further effect.

(E) Appeals

Appeals of temporary use permits denied by the Zoning Administrator will be taken to the Board of Adjustment within 30 days of mailing of the denial, in accordance with the procedures in Chapter xxx

~~(Ord. No. 87-04-08, § 4.7, 4-8-1987; Ord. No. O-2003-18, 10-13-2003; Ord. No. O-2003-08, 3-10-2003; Ord. No. O-2007-08, 9-10-2007; Ord. No. O-2010-12, 8-9-2010; Ord. No. O-2015-14, 11-9-2015; Ord. No. O-2015-14, 11-9-2015)~~

Sec. 58-14. ~~Temporary structures and uses requiring a temporary conditional use permit.~~

~~(a) In either the R-CD, R-40, R-60 or R-80 residential districts, a temporary conditional use permit may be granted by the town council for not more than one mobile home to be placed on a residential lot as an accessory use when conditions exist of the need to care for an immediate family member due to medical reasons. The conditional use permit shall be granted only after the town council has made all of the following findings:~~

~~(1) That the mobile home is an accessory use to the principal residential use;~~

~~(2) That the mobile home will be placed on the lot on a temporary basis;~~

~~(3) That there exists a medically related need for the proximate care of an immediate family member (this finding must be substantiated by a certification of need from a medical doctor and other evidence the town council may desire);~~

~~(4) That the person responsible for providing the care will live in either the principal dwelling or the mobile home and that the person needing the care shall live in the structure not occupied by the person providing the care;~~

~~(5) That there exist sufficient reasons justifying separate quarters and such reasons shall be limited to either contagious disease, serious illness, or lack of adequate space within the principal dwelling;~~

~~(6) That the person in need of care is an immediate family member of the person to be responsible for providing care;~~

~~(7) That the mobile home will have adequate access to a well and septic tank as verified by permits from the county health department;~~

~~(8) That the mobile home will be placed in the rear yard and will be no closer than 20 feet from any property line or, if it is not feasible to locate the mobile home in the rear yard, that the mobile home will be located in the nonrequired side yard behind the building line of the principal dwelling; and~~

~~(9) That the granting of the CUP will not materially endanger the public health, safety and welfare.~~

~~(b) In addition to the requirements of subsection (a) of this section, the following shall apply:~~

~~(1) The CUP shall be valid for one year after the issuance or for shorter periods as specified by the town council, however, no such CUP shall be valid beyond 30 days after any of the reasons justifying the CUP cease to exist.~~

~~(2) The CUP may be renewed prior to the expiration date with proper application to and approval by the town council when the hardship warranting the original permit remains and is verified.~~

~~(3) Such permit is granted to a particular owner on the basis of circumstances peculiar to that owner and it shall not remain in effect in the event of a change of ownership of any land, structure, use, or other item covered by the CUP.~~

~~(4) When granting the CUP, the town council may impose reasonable conditions, restrictions, and safeguards as considered necessary to protect the public health, safety and general welfare in accordance with the purpose or intent of this chapter. Violation of these conditions, restrictions and safeguards shall be considered a violation of this chapter.~~

~~(c) In the event of overcrowded permanent facilities, a temporary CUP may be issued by the town council to any school or church using, at the time of the application, permanent~~

~~buildings for one or more mobile classrooms, pending construction of additional permanent facilities. The CUP shall be issued for a period of up to one year and may be renewed by the town council for subsequent periods of one year. Any mobile classroom permitted pursuant to this subsequent renewal shall be constructed pursuant to the state building code.~~