

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, JULY 27, 2020 – 7:00 P.M.  
WEDDINGTON TOWN HALL\*  
1924 WEDDINGTON ROAD  
WEDDINGTON, NC 28104  
AGENDA**

*\*PLEASE NOTE: DUE TO THE CURRENT STATES OF EMERGENCY RELATED TO COVID-19, THE GOVERNOR'S EXECUTIVE ORDER NO. 121 PLACING LIMITS ON CERTAIN GATHERINGS AND REQUIRING CERTAIN SOCIAL DISTANCING METHODS, AND THE IMPORTANCE OF ENSURING THE SAFETY OF TOWN RESIDENTS, STAFF, AND THE PLANNING BOARD, THE MEETING WILL BE CONDUCTED VIRTUALLY AND HAVE LIMITED PHYSICAL ATTENDANCE. THE MEETING WILL BE LIVE STREAMED ON SOCIAL MEDIA.*

1. Open the Meeting
2. Determination of Quorum
3. Approval of Minutes – June 22, 2020 Regular Planning Board Meeting Minutes
4. Old Business
5. New Business
  - A. Discussion and Consideration of Subdivision Entry Monument/Gates for Weddington Acres Subdivision
  - B. Land Use Plan Annual Review
  - C. Update on Unified Development Ordinance
6. Update from Town Planner and Report from the July Town Council Meeting
7. Board member comments
8. Adjournment

DRAFT

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, JUNE 22, 2020 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
MINUTES  
PAGE 1 OF 4**

**1. Open the Meeting**

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

**2. Determination of Quorum**

Quorum was determined with Chairman Brad Prillaman, Board members Walt Hogan, Tami Hechtel, Ed Goscicki, and Steve Godfrey present. Board members Jen Conway and Jim Vivian were absent.

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

Visitors: Richard Vinroot, Drew Podrebarac, Bill Deter, Barbara Scott, Dustin Wallace

**3. Approval of Minutes – June 1, 2020 Regular Planning Board Meeting Minutes**

***Motion:*** Board member Hogan made a motion to approve the June 1, 2020 Regular Planning Board Meeting Minutes  
***Second:*** Board member Godfrey  
***Vote:*** The motion passed with a unanimous vote.

**4. Old Business**

**5. New Business**

**A. Discussion and Consideration of Block Minor Subdivision – 621 Lochaven Road-parcel number 06129112**

Ms. Thompson presented the staff report: The applicant, David Block is seeking approval for a minor subdivision for property located at 621 Lochaven Road (parcel 06129112). It is a total of 2.746 acres and is zoned R40 residential. The resultant lots are approximately 1.232 acres and 1.445 acres. Both lots meet the minimum size requirement, the minimum front, side and rear yard setbacks and are at least 120' wide at the established front setback. The proposed minor subdivision is in general conformity with the Town of Weddington Zoning and Subdivision Ordinances; therefore, staff recommends approval.

***Motion:*** Board member Godfrey made a motion to approve Block Minor Subdivision at 621 Lochaven Road.  
***Second:*** Board member Hogan  
***Vote:*** The motion passed with a unanimous vote.

**B. Discussion and Consideration of Woodford Chase Minor Subdivision-Gibson property-parcel number 06072004**

Ms. Thompson presented the staff report: The applicant, E. Reese Gibson is seeking approval for a minor subdivision for property located near the southwest corner of Highway 84 and Lester Davis

Road (parcel 06072004). It is zoned RCD-Residential Conservation District. This property was previously approved for a 9-lot subdivision in 2018 and the applicant now wishes to proceed with a minor subdivision instead. The property is 13.32 acres. The resultant lots are approximately 6.798, 2.208, and 2.032 acres. All 3 lots meet the minimum size requirement, the minimum front, side and rear yard setbacks and are at least 120' wide at the established front setback. The proposed minor subdivision is in general conformity with the Town of Weddington Zoning and Subdivision Ordinances; therefore, staff recommends approval.

Chairman Prillaman stated that in the past this was approved in the past for 9 lots. One of the issues discussed was the access to Hwy 84. Ms. Thompson added that a cul-de-sac extension beyond the minimum length set by the Weddington Code of Ordinances was approved. From that previous plan, lots have been combined to create a minor 3 lot subdivision. Driveway access permits will come from NCDOT. The Planning Board can recommend or request that the applicant consider one access driveway on to Hwy 84, but the subdivision meets the ordinance; therefore, the Town cannot make it a condition. Ms. Thompson stated that the Planning Board may table the approval and ask the applicant to consider the access driveway or approve with the request that the single access driveway be considered.

**Motion:** Board member Hechtel made a motion to approve Woodford Chase minor subdivision with the request/recommendation that the applicant consider one access driveway  
**Second:** Board member Goscicki  
**Vote:** The motion passed with a unanimous vote.

**C. Discussion and Consideration of Roboz Minor Subdivision – 757 Skytop Road-parcel number 06129030**

Ms. Thompson presented the staff report: The applicant, Johanna Roboz is seeking minor subdivision approval for property located at 757 Skytop Road (parcel 06129030). It is a total of 27.47 acres and is zoned R-80 residential. The resultant lots are approximately 6, 6.03, and 6.98 acres. All lots meet the minimum size requirement, the minimum front, side and rear yard setbacks and are at least 120' wide at the established front setback. The proposed minor subdivision is in general conformity with the Town of Weddington Zoning and Subdivision Ordinances; therefore, staff recommends approval.

Richard Vinroot, representing the Roboz family explained that the family developed Aeroplantation about 50 years ago. There is a provision in the HOA covenants that allows the Roboz family to subdivide their lots. Mr. Vinroot confirmed that the Roboz family has HOA approval for the subdivision.

**Motion:** Board member Goscicki made a motion to approve the Roboz Minor Subdivision at 757 Skytop Road.  
**Second:** Board member Hogan  
**Vote:** The motion passed with a unanimous vote.

**D. Discussion and Consideration of DPOD Minor Subdivision - 12 Mile Creek-parcel number 06129041**

Ms. Thompson presented the staff report: The applicant, DPOD LLC is seeking minor subdivision approval for property located on S Twelve Mile Creek Road, north of New Town Rd (parcel 06129041). It is a total of 7.792 acres and is zoned RCD-Residential Conservation District. One resultant parcel is approximately 2.598 acres and the other two parcels are 2.597 acres. All lots meet the minimum size requirement, the minimum front, side and rear yard setbacks and are at least 120' wide at the established front setback. The proposed minor subdivision is in general conformity with the Town of Weddington Zoning and Subdivision Ordinances; therefore, staff recommends approval.

The applicant will get access permits from DOT for any driveways on 12-Mile Creek. The applicant will also be bringing in sewer access.

**Motion:** Board member Godfrey made a motion to approve the DPOD Minor Subdivision on 12-Mile Creek.  
**Second:** Board member Hogan  
**Vote:** The motion passed with a unanimous vote.

**E. Discussion and Recommendation of Final Plat Harlow's Crossing Phase 2**

Ms. Thompson presented the staff report: M/I Homes is seeking approval of their final plat application for 29 of 71 lots on 117.64 acres located at the northeast and northwest corners of Weddington-Matthews Road and Beulah Church Road/Hemby Road intersection. Planning Board approved the Sketch Plan on December 21<sup>st</sup>, 2015. The Town Council approved the Preliminary Plat on September 12, 2016 with conditions that have been addressed. The Town Council approved the final plat application for phase 1, map 1 in November 13, 2017 which included 20 lots, and the Town Council approved the final plat application for phase 1, map 2 on April 2018 which included 22 lots. The final plat is in conformity with the preliminary plat/construction plans therefore staff recommends approval of the Harlow's Crossing Final Plat for Phase 2.

Chairman Prillaman asked about the gate and road between Harlow's Crossing and Waybridge. Ms. Thompson responded that the construction of those is covered with bonds and those bonds won't be released without approval and inspection by the town. There is an agreement between both neighborhoods. Ms. Thompson will confirm how the gate will be accessed before the Final Plat goes to Council.

**Motion:** Board member Godfrey made a motion to recommend approval of Harlow's Crossing Phase 2 Final Plat to Town Council.  
**Second:** Board member Hogan  
**Vote:** The motion passed with a unanimous vote.

**F. Design Review Board Review and Recommendation of Landscaping Plan for Wesley Chapel Volunteer Fire Department**

Ms. Thompson presented the staff report: The Planning Board reviewed the plan sets on November 21, 2019. The Board unanimously recommended approval of the plans with a staff recommended condition about the buffer trees be reviewed by the Union Power arborist to find an acceptable alternative to the requirement. It wasn't until preparing for the Town Council meeting, that staff recognized the change to the landscape buffer would require a variance. The Board of Adjustment met on June 15, 2020. A variance to allow small maturing deciduous trees instead of the required 40% to be large maturing trees and 25% to be evergreen was approved. Staff is bringing the landscape plan back for a recommendation. The elevations, landscape plan and signage will go move forward as one package to Town Council for approval in July. Four trees and 20 shrubs are required per 100 linear feet. A variance was approved for the plant type and size required within the buffer. 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. Staff recommends approval of the Wesley Chapel Volunteer Fire Department landscape plan.

**Motion:** Board member Goscicki made a motion to recommend approval of the landscaping plan for Wesley Chapel Volunteer Fire Department to the Town Council.  
**Second:** Board member Hechtel  
**Vote:** The motion passed with a unanimous vote.

## **6. Update from Town Planner and Report from the June Town Council Meeting**

Ms. Thompson presented the update: Staff is having meetings with a developer for ideas for the property abutting the traffic circle, including the Short property. There is about 70 acres involved and the developer is bringing sewer access to the downtown district. The developers are meeting with Councilmembers individually and would like to start meeting with Planning Board members.

## **7. Board member comments**

## **8. Adjournment**

**Motion:** Board member Godfrey made a motion to adjourn the June 22, 2020 Regular Planning Board meeting at 7:25 p.m.  
**Second:** Board member Hogan  
**Vote:** The motion passed with a unanimous vote.

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

\_\_\_\_\_  
Brad Prillaman, Chair

\_\_\_\_\_  
Karen Dewey, Town Clerk

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**TOWN OF  
WEDDINGTON**

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**MEMORANDUM**

**TO:** Chairman and Planning Board

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

**DATE:** July 27, 2020

**SUBJECT:** Weddington Acres – Entrance Monument and Gate

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The Planning Board shall review and consider an entry monument application and plans for the Weddington Acres Subdivision.

Section 58-9 of the Code of Ordinances states that entry and perimeter walls and entry monuments are not required to be of any specific height or style but are subject to review and approval of the planning board prior to the start of construction.

The roads within the subdivision were approved as private in January 2018 with the following conditions:

- A wider lane at the entry so vehicles can by-pass a non-subdivision resident/contractor that may be having trouble at the gate;
- The developer/applicant install a YELP box on the gate system;
- Applicant provides a turning radius exhibit to ensure a school bus or larger box truck could turn around in the entrance area.
- The construction drawings are updated to reflect the new entry.
- CCR's are reviewed by the Town Attorney to ensure access requirements, upkeep, and inspections are covered by the HOA per Section 58-23.
- A bond is obtained to cover the maintenance requirements per Section 58-23.
- The final plat (once approved) shall be updated to reflect the private roads/entry.

The proposed location of the gates allows up to 3 cars to be stacked and the current layout at the entrance includes a turn-around area which will remain.

The columns have a stone veneer and are approximately 8'6" in height. The sign is 15 square feet which is less than the 20 square feet required by the town.

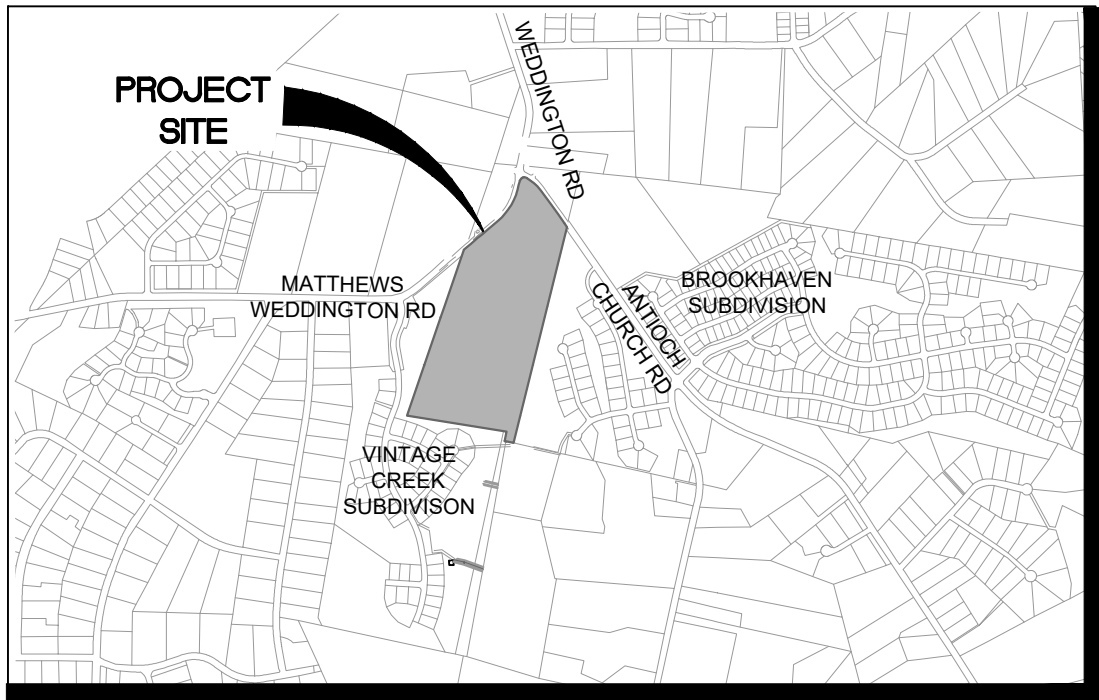
Staff recommends approval of the Weddington Acres entrance monument/gates.







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VICINITY MAP N.T.S.

SITE STATISTICS:

PARCEL NUMBER: 07150009F  
DEED REFERENCE: DB 3781, PG 856  
ZONING: PRD  
EXISTING USE: UNDEVELOPED  
PROPOSED USE: SINGLE-FAMILY SUBDIVISION  
PARCEL ACREAGE: 41.53 ACRES  
OPEN SPACE REQUIRED: 4.15 ACRES (10.00%)  
ALLOWABLE OPEN SPACE PROVIDED: 7.97 ACRES (19.19%)  
NUMBER OF LOTS: 25

PROPOSED IMPERVIOUS AREA: 15%  
PARCEL FLOOD ZONE: ZONE X

STREET DATA:

BRAYLAND AVENUE: 1,348.29 LF  
BOSWELL WAY: 926.98 LF  
TOTAL LF OF RESIDENTIAL STREETS: 2,275.27 LF  
TOTAL INTERNAL R/W ACREAGE: 2.61 AC

OWNER/DEVELOPER:

OWNER:  
-NAME: WEDDINGTON INVESTORS II, LLC  
-ADDRESS: 3129 SPRINGBANK LANE, CHARLOTTE, NC 28226  
-PHONE NUMBER: (704)-574-0316  
-EMAIL: GRAHAM@SUNBELTLANDMGMT.COM

DEVELOPER:  
-NAME: SUNBELT HOLDINGS SE I, LLC (GRAHAM ALLEN)  
-ADDRESS: 3129 SPRINGBANK LANE, CHARLOTTE, NC 28226  
-PHONE NUMBER: (704)-641-2623  
-EMAIL: GRAHAM@SUNBELTLANDMGMT.COM

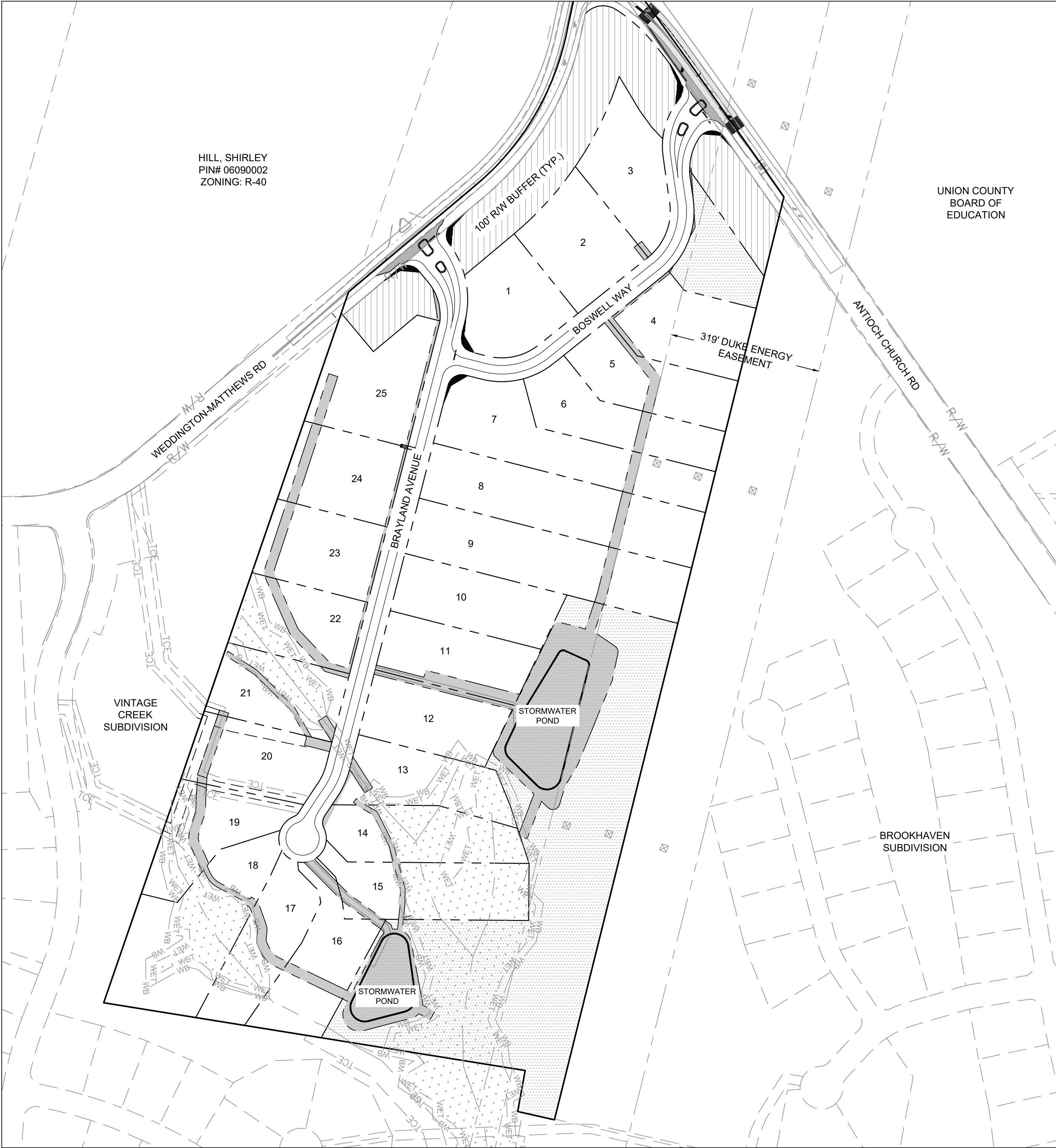
SURVEYOR/ENGINEER:

SURVEYOR:  
-NAME: CHRISTOPHER D. FAULK, PLS, METROLINA ENGINEERING & SURVEYING ASSOCIATES  
-ADDRESS: 1325 HARDING PLACE, CHARLOTTE, NC 28204  
-PHONE NUMBER: (704)-334-1325  
-DATE COMPLETED: DECEMBER 2015-JANUARY 2016

OFFSITE SURVEYOR:  
-NAME: THANE BISHOP, PLS, SUMMIT OF THE CAROLINAS, P.C.  
-ADDRESS: 7714 MATTHEWS-MINT HILL ROAD, MINT HILL, NC, 28227  
-PHONE NUMBER: (980)-859-3249  
-DATE COMPLETED: SEPTEMBER 2016

ENGINEER  
-NAME: WESTON G BOLES, PE, W.K. DICKSON  
-ADDRESS: 616 COLONNADE DRIVE, CHARLOTTE, NC 28205  
-PHONE NUMBER: (704)-334-5348  
-EMAIL: WBOLES@WKDICKSON.COM

# WEDDINGTON ACRES MONUMENTATION PACKAGE (FORMERLY GRAHAM ALLEN) TOWN OF WEDDINGTON, SANDY RIDGE TOWNSHIP UNION COUNTY, NORTH CAROLINA



PLAN VIEW  
SCALE: 1" = 150'

## Agenda Item 5.A

SHEET INDEX

C1.0 - COVER SHEET
C2.0 - OVERALL SITE PLAN
C2.1 - WEDDINGTON-MATTHEWS ROAD ENTRANCE PLAN
C2.2 - ANTIOCH CHURCH ROAD ENTRANCE PLAN
C2.3 - SITE DETAILS
C2.4 - SITE DETAILS

NOTICE TO CONTRACTOR

- 1) THE CONTRACTOR SHALL FIELD VERIFY THE ONSITE T.B.M. w/ EXISTING ELEVATIONS. THE CONTRACTOR SHALL IMMEDIATELY CONTACT W.K. DICKSON & CO., INC. @ (704)-334-5348 IF ANY DISCREPANCIES ARE FOUND IN ELEVATIONS SHOWN.
- 2) PRIOR TO CONSTRUCTION, DIGGING, OR EXCAVATION THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES (PUBLIC OR PRIVATE) THAT MAY EXIST AND CROSS THROUGH THE AREA(S) OF CONSTRUCTION, WHETHER INDICATED ON THE PLANS OR NOT. CALL "811" A MINIMUM OF 72 HOURS PRIOR TO DIGGING OR EXCAVATING. REPAIRS TO ANY UTILITY DAMAGED RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

NOTES:

1. ALL COLUMNS, WALLS AND FOOTINGS TO BE DESIGNED BY LICENSED STRUCTURAL ENGINEER
2. ALL GATES AND APPURTENANCES SHALL BE DESIGNED BY MANUFACTUROR.



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(704) 334-0078  
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NC LICENSE NO. F-0374



PROFESSIONAL SEAL

REVISION RECORD	NO.	DATE	DESCRIPTION
	1	01/16/2019	1ST SUBMITTAL TO NCDOT

PROJECT NAME:	WEDDINGTON ACRES ENTRANCE DESIGN PACKAGE FOR SUNBELT HOLDINGS SE I, LLC. 3129 SPRINGBANK LANE CHARLOTTE, NC 28226
DRAWING TITLE:	COVER SHEET

PROJ. MGR.:	SPP
DESIGN BY:	CJH
DRAWN BY:	ESL
PROJ. DATE:	SEPT. 2018
DRAWING NUMBER:	C1.0
WKD PROJ. NO.:	20160191.00.CL



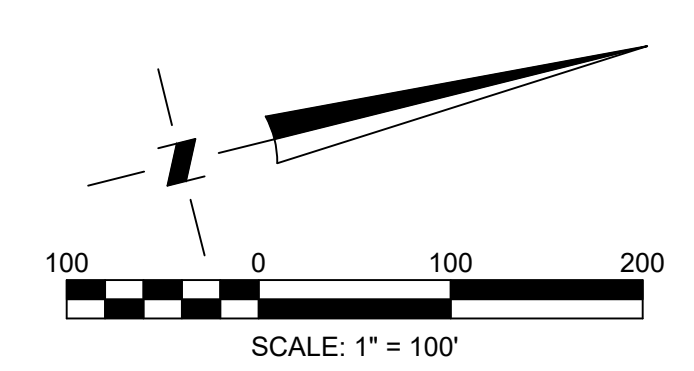
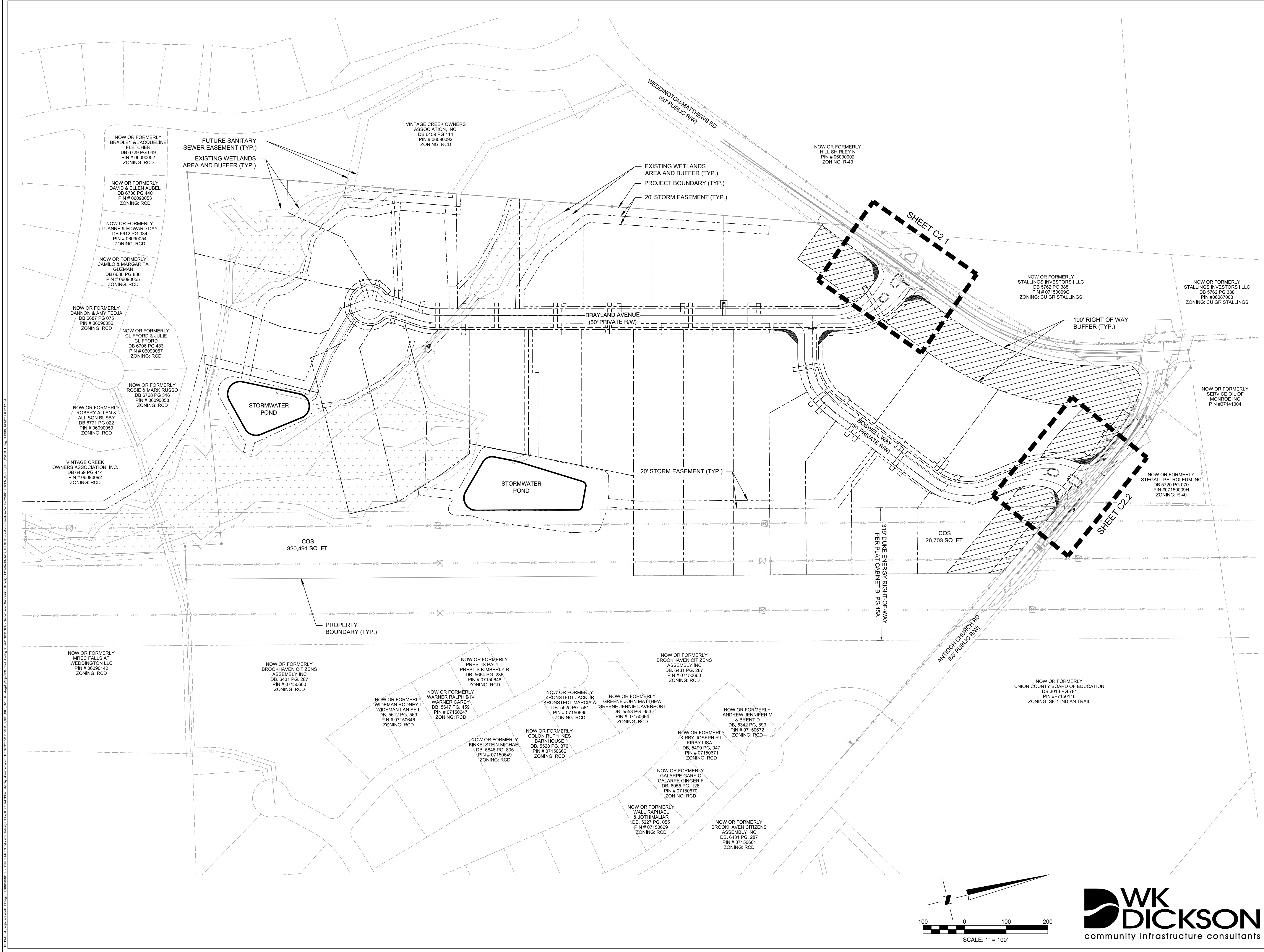
DESIGNER:  
CONNOR HORN  
(704) 334.5348  
CHORN@WKDICKSON.COM



PRELIMINARY - DO NOT USE FOR CONSTRUCTION PLOT DATE: 1/21/2019



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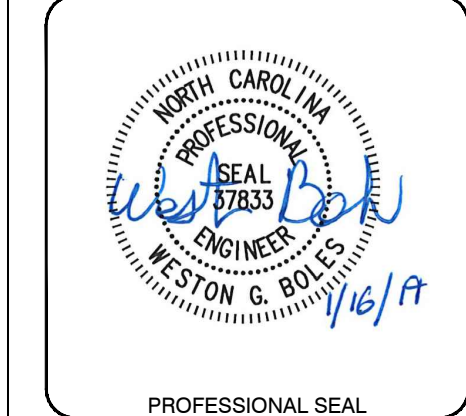


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1	01/16/2019	DATE	BY
		1ST SUBMITTAL TO NCDOT	DESCRIPTION

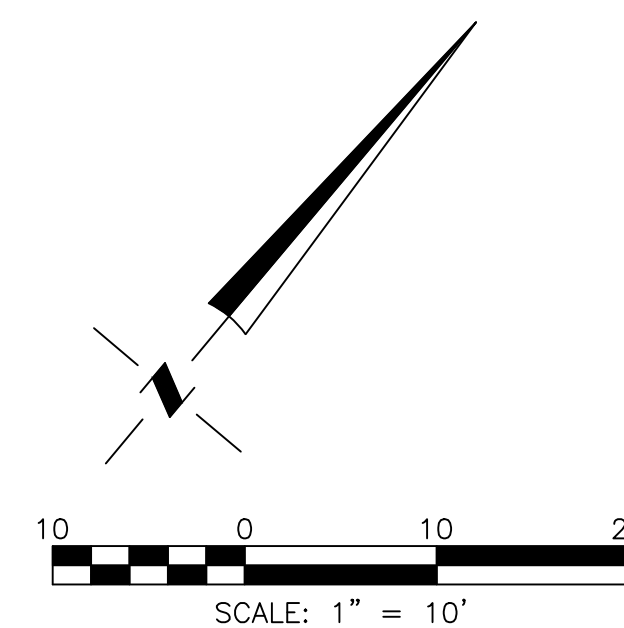
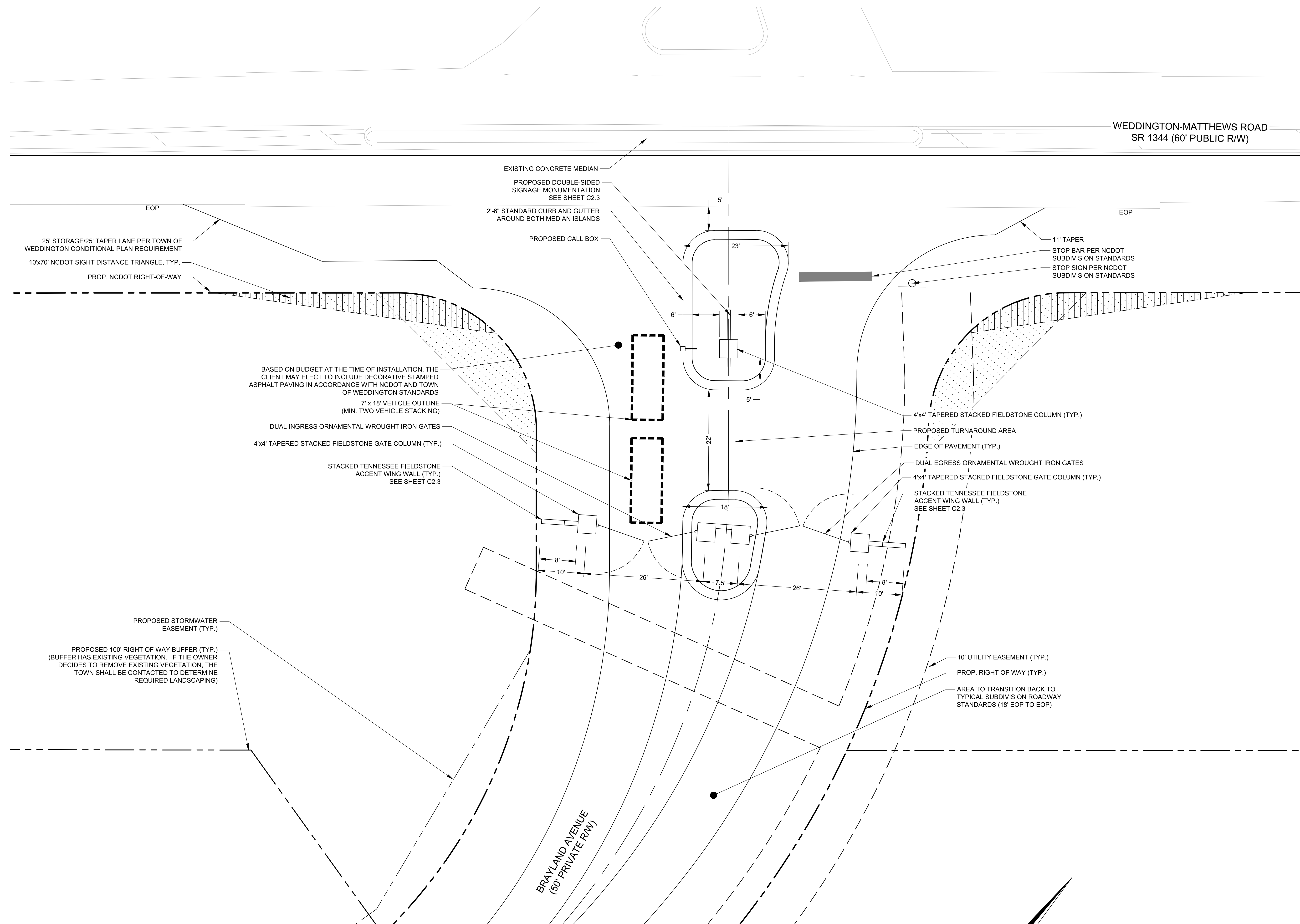
PROJECT NAME: WEDDINGTON ACRES ENTRANCE DESIGN PACKAGE FOR SUNBELT HOLDINGS SE I, LLC.  
3129 SPRINGBANK LANE CHARLOTTE, NC 28226

DRAWING TITLE: OVERALL SITE PLAN

PROJ. MGR.: SPP  
DESIGN BY: C.J.H.  
DRAWN BY: E.S.L.  
PROJ. DATE: SEPT. 2018  
DRAWING NUMBER: C2.0  
WKD PROJ. NO.: 20160191.00.CL

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PROFESSIONAL SEAL

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PROJECT NAME: WEDDINGTON ACRES  
ENTRANCE DESIGN PACKAGE  
FOR  
SUNBELT HOLDINGS SE I, LLC.  
3129 SPRINGBANK LANE CHARLOTTE, NC 28226

DRAWING TITLE: WEDDINGTON-MATTHEWS ROAD ENTRANCE PLAN

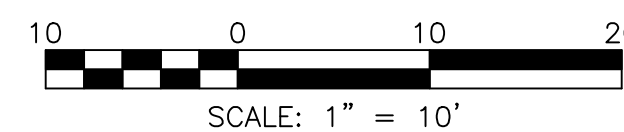
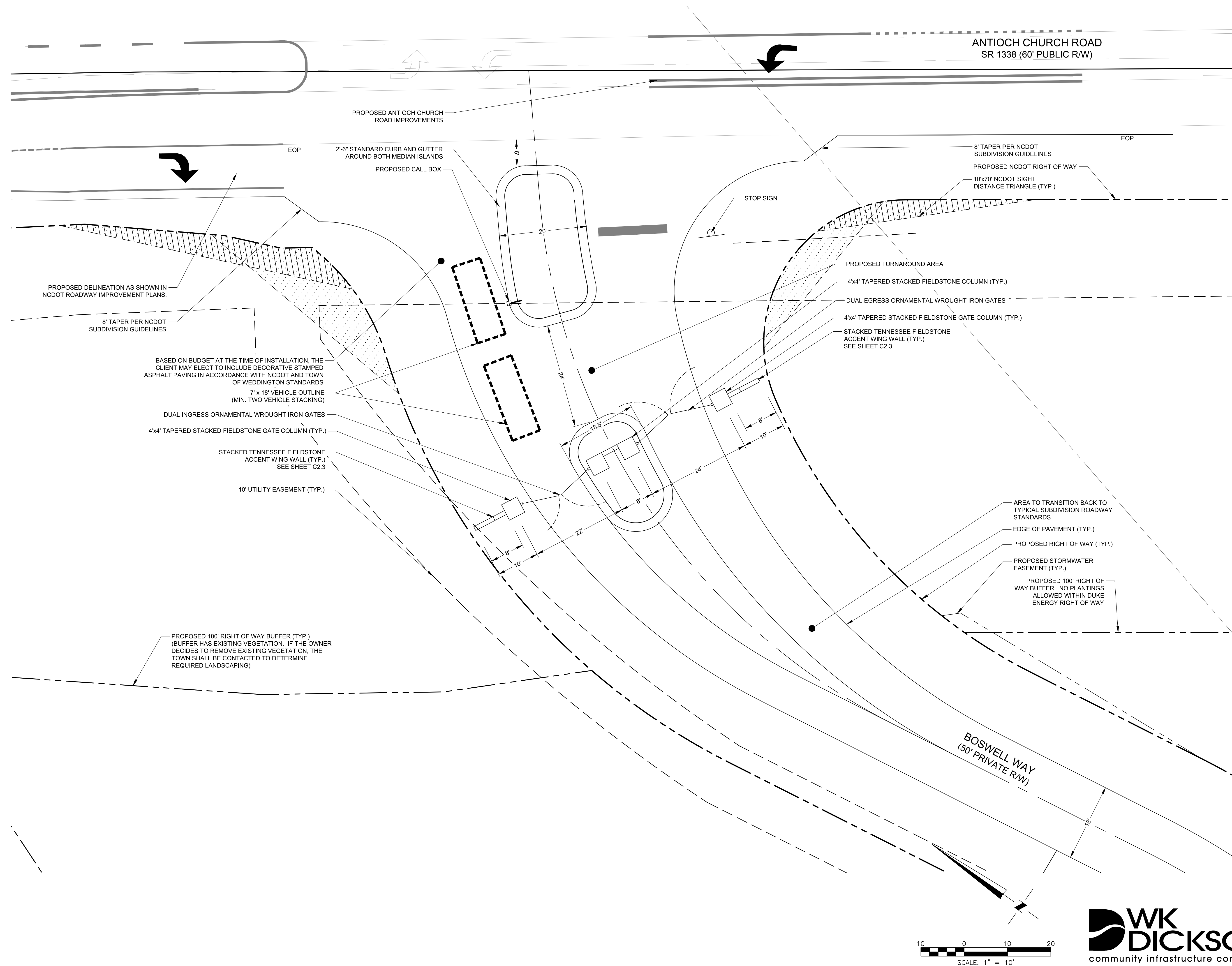
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DESIGN BY:	CJH
DRAWN BY:	ESL
PROJ. DATE:	SEPT. 2018
DRAWING NUMBER:	

## C2.1

WKD PROJ. NO.:  
20160191.00.CL

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PROJECT NAME: WEDDINGTON ACRES  
ENTRANCE DESIGN PACKAGE  
FOR  
SUNBELT HOLDINGS SE I, LLC.  
3129 SPRINGBANK LANE CHARLOTTE, NC 28226

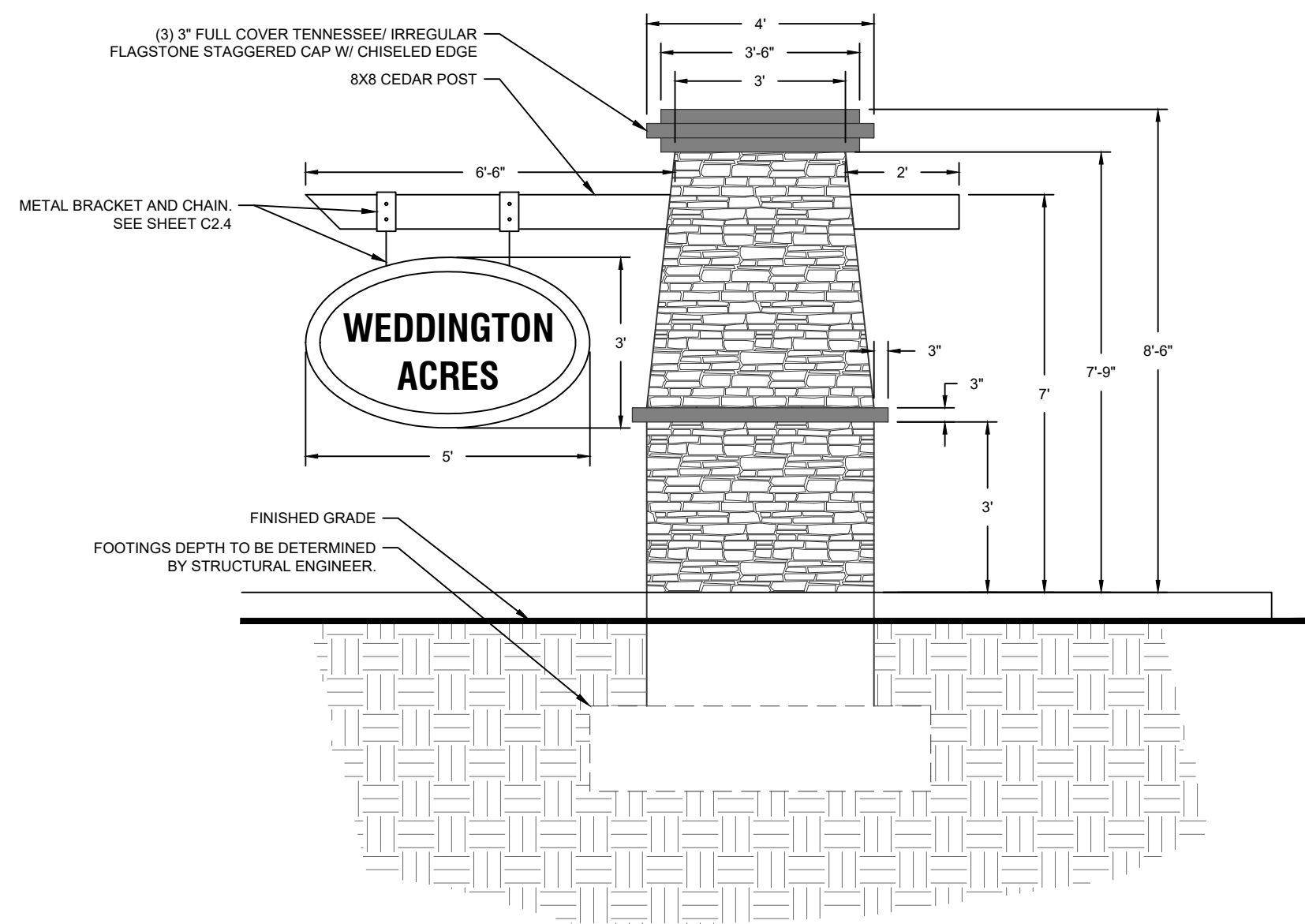
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DRAWING TITLE: ANTIOCH CHURCH ROAD ENTRANCE PLAN

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DRAWN BY:	ESL
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WKD PROJ. NO.:	
20160191.00.CL	

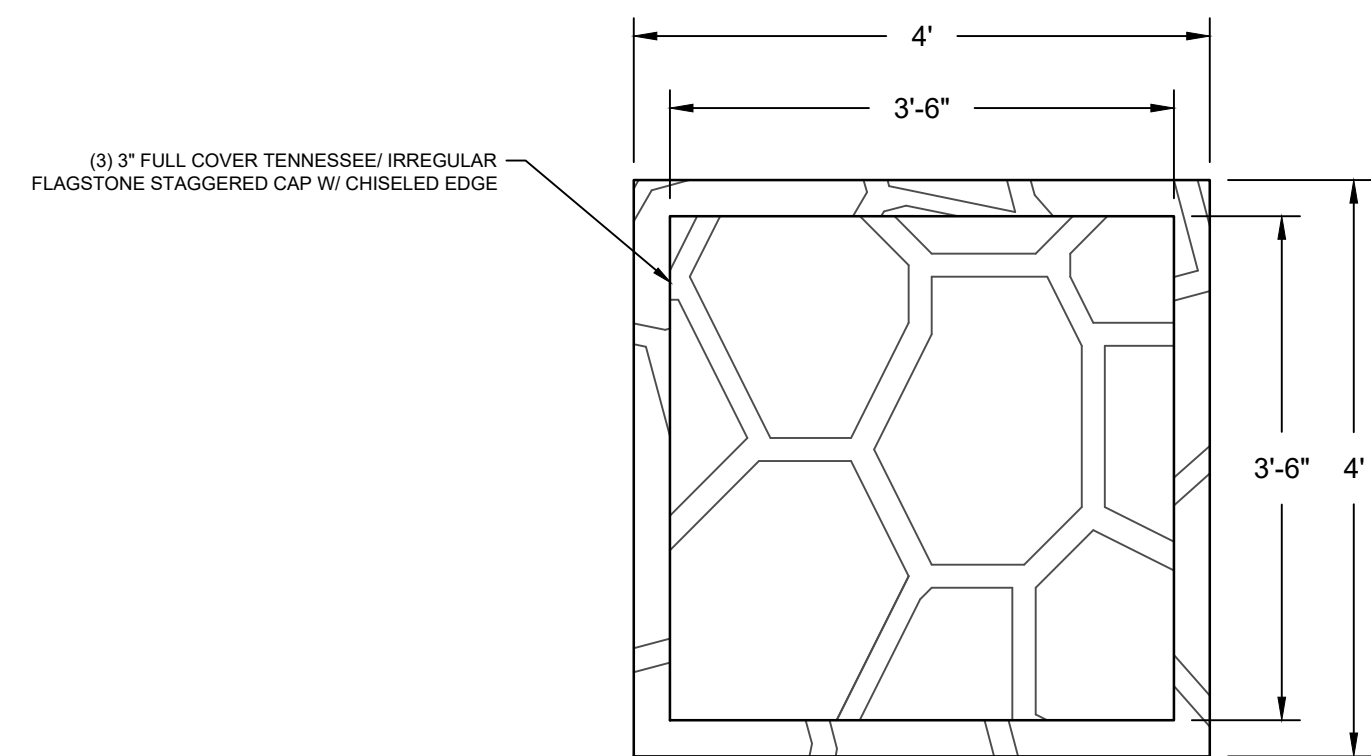


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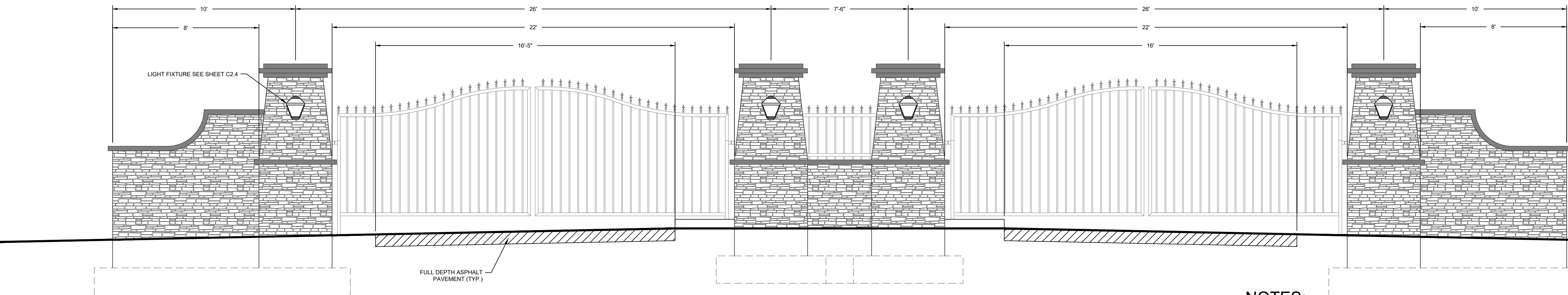
WEDDINGTON-MATTHEWS ROAD ENTRANCE MONUMENT

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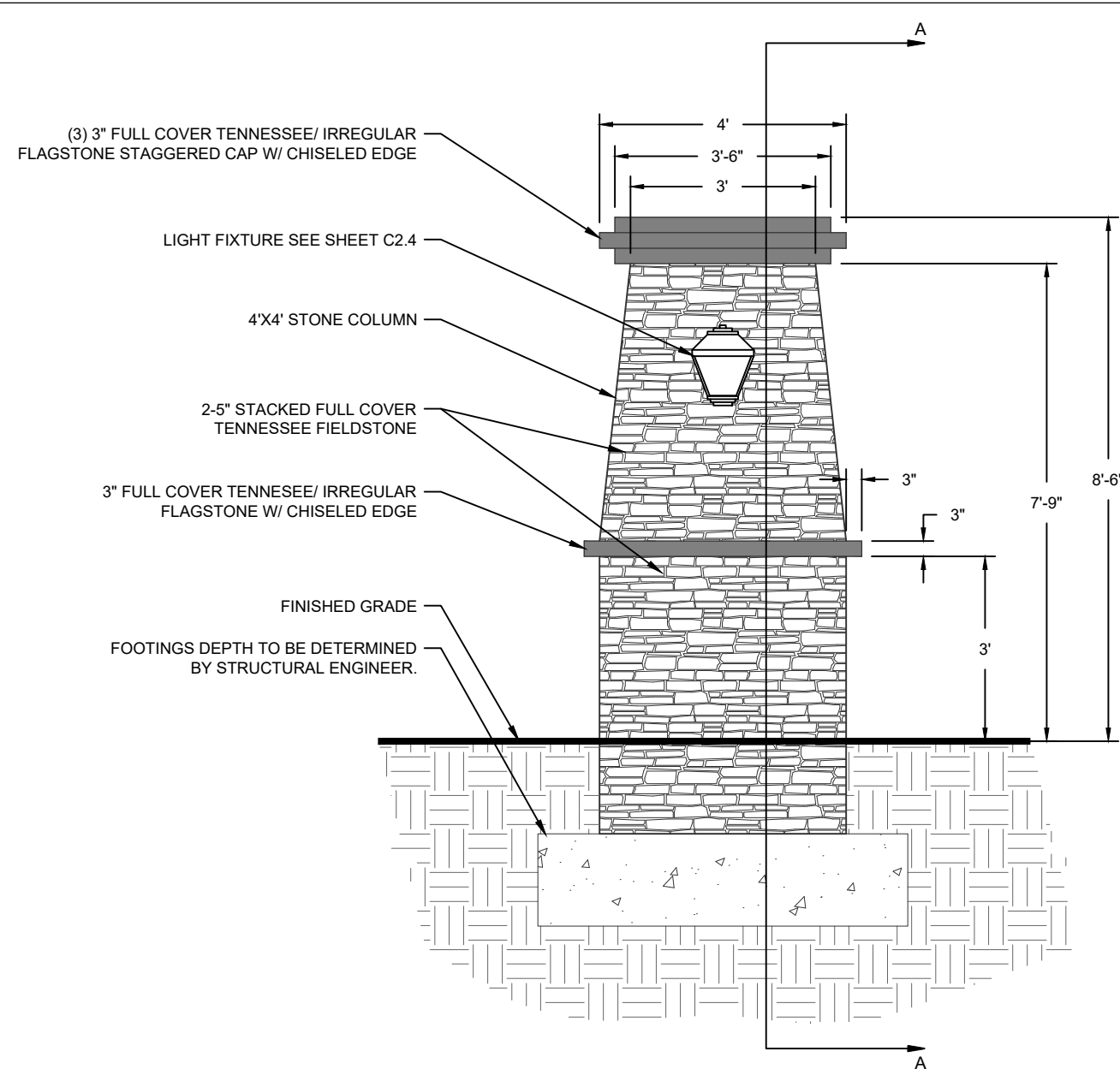
FLAGSTONE CAP PLAN VIEW

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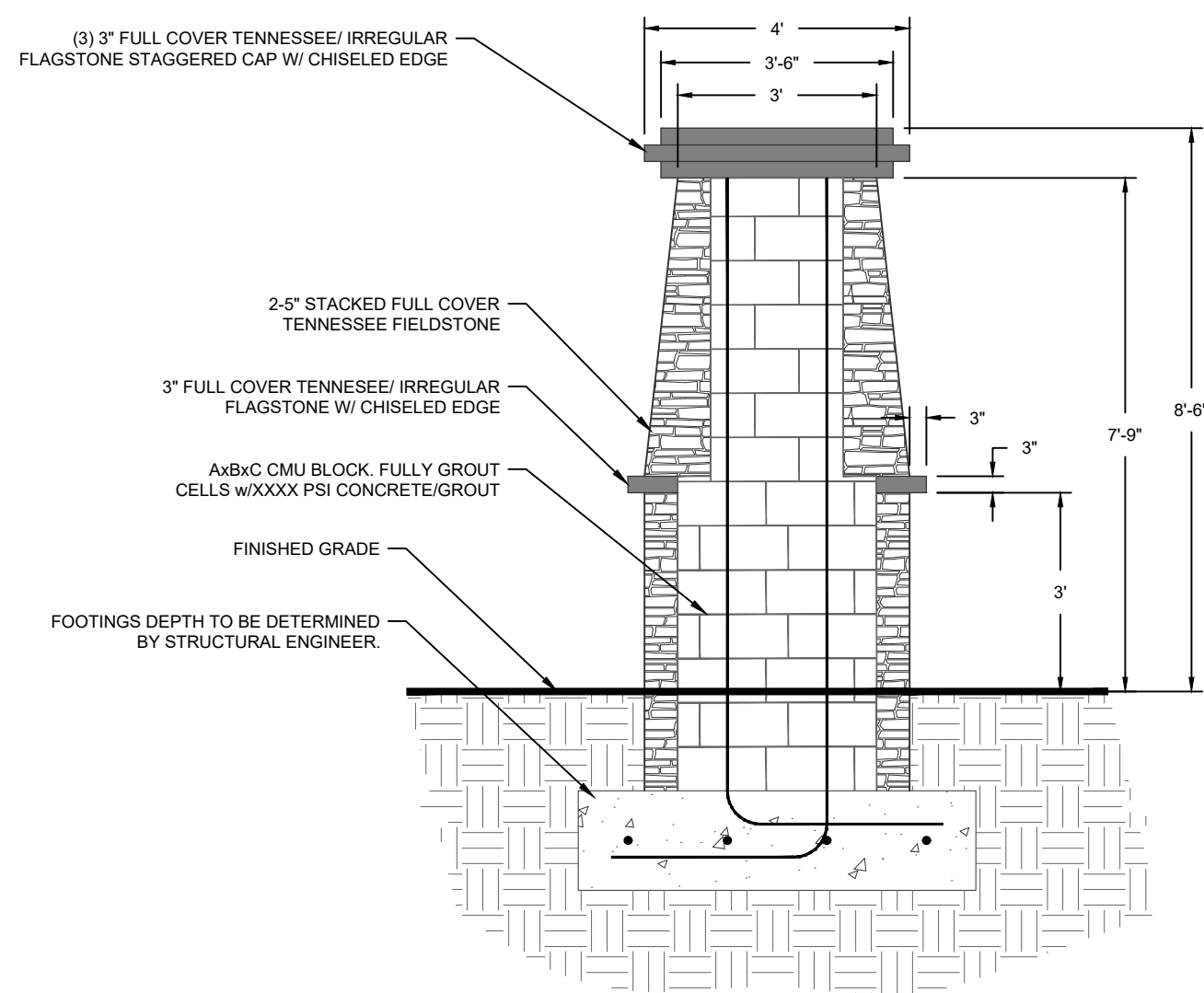
WEDDINGTON-MATTHEWS ROAD ENTRANCE GATE ELEVATION

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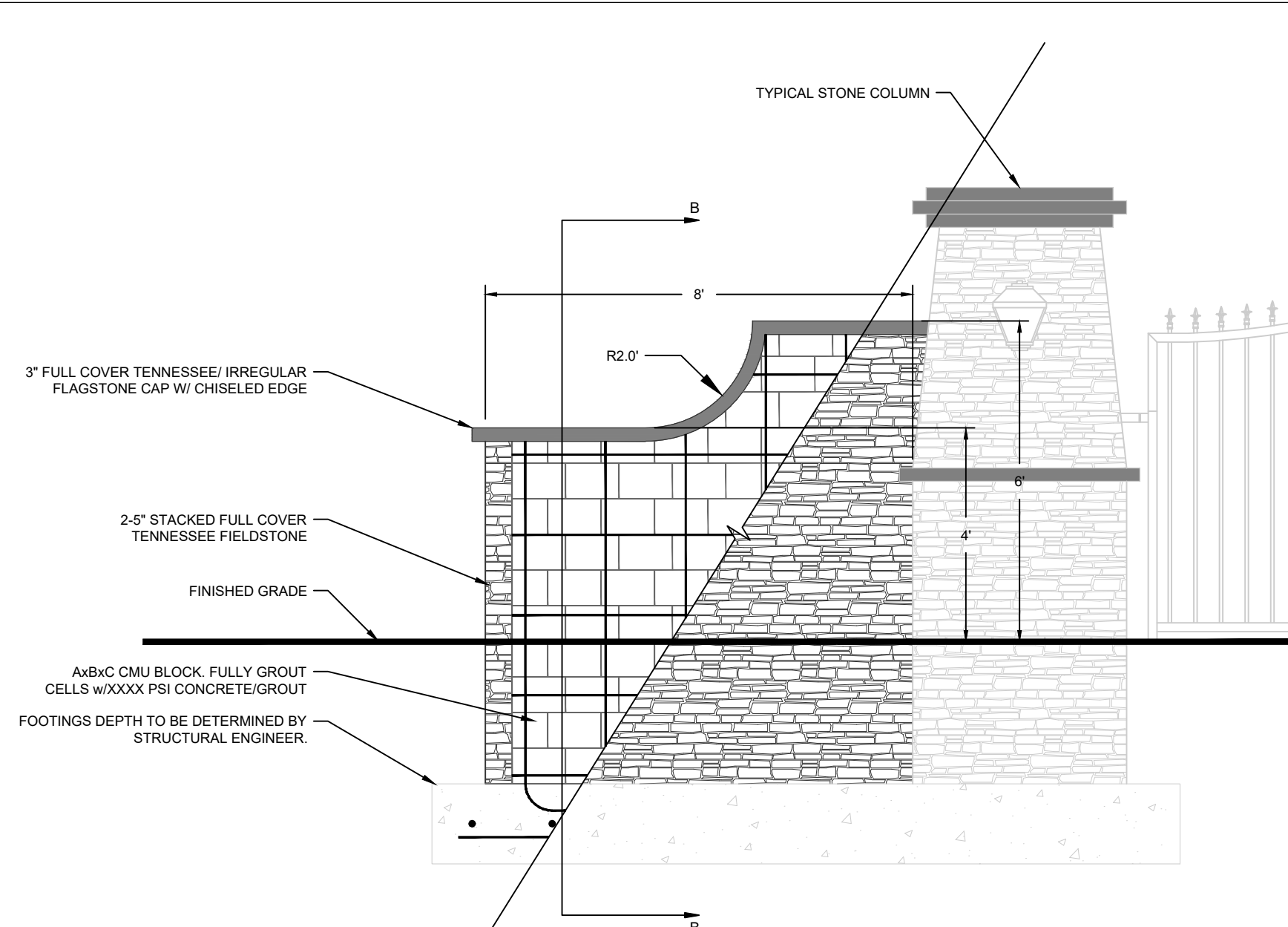
TYPICAL STONE COLUMN

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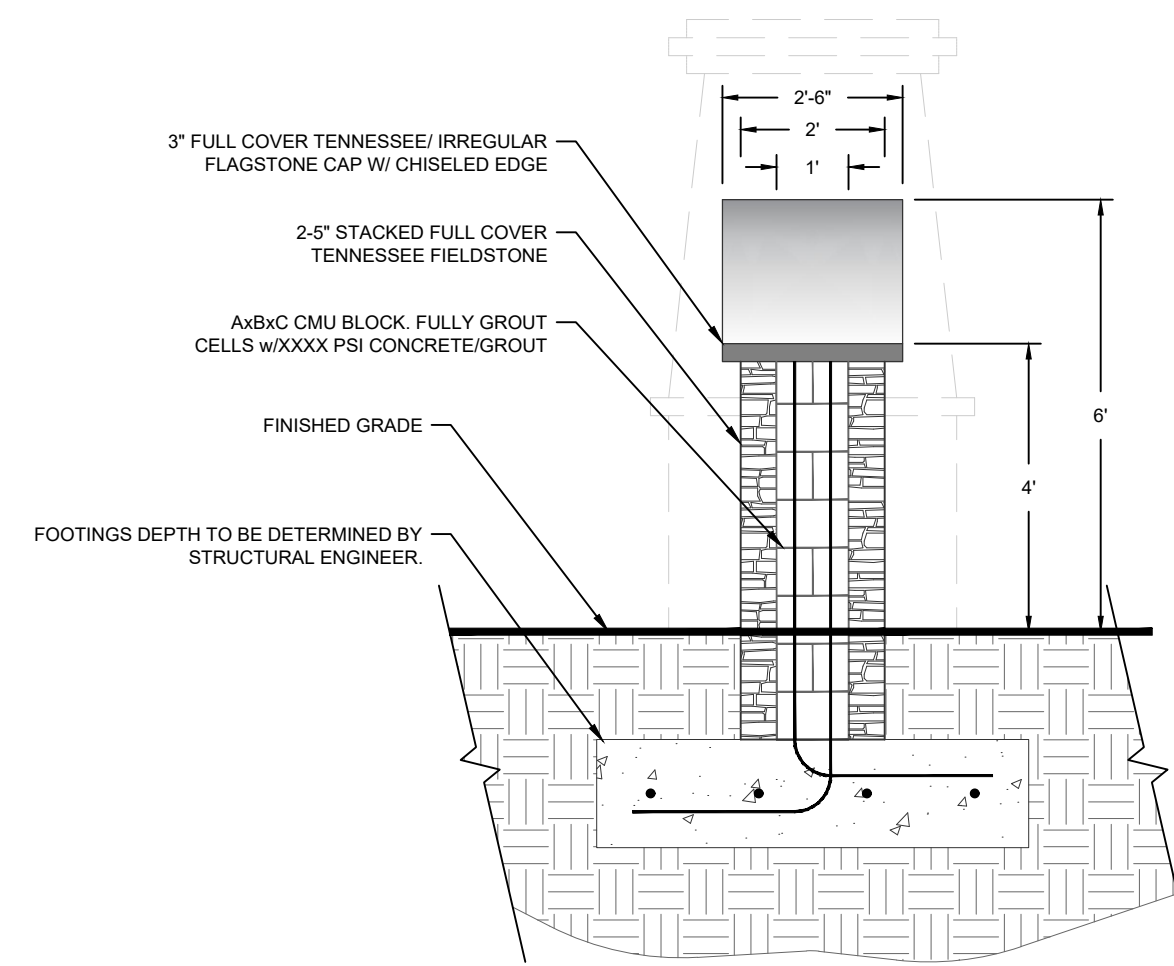
SECTION A-A

$\frac{3}{8}'' = 1'$



STONE SCREEN WALL

$\frac{3}{8}'' = 1'$



SECTION B-B

$\frac{3}{8}'' = 1'$

NOTES:

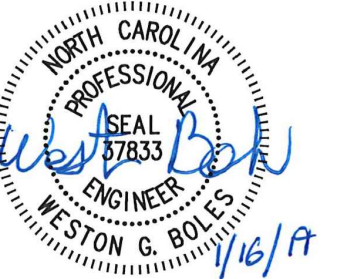
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NO.	DATE	DESCRIPTION
1	01/16/2019	1ST SUBMITTAL TO NCDOT

PROJECT NAME: WEDDINGTON ACRES  
ENTRANCE DESIGN PACKAGE

FOR  
SUNBELT HOLDINGS SE, LLC,  
3129 SPRINGBANK LANE, CHARLOTTE, NC 28226

DRAWING TITLE:

SITE DETAILS

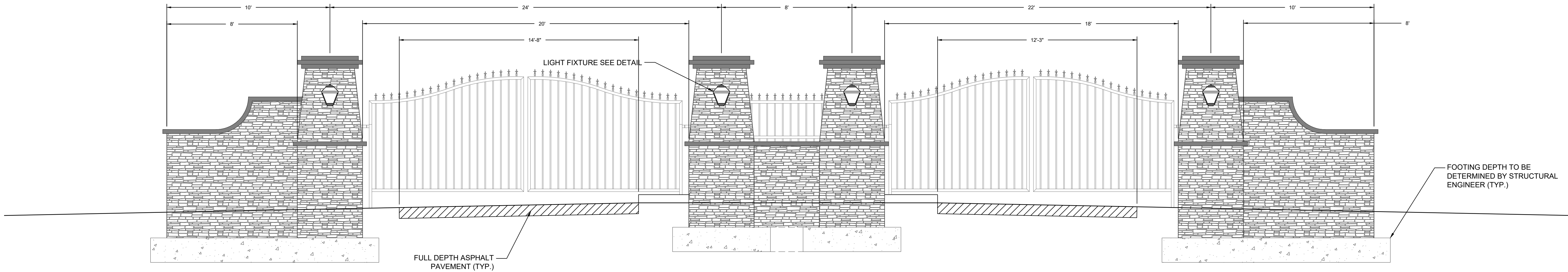
PROJ. MGR.: SPP  
DESIGN BY: CJH  
DRAWN BY: ESL  
PROJ. DATE: SEPT. 2018  
DRAWING NUMBER:

C2.3

WKD PROJ. NO.:  
20160191.00.CL

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ANTIOCH CHURCH RD ENTRANCE GATE ELEVATION

$\frac{5}{16}'' = 1'$

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NO.	DATE	DESCRIPTION	BY
1	01/16/2019	1ST SUBMITTAL TO NCDOT	CJH

PROJECT NAME:

WEDDINGTON ACRES  
ENTRANCE DESIGN PACKAGE  
FOR  
SUNBELT HOLDINGS SE I, LLC.  
3129 SPRINGBANK LANE CHARLOTTE, NC 28226

DRAWING TITLE:

SITE DETAILS

PROJ. MGR.: SPP  
DESIGN BY: CJH  
DRAWN BY: ESL  
PROJ. DATE: SEPT. 2018  
DRAWING NUMBER:

C2.4

WKD PROJ. NO.:  
20160191.00.CL

PRELIMINARY - DO NOT USE FOR CONSTRUCTION PLOT DATE: 1/21/2019



The Town is to conduct an annual review every July to determine its progress in achieving the land use 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.

Below is a list of items reviewed by the Planning Board and Town Council over the past year and how they continue comply with the plan:

**Final Plat: Harlow's Crossing Phase 2**

Reviewed plats to ensure compliance with preliminary plats, reviewed bond amounts and obtained maintenance agreements for the protection of open space and conservation lands.

**Text Amendment: Erosion Control Ordinance**

Failures and deficiencies were reported from the Town's construction inspector with little to no action from NCDENR. The town developed a plan and ordinance to implement its own policy and penalties to get developers to adhere to erosion control plans. A stormwater board and administrator were also set up and approved.

**Text Amendment: Conservation Subdivision Update**

The Planning Board worked for several months through draft amendments to the subdivision ordinance to ensure a 4-step design process that gives the town more control to the layout of a site in relation to the land resources.

**Entry Monument / Gate – Walden at Providence**

The Planning Board reviewed the monumentation and a gate to ensure safety measures were considered.

**Sketch Plan/Preliminary Plat – Hemby Place**

The Planning Board reviewed the sketch plan and preliminary plat for Hemby Place, a new subdivision at the corner of Hemby and Providence Roads. Careful consideration went into the subdivision access points from both Hemby Road and Providence Road. The Board recommended enacting a tree ordinance after recognizing this property held several large trees that were going to be taken down.

**DRB Review – WCVFD Construction Documents**

Elevations, landscaping, and signs were reviewed to ensure the physical characteristics of the proposed development of the new fire station are compatible when considered within the context of the surrounding areas and to preserve the unique visual character of the Town.

**Land Use Plan Update**

The Planning Board reviewed the Land Use Plan section by section to ensure it was continuing to be consistent with the goals and values of the town.

Planning Board training – Several members attended training conducted by CCOG.



The Town has a representative on the **Charlotte Regional Transportation Planning Organization** to stay informed and have input on road and thoroughfare plans. The town recently hired Kimley Horn to provide a level of service analysis on problem intersections. The town assisted with the Union County critical intersections work group to help plan and fund improvements at the Potter and Forest Lawn intersection.

The Town currently contracts with an outside agency for a part-time **code enforcement** officer to investigate complaints about violations of the Town's ordinance.

The Town continues to work with **engineering consultants** and **construction inspector** to ensure that all storm water and EC plans meet the Town's requirements and are inspected.

The Town utilizes the **Traffic Impact Analysis** Ordinance to minimize the impact of new construction on roads and infrastructure.

## Unified Development Ordinance

### Introduction and Overview

The Town of Weddington (“Town”) finds that it is appropriate to update its land development ordinances to (a) comply with legislative requirements imposed by the state legislature as set forth in North Carolina General Statute 160D and (b) improve the organization of its existing ordinances to make the ordinances simpler to find and easier to follow. This unified development ordinance (“UDO”) is adopted with the purpose of implementing these objectives.

#### **Introduction; Overview and Background Information.**

This initial Section of the UDO provides a general overview of the UDO requirements. Specific, more detailed requirements are set forth in the Appendices to this UDO. For ease of reference and use, the Appendices are organized in a manner consistent with North Carolina General Statutes 160D.

1. **Jurisdiction.** These regulations shall govern the use of all land and the development thereof within all of the incorporated area of the Town [and any extraterritorial jurisdiction]
2. **Boards, Professional Staff and Other Agencies and Committees.** The following entities and person have roles in administering the provisions of this UDO:
  - Town Council
  - Planning Board
  - Board of Adjustment
  - Town Staff
  - Other governmental entities such as Union County and the North Carolina Department of Transportation (NCDOT).
3. **Planning.** State law requires that as a condition of adopting and applying zoning regulations a local government shall adopt and reasonably maintain a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. A comprehensive plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs.
4. **Processes and Procedures.**
  - a. **Types of Decisions.** There are three types of decisions that are made by the entities and persons listed in Section 2, above:
    - i. **Legislative.** Legislative decisions set policy and provides the decision-making board with the maximum amount of discretion. The legislative process typically includes public engagement. In connection with any requested rezoning of property or amendment to this UDO, there is a required public hearing with broad public notice and a mandatory planning board review.

- ii. Quasi-judicial. Quasi-judicial decisions require the board to apply standards that are already set in the ordinance using a legalistic process to gather quality evidence to resolve contested facts, and to apply those facts to standards that involve judgment (such as being “compatible “ or “harmonious” with the surrounding neighborhood). Public engagement is limited to those who have relevant evidence on whether the proposal meets the standards.
  - iii. Administrative. Administrative decisions require staff to apply objective standards set in the ordinance to facts that are supplied in applications. If the application meets the standards it is approved; if not, it is denied. The process is bureaucratic in nature, with minimal discretion or public engagement.
- b. **Available Approvals/Permits and Process.** As an overview, the following approvals and permits are contemplated by this UDO:
  - i. Legislative Amendments to development ordinance or Zoning Map (legislative)
    - 1. Text Amendments
    - 2. Zoning Map Changes
    - 3. Conditional Rezoning
  - ii. Quasi-judicial
    - 1. Variances
    - 2. Appeals
  - iii. Administrative
    - 1. Subdivision Plats
    - 2. Land Development Permits, such as Zoning Permits, Grading Permits, and Building Permits
    - 3. Miscellaneous Permits, such as Temporary Use Permits (administrative).

## 5. Zoning districts; Zoning Map.

- a. **Zoning Districts.** The Town’s existing zoning districts are as follows::
  - i. R-80
  - ii. R-60
  - iii. R-40 [including all areas formerly entitled “R-CD”]
  - iv. R-40(D)
  - v. RE
  - vi. B-1 (CZ)
  - vii. B-2 (CZ)
  - viii. MX
  - ix. ED (business)
- b. **Conditional Zoning.** Additionally, this UDO permits property owners to petition the Town Council to consider creating conditional zoning (CZ) districts. CZ districts are zoning districts in which the development and use of the property is subject to the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. All of the property specific standards and conditions (typically including a site plan) are incorporated into the zoning district



regulations. The rezoning of any parcel of land to a CZ district shall be a voluntary process initiated by the property owner or his authorized agent.

- c. **Zoning Map.** The Town’s Zoning Map is incorporated herein by reference. The Zoning Map may be changed by Town Council from time-to-time in accordance with the procedures set forth herein.

6. **Permitted Uses.** Certain primary uses of land are permitted “by right” (BR) in each zoning district provided all applicable provisions of this UDO (and any other applicable legal requirements) are satisfied. This UDO provides for additional supplemental requirements (SR) that are applicable to a certain “by-right” uses of land.

Others primary uses of land are permitted through the conditional zoning (CZ) process, again, in some cases, some with some supplemental requirements set forth herein.

The permitted uses (both by right and conditional) are set forth in the Permitted Use Table set forth in Section \_\_, of Appendix 9 of this UDO.

Additionally a property owner may petition the Town Council through the CZ zoning process to consider permitting primary uses that are not identified as permitted in this UDO (although the Town Council has no obligation to approve any such requests).

7. **Summary Table.** For ease of reference, the following Table 1 is a summary of the types of approvals typically requested:

**Table 1: Summary: Approvals; Responsible Party; Type of Decision**

Type of Decision	Approval	Responsible Party (final decision-maker)	Comments
Legislative	UDO Text Amendment	Council	
Legislative	Zoning Map Change	Council	
Legislative	Conditional Zoning	Council	
Quasi-judicial	Variance	Zoning Board of Adjustment	
Quasi-judicial	Appeal of Decision by Zoning administrator	Zoning Board of Adjustment	
Administrative	Final Subdivision Plat (for recording at Register of Deeds)	Administrator	Includes confirmation that proposed development is conformity applicable zoning requirements previously imposed by the Council
Administrative	Land Development Permits, such as Zoning Permits, Grading Permits, and Building Permits	Administrator (or Union County or third party service provider)	

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