



**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, AUGUST 22, 2022 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
1924 WEDDINGTON ROAD, WEDDINGTON, NC 28104  
AGENDA**

1. Call to Order
2. Determination of Quorum
3. Conflict of Interest Statement: *In accordance with the state government ethics act, it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*
4. Approval of Minutes
  - A. July 25, 2022 Planning Board Meeting
5. Old Business
6. New Business
  - A. Discussion and Recommendation of Text Amendment to Section D-703, Zoning District and Permitted Use, and Appendix 1, Definitions, of the Town of Weddington Unified Development Ordinance
7. Update from Town Planner and Report from the August Town Council Meeting
8. Board member Comments
9. Adjournment



**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, JULY 25, 2022 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
MINUTES  
PAGE 1 OF 3**

**1. Call to Order**

Chairman Ed Goscicki called the meeting to order at 7:01 p.m.

**2. Determination of Quorum**

Quorum was determined with Chairman Ed Goscicki, Vice Chair Travis Manning, Board members Jen Conway, Jim Vivian, Manish Mittal, and Chris Faulk present. Board member Gordon Howard was absent.

Staff: Town Planner Robert Tefft, Town Administrator/Clerk Karen Dewey

Visitors: Bill Deter, Gayle Butler, Chris Drost, Rusty Setzer, Chris Martin, Jack Plyler, Tracy Stone

**3. Approval of Minutes**

**A. May 31, 2022 Planning Board Special Meeting**

- Motion:* Vice Chair Manning made a motion to approve the May 31, Special Planning Board Meeting Minutes as presented.
- Second:* Board member Vivian
- Vote:* The motion passed with a unanimous vote.

**4. Old Business**

No Old Business to discuss.

**5. New Business**

**A. Discussion of Existing Residential Established Zoning District**

Mr. Tefft presented: Prior to adoption of the UDO, the Code of Ordinances included permitted uses and setback requirements for the Residential Established (RE) Zoning District. The Adopted UDO does not include permitted uses or front setback requirements for the RE District. Staff is asking Planning board if this was an intentional decision based on the nature of the RE District or an oversight. Without permitted uses listed in the UDO, the parcels in this district have no allowable uses in the event something happens, and homes need to be rebuilt.

Chairman Goscicki asked the Board members who were serving during the UDO review and recommendation if they recalled this omission being an intentional decision. The Board members agreed it was an oversight and requested staff to draft a text amendment for review at the August Planning Board meeting.

## **B. Discussion of Land Use Plan**

Chairman Goscicki stated that the Town Council brought up discussion of the Land Use Plan at their July meeting.

Mr. Tefft explained: The Council discussed an update to the Land Use Plan. The discussion included the need to hire a consultant for land use planning, a citizen survey to guide a comprehensive review and update of the Land Use Plan, and the possible creation of a Citizens Advisory Committee to oversee the choice of survey questions with the hired consultant. Key topics would be a market study, link land use and development recommendations to existing and future market realities and find the best opportunities for Weddington; a corridor study to proactively look at parcels along NC 16 and NC 84; an implementation plan to identify short term actions, long-term policies, and execution strategies; define “town center”; possible expansion of overlay district; and figuring if existing commercial sites can be reinvented.

Board member Vivian agreed that the NC16 and 84 corridors are important, but also the impact of the new 485 ramp at Weddington Matthews Road should be considered.

Board member Conway stated that while defining where development other than residential would fit, also define where it would not be feasible. Give specific areas in the Land Use Plan so there is no grey area.

The Planning Board continued discussion:

- defining a vision for future Weddington development
- updating the Land Use Plan verbiage and maps to define the town center and create tools to deal with disconnects currently in Plan between goals/objectives and the maps.
- maintaining the historic and agricultural feeling of the town
- consideration property owners’ rights in the Land Use Plan
- create a more participatory process to the review and update of the Land Use Plan
- create a detailed vision of what the Town will look like in 10 years under current zoning

Board members agreed to move forward incrementally and report back to Council.

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

Mr. Tefft gave the update: At the June Council meeting, the Weddington Glen Preliminary Plat amendment was approved. The Council discussed the Land Use Plan review and update at their July meeting. There haven’t been any recent project inquiries. The Hemby Place subdivision will remain named Hemby Place. Residents in the adjacent neighborhood filed a suit to stop Toll Brothers from using the name Enclave at Bromley.

## **7. Board member Comments**

Board member Vivian: This was a good meeting and we had a lot of good discussion.

Vice Chair Manning: This was a productive meeting. My takeaways are that we've discussed the Land Use Plan at every meeting since I was appointed and now I'm ready to roll up our sleeves to figure this out. We've talked about a consultant and survey several times. It's time to do something. I'm ready to go. I signed up to help point the town in the right direction. It's frustrating to me that we've had two projects brought forward and they weren't favorable and now we have a huge slap in our face with the donation-Good for Smokey. If I was in his position and had done as much for this area as he has I'd do the same thing.

Chairman Goscicki: I was happy to hear the Council recommended hiring a consultant. I think that was a great step forward.

Board member Mittal: I agree with what everybody has said, also I say that let's take baby steps one step at a time and we will get something better done.

## 8. Adjournment

- Motion:** Board member Vivian made a motion to adjourn the July 25, 2022 Regular Planning Board Meeting at 7:48 p.m.
- Second:** Vice Chair Manning
- Vote:** The motion passed with a unanimous vote.

Approved: \_\_\_\_\_

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Ed Goscicki, Chairman

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Karen Dewey, Town Administrator/Clerk



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## MEMORANDUM

**TO:** Planning Board  
**FROM:** Robert G. Tefft, Town Planner  
**DATE:** August 22, 2022  
**SUBJECT:** Item 5. A.: Discussion and Recommendation of Text Amendment to Section D-703, Zoning District and Permitted Use, and Appendix 1, Definitions, of the Town of Weddington Unified Development Ordinance

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### BACKGROUND:

At its meeting of April 12, 2021, the Town Council approved the adoption of the Unified Development Ordinance (UDO) with the stated intent to comply with North Carolina General Statute 160D, as well as to improve the organization of existing ordinances. As a part of the adoption of the UDO, the Town also repealed and rescinded Chapter 46 (Subdivisions), Chapter 58 (Zoning), Sections 14-81 through 14-92 (Lighting), and Sections 14-101 through 14-107 (Architectural Standards).

The adoption of the UDO and repealing and rescinding of those Chapters and Sections of the Code of Ordinances has had unintended consequences, and the Town has determined that the UDO requires clarification and revision.

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### PROPOSAL:

In reviewing the UDO, it was identified that the Town's various zoning districts were incorporated from the Code of Ordinances into the UDO without their full names or their respective intent/purpose statements. Additionally, the Residential Established (RE) District was incorporated into the UDO without any permissible uses, and without a minimum front setback requirement. Among other, more minor items, this text amendment proposes to instate language addressing each of the above referenced errors.

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### OUTLINE OF TEXT AMENDMENT:

The following sections of the UDO are proposed to be amended:

*Section D-703, Zoning District and Permitted Uses:*

The proposed text amendment provides reference to Appendix 1 for definitions of each zoning district, as well as consistent language for the two district categories. The amendment removes redundant language concerning the incorporation of the Zoning Map (this is already provided for in Section D-105.A.), provides consistent naming for the two tables found in this section, and adds

permitted uses for the RE District. In Table 2 the amendment adds a minimum front yard setback for the RE District, recategorizes maximum density as maximum FAR consistent with the data within the table, and updates the appearance and structure of the Table (no other substantive change occurs). The amendment also provides for general clarification improvements.

*Appendix 1, Definitions:*

The proposed text amendment add definitions for each of the existing conventional and conditional zoning districts, ten in total. The definitions are generally consistent with those having previously be provided for in Chapter 58 (Zoning) of the Code of Ordinances (now repealed and rescinded).

Staff offers the modifications attached in Draft Ordinance No. 2022-02 for the Planning Board's consideration and recommendation. For ease of reference, new text is referenced in red/underlined font, while deletions are referenced in ~~striketrough~~ font.

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**LAND USE PLAN CONSISTENCY:**

State Statutes requires that all zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. Accordingly, staff provides the following Land Use Plan Consistency Statement for consideration:

The proposed amendments to the Unified Development Ordinance are found to be generally consistent with the adopted Land Use Plan (Plan). However, while these amendments do not further any specific Goal or Policy of the Plan, they also do not act contrary to any specific Goal or Policy of the Plan, nor would they prevent the administration and implementation of the Plan, or preclude the fulfilment of the community vision as set forth in the Plan. Additionally, the proposed amendments are found to be reasonable in that they continue to improve upon the organization of existing ordinances and provide additional clarity for staff, appointed and elected officials, and residents.

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**RECOMMENDATION:**

Staff recommends approval of the proposed text amendment.

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**Attachments:**

- Proposed Draft Ordinance No. 2022-02

## ORDINANCE NO. 2022-02

AN ORDINANCE OF THE TOWN OF WEDDINGTON, NORTH CAROLINA MAKING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE BY AMENDING ARTICLE 7, ZONING REGULATION, SECTION D-703, ZONING DISTRICTS AND PERMITTED USES, TO PROVIDE CORRECTED FORMATTING AND REFERENCES, AND PROVIDE PERMITTED USES AND FRONT SETBACK STANDARD FOR THE RE DISTRICT; BY AMENDING APPENDIX 1, DEFINITIONS, TO ADD DEFINITIONS FOR THE EXISTING ZONING DISTRICTS; CERTIFYING CONSISTENCY WITH THE TOWNS LAND USE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Weddington adopted the Unified Development Ordinance on April 12, 2021 to comply with North Carolina General Statute 160D and to improve the organization of existing ordinances; and

WHEREAS, with the adoption of the Unified Development Ordinance several Chapters and Sections of the Code of Ordinances were repealed and rescinded, including Chapter 46 (Subdivisions), Chapter 58 (Zoning), Sections 14-81 through 14-92 (Lighting), and Sections 14-101 through 14-107 (Architectural Standards); and

WHEREAS, the adopted Unified Development Ordinance took effect on April 12, 2021; and

WHEREAS, the adoption of the Unified Development Ordinance and repealing and rescinding of those Chapters and Sections of the Code of Ordinances had unintended consequences; and

WHEREAS, the Town of Weddington desires for the Unified Development Ordinance to function effectively and equitably throughout the Town; and

WHEREAS, the Town of Weddington has determined where the Unified Development Ordinance needs clarification and revision; and

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON, NORTH CAROLINA:

Section 1. That Unified Development Ordinance, Article 7, Zoning Regulation, Section D-703, Zoning Districts and Permitted Uses, be amended to read as follows:

### **D-703. Zoning Districts and Permitted Uses.**

#### **I. ~~Zoning districts; Zoning Map.~~**

**BA. Conventional Zoning Districts.** The Town's existing conventional zoning districts, as defined in Appendix 1, are as follows:

- R-80
- R-60

- R-40
- R-40(D)
- R-CD
- RE
- ED

**~~E~~B. Conditional Zoning Districts.**

1. ~~As of the date of this UDO, the Town has three existing~~ The Town's existing Conditional Zoning (CZ) districts, as defined in Appendix 1, are as follows:
  - B-1 (CZ)
  - B-2 (CZ)
  - MX (CZ)

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4. As provided in ~~the Table of Permissible Uses~~ Table 1, Permitted Uses, some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and/or the entire community that cannot be predetermined and controlled by general district standards and thus are only permitted with a Conditional Zoning district rezoning approval. Additionally, there may be instances where a general zoning district designation is clearly inappropriate for a certain property, but a specific use permitted under that district and subject to restrictive conditions would be consistent with the spirit and objectives of this Ordinance and applicable land plans. Both of these circumstances are reasonably addressed through a Conditional Zoning process.

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**~~D~~C. Downtown Overlay District.** As of the date of this UDO, the Town has a single overlay district, the Downtown Overlay District.

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**~~E~~.** ~~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.~~

**~~F~~D. Permitted Uses (by zoning district).**

1. **By-right Uses.** Certain primary uses of land are permitted “by right” (BR) in each conventional zoning district, provided all applicable provisions of this UDO (and any other applicable legal requirements) are satisfied. This UDO also provides for ~~additional~~ supplemental requirements (~~SR~~) that are applicable to a certain “by-right” uses of land as set forth in ~~Article 9~~ Section D-917D.



2. **Conditional Uses Zoning.** Others primary uses of land are permitted through the CZ zoning process. This UDO also identifies, in some cases, supplemental requirements ~~(SR)~~ that are likely to be applicable and desirable in connection with any CZ approval. 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).
3. Unless a use is allowed as a permitted use, been approved through a CZ zoning process, or is a ~~permitted~~ nonconforming use as set forth in Article 1, then such use is expressly prohibited, and the establishment of such use shall constitute a violation of this UDO.
4. Permitted uses (BR and CZ) are identified in Table 1, Permitted Uses—~~Zoning Districts~~. Standard yard requirements (lot sizes and setbacks) are identified in Table 2, ~~Yard Requirements and Setbacks—Zoning Districts~~ Lot and Building Standards.
5. ~~Use specific regulations are set forth in Article 9.~~

~~{Permitted Use Table on Following Page}~~



|  |          |  |    |    |  |  |    |
|--|----------|--|----|----|--|--|----|
| small cell telecommunication facility  | D-931    |  |    |    |  |  |    |
| School, public and private (including preschool facilities)  | D-917D.K |  | CZ | CZ |  |  | CZ |
| <b>Retail/Office</b>   |          |  |    |    |  |  |    |
| Existing B1 B2 and MX CZ's <u>B-1 (CZ), B-2 (CZ), and MX (CZ) Districts</u> are site specific development approvals and shall follow the uses allowed in those approvals |          |  |    |    |  |  |    |

**G. Dimensional Requirements (Lot Size, Minimum Lot Size, Maximum Height, Maximum Density, Minimum Lot Width, Minimum Front Yard Setback, Minimum Side Yard Setback, Minimum Rear Yard Setback) (by zoning district).** See Table below for applicable requirements in each zoning district. In the event of a conflict between the standard yard/setback requirements set forth in the Dimensional Requirements Table and any yard/setback requirements specific to a particular use as set forth in Article 9, the use-specific requirement shall control.

|                                   | R-80           | R-60           | R-40           | R-40(D)      | R-CD-Conventional/Conservation                          | RE           | Non-Residential outside of R-districts |
|-----------------------------------|----------------|----------------|----------------|--------------|---|--------------|--|
| <b>Minimum Lot Size</b>           | 80,000 sq-ft.  | 60,000 sq-ft   | 40,000 sq-ft.  | 40,000 sq-ft | 40,000 sq ft (traditional) /12,000 sq ft (conservation) | 20,000 sq-ft |  |
| <b>Maximum Height</b>             | 35'            | 35'            | 35'            | 35'          | 35'   | 35'          | 40'                                    |
| <b>Maximum Density</b>            |                |                |                |              |   |              | .2 FAR                                 |
| <b>Minimum Lot Width</b>          | 150'           | 125'           | 120'           | 100'         | 120'(traditional)/80'(conservation)                     | 100'         |  |
| <b>Minimum Front Yard Setback</b> |                |                |                |              |   |              |  |
| residential uses                  | 65'            | 60'            | 50'            | 40'          | 50'(traditional)/20'(conservation)                      |              |  |
| all other uses                    | 75'            | 75'            | 75'            |              | 75'   |              | <del>25'</del>                         |
| <b>Minimum Side Yard Setback</b>  | 25'/45' corner | 25'/45' corner | 15'/25' corner | 12'          | 15'(traditional)/ 5' with 30' separation (conservation) | 12'          | 25'                                    |
| <b>Minimum Rear Yard Setback</b>  | 60'            | 60'            | 40'            | 40'          | 40'(conventional)/30'(conservation)                     | 40'          | 25'                                    |

**E. Lot and Building Standards Table.** Table 2, Lot and Building Standards, establishes the lot and building standards for each zoning district. In the event of a conflict between the standard yard/setback requirements set forth in the Dimensional Requirements Table and any yard/setback requirements specific to a particular use as set forth in Section D-917D, the use-specific requirement shall control.

| TABLE 2. LOT AND BUILDING STANDARDS |                            |                         |                         |                   |      |                      |                          |
|-------------------------------------|----------------------------|-------------------------|-------------------------|-------------------|------|----------------------|--------------------------|
|                                     | Minimum Lot Size (sq. ft.) | Minimum Lot Width (ft.) | Minimum Setbacks (ft.)  |                   |      | Maximum Height (ft.) | Maximum Floor Area Ratio |
|                                     |                            |                         | Front                   | Side              | Rear |                      |                          |
| R-80                                | 80,000                     | 150                     | 65 (res.)<br>75 (other) | 25<br>45 (corner) | 60   | 35                   | N/A                      |
| R-60                                | 60,000                     | 125                     | 60 (res.)<br>75 (other) | 25<br>45 (corner) | 60   | 35                   |                          |
| R-40                                | 40,000                     | 120                     | 50 (res.)<br>75 (other) | 15<br>25 (corner) | 40   | 35                   |                          |
| R-40(D)                             | 40,000                     | 100                     | 40                      | 12                | 40   | 35                   |                          |
| R-CD (Conventional)                 | 40,000                     | 120                     | 50                      | 15                | 40   | 35                   |                          |
| R-CD (Conservation)                 | 12,000                     | 80                      | 20                      | 5 <sup>1</sup>    | 30   | 35                   |                          |
| RE                                  | 20,000                     | 100                     | 40                      | 12                | 40   | 35                   |                          |
| ED                                  | N/A                        | N/A                     | 25                      | 25                | 25   | 40                   | 0.2                      |
| B-1 (CZ)                            |                            |                         |                         |                   |      |                      |                          |
| B-2 (CZ)                            |                            |                         |                         |                   |      |                      |                          |
| MX (CZ)                             |                            |                         |                         |                   |      |                      |                          |

<sup>1</sup> However, a separation of 30 feet must be maintained between the sides of each dwelling.

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Section 2. That Unified Development Ordinance, Appendix 1, Definitions, be amended to read as follows:

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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District, Education (ED) means a conventional zoning district intended as a standard zoning classification with standardized requirements for school construction regardless of the school’s locale in Union County. This standardization is intended to result in the provision of: (i) equitable school facilities throughout the county; (ii) more efficient permitting of school facilities; and (iii) cost savings for the benefit of the taxpayers of Union County.

District, General Business (B-1) means a conditional zoning district intended to accommodate neighborhood businesses engaged in the retailing of merchandise such as groceries, drugs and household items for furnishing certain personal, business, and professional services for the convenience of residents of the town without undue conflict with, detriment to, or destruction from

nearby land uses or zoning districts. A rezoning to the B-1 (CZ) District shall only occur in those areas specifically designated as Business on the adopted Future Land Use Map.

District, Local Shopping Center (B-2) means a conditional zoning district intended to provide for the controlled development of more intense retail and service uses with adequate off-street parking and other amenities designed to serve the immediate town area. A rezoning to the B-2 (CZ) District shall only occur in those areas specifically designated as Business on the adopted Future Land Use Map.

District, Mixed-Use (MX) means a conditional zoning district intended as a limited use district with a very high level of design control including both site and building features. It is designed to allow a variety of office, commercial and limited residential uses only in carefully considered locations requiring a high level of design control by the town. A rezoning to the MX (CZ) District shall only occur in those areas specifically designated as Business on the adopted Future Land Use Map.

District, R-40 Single-Family (R-40) means a conventional zoning district intended to provide for residential development at low densities consistent with suitability of the land and the rural character of the town.

District, R-40(D) Two-Family (R-40D) means a conventional zoning district intended to allow single-family and duplex units on lots with a minimum lot size of 40,000 square feet. This district is created to regulate one specific area of the Town.

District, R-60 Single-Family (R-60) means a conventional zoning district intended to provide for areas of very-low density residential development which are compatible with the concept within the Towns adopted Land Use Plan of retaining the rural character of the community.

District, R-80 Single-Family (R-80) means a conventional zoning district intended to provide for areas of very-low density residential development which are compatible with the concept within the Towns adopted Land Use Plan of retaining the rural character of the community.

District, Residential-Conservation (R-CD) means a conventional zoning district intended to allow uses that are similar in nature to other residential districts in the town. The R-CD District provides a means of protecting conservation lands, especially those areas that contain primary and secondary conservation lands.

District, Residential Established (RE) means a conventional zoning district intended for subdivisions with 20,000 square foot lots that have been annexed by the Town and do not conform to any other Town zoning districts.

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Section 3. Amendments to the Unified Development Ordinance of the Town of Weddington (as originally adopted by Ordinance No. 2021-UDO) are hereby adopted to read as set forth in this Ordinance.

Section 4. The Town of Weddington does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the Town's Land Use Plan.

Section 5. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 6. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 7. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST AND FINAL  
READING AND ADOPTED

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Honorable D. Craig Horn  
Mayor

Attest:

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Karen Dewey  
Town Administrator/Clerk