



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, OCTOBER 24, 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. September 26, 2022 Planning Board Meeting
5. Old Business
6. New Business
 - A. Discussion and Recommendation of Text Amendment to Section D-917D, Supplemental Requirements for Certain Uses; Section D-919, Temporary Structures and Uses; and Appendix 1, Definitions, of the Town of Weddington Unified Development Ordinance
7. Update from Town Planner and Report from the October Town Council Meeting
8. Board member Comments
9. Adjournment



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, SEPTEMBER 26, 2022 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. Call to Order

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

2. Determination of Quorum

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

Staff present: Town Planner Robert Tefft, Administrative Assistant/Deputy Clerk Debbie Coram

Visitors: Bill Deter, Chris Martin, Rusty Setzer

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.*

Chairman Goscicki read the Conflict of Interest Statement

4. Approval of Minutes

A. August 22, 2022 Planning Board Meeting

Motion: Board member Howard made a motion to approve the August 22, 2022, Regular Planning Board Meeting minutes
Second: Vice Chair Manning
Vote: The motion passed with a unanimous vote.

5. Old Business

No old business to discuss.

6. New Business

A. Discussion and Recommendation of Text Amendment to Appendix 2, Submittal Requirements, of the Town of Weddington Unified Development Ordinance

Mr. Tefft presented the staff report: 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. Prior to the adoption of the UDO, the submittal requirements to obtain a Zoning Permit for a single-family or two-family dwelling included the provision of “a scaled dimensional survey drawn by and certified as true and correct by a surveyor or engineer registered with the state.” With the adoption of the UDO, this requirement was changed so that only a “scaled site plan” is required with no provision that it be prepared by a licensed surveyor or engineer. At its meeting of August 22, 2022, the Planning Board provided direction to Town staff to prepare a Text Amendment revising the submittal requirements for Zoning Permits so that a plot plan prepared by a surveyor or engineer be required for single-family dwellings. Based upon the direction received from the Planning Board, staff proposes to amend Appendix 2, Submittal Requirements, of the UDO to replace the existing submittal requirements for a Zoning Permit with a more comprehensive and appropriate list of submittal requirements.

The Planning Board discussed the text amendment: Board member Mittal asked about the 200 square foot separation between accessory and principle structures.

Board member Howard gave an overview of the Board of Adjustment meeting on August 22, 2022 that is the reason for the text amendment.

Vice Chair Manning asked about fees and mentioned an accessory structure on 12-Mile Creek Road and brought up the need for buffering accessory structures from single-family dwellings.

Chairman Goscicki asked if a floorplan as a submittal requirement was more than necessary. The Planning Board discussed removing floorplans as a submittal requirement.

Motion: Board member Howard made a motion to remove the floorplan submittal as a requirement, unless an elevator shaft is part of the plan.

Second: Board member Manning

Vote: The motion passed with a unanimous vote.

Motion: Board member Howard made a motion to forward the text amendment to the Town Council with a recommendation for approval as amended.

Second: Board member Mittal

Vote: The motion passed with a unanimous vote.

7. Update from Town Planner and Report from the September Town Council Meeting

Mr. Tefft gave an update and discussed the council approval of the RFP for the Comprehensive Plan/Downtown Master Plan.

8. Board member Comments

9. Adjournment

Motion: Board member Manning made a motion to adjourn the September 26, 2022, Regular Planning Board Meeting at 7:33 p.m.

Second: Board member Vivian
Vote: The motion passed with a unanimous vote.

Approved: _____

Ed Goscicki, Chairman

Karen Dewey, Town Administrator/Clerk



MEMORANDUM

TO: Planning Board
FROM: Robert G. Tefft, Town Planner
DATE: October 24, 2022
SUBJECT: Discussion and Recommendation on a Text Amendment to Section D-917D, Supplemental Requirements for Certain Uses; Section D-919, Temporary Structures and Uses; and Appendix 1, Definitions, of the Town of Weddington Unified Development Ordinance

BACKGROUND:

At its meeting of September 26, 2022, the Planning Board, as a part of its discussions regarding another text amendment, requested staff to prepare an amendment modifying the requirements for accessory uses and structures. The Planning Board discussed a parcel on Twelve Mile Creek Road where a very large accessory structure had been permitted and was under construction that appeared to be imposing upon neighboring properties due to its height and size.

PROPOSAL:

Based upon the direction received from the Planning Board, staff proposes amendments to Section D-917D, Supplemental Requirements for Certain Uses; Section D-919, Temporary Structures and Uses; and Appendix 1, Definitions, of the UDO to replace the existing requirements for accessory uses and structures, and to relocate some existing language within more appropriate areas of the UDO.

OUTLINE OF TEXT AMENDMENT:

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

Section D-917D, Supplemental Requirements for Certain Uses:

The proposed text amendment provides for a complete overhaul of the existing provisions. The structure of this section has been changed from a single list of all possible standards to a subdivided list that will facilitate easier access to standards that may or may not be applicable to individual proposals. Many of the existing standards, aside from their relocation, remain generally unchanged or have only been changed to provide for consistent phrasing and terminology. That said, there are a few new or substantially altered standards:

- While it was previously implied that accessory uses and structures were not to be located between the principal building and the road, it is now clearly stated.
- While accessory structures were previously allowed to match the height of the principal building, they are now limited to the lesser of 12 feet in height or the height of the principal building. There is an exception to this standard requiring two feet of additional setback for every one-foot of additional height.
- Added a standard allowing for piers or docks when the lot is adjoining a body of water.
- Added a standard requiring accessory structures have consistent external materials as the principal building.
- Added a standard allowing for underground accessory structures.
- Added specific provisions concerning detached garages and solar panels.
- Added a standard requiring above-ground swimming pools to meet principal structure setbacks.
- Removed the standard requiring accessory uses and structures to have construction features that are residential in nature or character. This standard was determined to be ambiguous and in conflict with G.S. 160D-702(b).
- Removed the standard differentiating between the size of accessory structures on small and large lots. No distinction will exist given the size of the lot – only the relative size of the principal building will govern the size of the accessory structure.
- Removed the standard explicitly requiring compliance with the Code of Ordinances. Compliance with the Code of Ordinances is already required for all development, uses, etc. in all instances.
- Removed the standard regulating the size of accessory family dwellings separately from the size of all other accessory structure types as there was no apparent need for this distinction.
- Removed the standard requiring accessory family dwellings to retain a single-family appearance from the street. This standard was determined to be ambiguous and in conflict with G.S. 160D-702(b).

Section D-919, Temporary Structures and Uses:

The proposed text amendment will relocate existing language from Section D-917D.M.9 into the list of permissible temporary structures and uses. This language provided for the occupancy of a travel trailer, recreational vehicle, or licensed motor vehicle as an accessory family dwelling for no more than 30 days per calendar year. While this language could seem appropriate in its current location given that this is where accessory family dwellings are regulated, it is determined to be more appropriate that this language be located amongst the other temporary structures and uses that provide the appropriate framework for its regulation. It is noted that, aside from its relocation, the language being added to this section has not been altered from its current form.

Appendix 2, Submittal Requirements:

The proposed text amendment will relocate existing language from Section D-917D.M.10 into the existing definition for accessory family dwellings. Essentially, Section D-917D.M.10 already consisted of the current full definition of accessory family dwellings but included additional language that was not a part of the codified definition. This amendment adds that additional language to the codified definition. It is noted that, aside from its relocation, the language being added to this definition has not been altered from its current form.

Staff offers the modifications attached in Draft Ordinance No. 2022-04 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.

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.

RECOMMENDATION:

Staff recommends approval of the proposed text amendment.

Attachments:

- Proposed Draft Ordinance No. 2022-04

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE TOWN OF WEDDINGTON, NORTH CAROLINA MAKING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE BY AMENDING SECTION D-917D, SUPPLEMENTAL REQUIREMENTS FOR CERTAIN USES, TO MODIFY THE REQUIREMENTS FOR ACCESSORY USES AND STRUCTURES; AMENDING SECTION D-919, TEMPORARY STRUCTURES AND USES, BY RELOCATING AN EXISTING PROVISION CONCERNING TEMPORARY ACCESSORY FAMILY DWELLINGS; AMENDING APPENDIX 1, DEFINITIONS, TO MODIFY THE DEFINITION FOR ACCESSORY FAMILY DWELLINGS; 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, the Planning Board identified a deficiency in the Unified Development Ordinance regarding the requirements for the submittal of a Zoning Permit for Single- and Two-Family Residences; 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, Section D-917D, Supplemental Requirements for Certain Uses, be amended to read as follows:

D-917D Supplemental Requirements for Certain Uses

~~**M. Accessory Uses and Structures.** Minor uses or structures which are necessary to the operation or enjoyment of a permitted principal use, and are appropriate, incidental, and subordinate to any such uses, shall be permitted in all districts with certain exceptions as described herein as an accessory use, subject to the following:~~

- ~~1. Accessory uses or structures, well houses, and swimming pools shall be located no closer than the setback for the principal building or 15 feet to any side or rear lot line whichever is less. Well houses shall be allowed in any yard.~~
- ~~2. Notwithstanding any other provision in this section, any accessory structure with a building footprint exceeding 200 square feet may be located in any nonrequired side or rear yard and must comply with all setback requirements of principal structures for that zoning district.~~
- ~~3. In any residential district or on any lot containing a principal residential use, no accessory use or structure shall be permitted that involves or requires any construction features which are not residential in nature or character.~~

- ~~4. Accessory uses shall be located on the same lot as the principal use.~~
- ~~5. An accessory building other than barns or farm-related structures may not exceed the height of the principal building.~~
- ~~6. Other than barns or farm-related structures, the total combined square footage of all accessory structures (including above-ground swimming pools) on any parcel less than six acres shall not exceed two-thirds of the footprint of the principal building. On lots 6 acres or greater, the total combined footprints of all principal and accessory structures (including above-ground swimming pools) shall not exceed 15 percent of the gross lot area.~~
- ~~7. Roofed accessory uses physically attached or connected to the principal building shall be considered a part of the principal building and shall be subject to the setback requirements for the principal building.~~
- ~~8. A swimming pool shall be considered an accessory use. A swimming pool can be located in the rear yard on all residential properties, or in the side yard provided the principal structure has a minimum 200-foot front setback and the pool will have a minimum 150-foot side setback. In all other situations, it will be subject to a conditional use approval as provided in Article III of this UDO.~~
- ~~9. Occupancy of a travel trailer, recreational vehicle (RV), or licensed motor vehicle as an accessory family dwelling shall be permitted for no more than 30 total days per calendar year.~~
- ~~10. Accessory family dwellings: An incidental structure or an incidental area within a primary structure that is capable of being used as a separate dwelling and that is generally occupied and used by a different person(s) than the person(s) that generally occupies and uses the property's primary dwelling. Such a separate structure or area shall be considered an accessory family dwelling whether it is detached from the primary dwelling, attached to the primary dwelling, or partially or completely contained within the primary dwelling.~~
- ~~11. When allowed, accessory family dwellings shall be subject to the following additional requirements:
 - ~~a. Accessory family dwellings shall comply with all applicable provisions of the Wellington Code of Ordinances.~~
 - ~~b. At least one additional off-street parking space shall be provided for the use of those occupying the accessory family dwelling unless the Administrator determines that sufficient off-street parking already exists to accommodate both the property's primary dwelling and the accessory family dwelling.~~
 - ~~c. An accessory family dwelling shall be allowed only on lots that meet the minimum lot area requirement of the applicable zoning district.~~
 - ~~d. Only one accessory family dwelling shall be allowed per lot.~~
 - ~~e. The accessory family dwelling shall meet all setback requirements applicable to principal structures in the zoning district.~~
 - ~~f. The heated floor area of the accessory family dwelling shall not exceed 30 percent of the gross floor area of the primary dwelling. *Commentary:* Examples of accessory dwelling square footage are: A 1,333 square foot primary dwelling is needed for a 400 square foot accessory family dwelling. (30 percent of 1,333 = 400).~~~~

~~g. The property including the accessory family dwelling shall retain a single family appearance from the street. By example only and not for purposes of limitation, the accessory family dwelling shall not have its own separate mailbox, and it must share driveway access with the primary dwelling.~~

M. Accessory Uses and Structures. The purpose of this section is to establish standards for accessory uses and accessory structures to ensure that they contribute to the comfort and convenience of the principal use/structure, while not detracting from the character of the neighborhood.

I. General Standards.

a. Location and Setbacks.

- 1. Accessory uses and structures shall be located on the same lot as their associated principal use or principal building**
- 2. Accessory uses and structures shall not be located between the principal building and either the front or corner side property lines.**
- 3. Accessory uses and structures shall not be located closer than 15 feet to any side or rear lot line.**
- 4. Accessory structures with a building footprint in excess of 200 square feet shall meet the setback requirements for a principal building unless otherwise provided for herein.**
- 5. Well houses shall be allowed in any yard provided they are no closer than five feet from any property line.**
- 6. Roofed accessory structures that are physically attached or otherwise connected to the principal building shall be considered a part of the principal building and shall be subject to those same setback requirements for the principal building.**

b. Height.

- 1. Accessory structures shall not exceed 12 feet in height, or the height of the principal building, whichever is less.**
 - 2. Accessory structures greater than 12 feet in height shall require an increase to the setback from the side and rear yards at a rate of two feet for every one-foot, or fraction thereof, in increased height.**
 - 3. Notwithstanding the above, barns and other farm-related structures shall not exceed the maximum building height for their zoning district.**
- c. Other than barns and other farm-related structures, accessory structures shall not cumulatively exceed 66% of the footprint of the principal building.**
- d. Accessory structures such as piers and docks may be permitted on lots which adjoin bodies of water.**
- e. Any accessory structure that requires a building permit shall be constructed with the same external materials as the principle building (e.g., brick, hardi-plank siding, cedar shingles, etc.) on the lot and shall be designed, located and constructed in keeping with the quality and character of the development and surrounding structures. This requirement shall apply to new construction and shall also apply**

to renovation or adaptive reuse construction for an accessory structure (e.g., converting a detached garage to an accessory family dwelling).

- f. Underground accessory structures may be permitted within any required yard or setback as long as any ventilating or other similar equipment extends no higher than 32-inches above the finished grade, is at least five feet away from any property lines, and does not cover more than five percent of the required yard area.

2. Specific Standards.

- a. Accessory Family Dwellings. Accessory family dwellings shall be subject to the following:

1. Only one accessory family dwelling shall be allowed per lot.
2. An accessory family dwelling shall only be allowed on a lot that has a conforming single-family dwelling as its principal use.
3. An accessory family dwelling shall be provided a minimum of one off-street parking space in addition to that required for the principal use.

- b. Detached Garages.

1. A detached garage shall not exceed a building footprint of 900 square feet.
2. A detached garage with a building footprint in excess of 600 square feet shall meet the setback requirements for a principal building.

- c. Solar Panels. Solar panels shall be considered an accessory structure and shall not cause an otherwise compliant building to become nonconforming with regard to height requirements.

- d. Swimming Pools.

1. Above-ground swimming pools shall be required to meet the setbacks for a principal building.
2. In-ground swimming pools shall be considered an accessory structure.
3. In-ground swimming pools shall be permissible in the side yards of all residential properties provided the principal building has a minimum front yard setback of 200 feet and the in-ground swimming pool would have a minimum side yard setback of 150 feet. Should either the principal structure or proposed in-ground swimming pool not be able to meet this requirement, then conditional zoning approval, as provided for in Sec. D-607, shall be required.

Section 2. That Unified Development Ordinance, Section D-919, Temporary Structures and Uses, be amended to read as follows:

Section D-919. Temporary Structures and Uses. Temporary structures and uses, when in compliance with all applicable provisions of this UDO and all ordinances of the Town, shall be approved by the Administrator, who shall issue a permit for such approval. The following temporary structures and uses shall be permitted:

E. Occupancy of a travel trailer, recreational vehicle (RV), or licensed motor vehicle as an accessory family dwelling shall be permitted for no more than 30 total days per calendar year.

Section 3. That Unified Development Ordinance, Appendix 1, Definitions, be amended to read as follows:

APPENDIX I, DEFINITIONS

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:

Accessory family dwelling means an incidental structure or an incidental area within a primary structure that is capable of being used as a separate dwelling and that is generally occupied and used by different person(s) than those who generally occupy and use the property's primary dwelling. Such a separate structure or area shall be considered an accessory family dwelling whether it is detached from the primary dwelling, attached to the primary dwelling, or partially or completely contained within the primary dwelling.

Section 4. 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 5. 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 6. 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 7. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 8. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST AND FINAL
READING AND ADOPTED

Honorable D. Craig Horn
Mayor

Attest:

Karen Dewey
Town Administrator/Clerk