



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, FEBRUARY 27, 2023 – 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. January 23, 2023 Planning Board Regular Meeting
5. Old Business
6. New Business
 - A. 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.
7. Update from Town Planner and Report from the February Town Council Meeting
8. Board member Comments
9. Adjournment



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JANUARY 23, 2023 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. Call to Order

Chairman 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 and Gordon Howard present. Board members Chris Faulk, Jen Conway, and Jim Vivian were absent

Staff present: Town Planner Robert Tefft, Town Administrator/Clerk Karen Dewey, Admin Assistant/Deputy Clerk Debbie Coram

Visitors: Chris Rabeau, Jim Bell, David Meech, John Johnson, Morgan Hammer, Bill Deter, Harry Chilcot, Rusty Setzer, Danny Garvey

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. No Board members had a conflict of interest.

4. Approval of Minutes

A. October 24, 2022 Planning Board Regular Meeting

Chairman Goscicki pointed out that Board member Howard was omitted from the list of board members present. Staff will add Board member Gordon Howard to the list of board members present under 2.

Determination of Quorum.

- Motion:** Board member Manning made a motion to approve the October 24, 2022 Regular Planning Board minutes as amended.
- Second:** Board member Howard
- Vote:** The motion passed with a unanimous vote.

5. Old Business

6. New Business

A. 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.

Mr. Tefft presented the staff report: at their September 26, 2022 meeting, Planning Board requested staff prepare a text amendment for accessory uses and structures. The text amendment was discussed at the October 24, 2022 planning board meeting and staff was directed to revisit some of the requirements and language.

Mr. Tefft reviewed the language that was struck from current text amendment.

Board member Howard asked if a permit would be needed regardless of size. Mr. Tefft confirmed that all accessory structures need a permit.

Board member Howard asked about the language for roofed accessory uses physically attached to the principal structure. Mr. Tefft responded that language is being deleted because once an accessory structure is connected to the principle structure, it becomes part of the principle structure.

Board member Howard asked if the language limiting one accessory family dwelling will be included somewhere else in the UDO. Mr. Tefft confirmed that it will be included, only stated with more clarity.

Chairman Goscicki asked about barns as accessory structures. Mr. Tefft responded that to qualify for the barn standards, it must be an actual barn.

The board discussed the percentage of the gross floor area of the principle structure the accessory structure should be limited to. Topics discussed were:

- The possibility of exempting detached garages and cap the gross floor area of the accessory structure at a lower percentage
- Just cap it at 50%-one concerned raised with this was that the newer neighborhoods on less than an acre may not be able to get to 50% as the lot won't fit the accessory structure within the required setbacks.
- Instead of exempting detached garages, give that use a higher limit from other accessory uses.

Mr. Tefft reviewed the changes in the definitions to keep consistent within the UDO.

Board member Manning stated that he did not like the definition given for swimming pool. The board discussed different types of pool structures and how to define them.

Chairman Goscicki suggested deferring a vote on a recommendation until next board meeting.

The Board agreed to defer a recommendation until all members are present to discuss.

Motion: Board member Howard made a motion to defer recommendation of 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.

Second: Board member Manning

Vote: The motion passed with a unanimous vote.

Board member Howard suggested as a definition for an above ground pool: a semi-permanent structure 4 to 6 feet deep with a diameter of 12 feet or greater having metal support semi-permanent structure.

B. Discussion and Recommendation on a 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 October 10, 2022, the Town Council approved Ordinance No. 2022-03, an amendment to the Town's Unified Development Ordinance modifying the various submittal requirements for Zoning Permits. This amendment had been previously discussed and recommended for approval by the Planning Board at its meeting of September 26, 2022. Following the adoption and implementation of these modified submittal requirements, staff has identified a few areas within Appendix 2 where further improvement and clarification is necessary.

The proposed amendment to subsections 1 and 2 would clarify that the submittal requirements apply not only to new principal structures, but also to any additions.

- The proposed amendment to subsection 3 would allow Zoning Permit applications for decks and patios to have the same submittal requirements as other accessory structures rather than as additions. The current submittal requirements have been found to be needlessly cumbersome and excessive for such structures.
- The proposed amendment to subsection 4 would clarify that upfits of accessory structures or decks would be required to submit as an upfit permit where presently the UDO is unclear as to what requirements would be expected.

Board member Manning stated that a deck or patio should have a sealed survey to make sure the town has some teeth in implementing code.

Board member Howard disagreed. Board member Manning stated that the survey serves as a baseline. Chairman Goscicki agreed with Board member Howard that a survey isn't needed in the instance of deck and patio additions.

- Motion:** Board member Howard made a motion to forward the Text Amendment to Appendix 2, Submittal Requirements, of the Town of Weddington Unified Development Ordinance to the Town Council with a favorable recommendation
- Second:** Board member Mittal
- Vote:** The motion passed with a unanimous vote.

C. Discussion and Consideration of 2023 Regular Meeting Schedule

The Planning Board discussed the 2023 regular meeting schedule.

- Motion:** Board member Manning made a motion to approve the 2023 Planning Board Regular Meeting Schedule.
- Second:** Board member Mittal
- Vote:** The motion passed with a unanimous vote.

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

Mr. Tefft gave a planning update. The Cambridge project on a portion of the Weddington Green site includes a school for 1700 students and about 40,000 square feet of commercial. Traffic Impact Analysis scoping meeting was held December 2, 2022 and they will be making a pre-application presentation at the February 13, Regular Town Council meeting. The Hunt property off Ennis Road has been inquired for a 12-lot conventional subdivision on 19 acres currently zoned R-CD.

8. Board member Comments

Board member Gordon Howard: Happy New Year.

Chairman Goscicki: Happy New Year. It's great seeing such a turnout of our citizens. It's nice to be outnumbered. It keeps us focused on why we're here.

9. Adjournment

Motion: Board member Mittal made a motion to adjourn the January 23, Regular Planning Board Meeting at 8:01 p.m.

Second: Board member Manning

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: February 27, 2023
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.

Subsequently, at its meeting of October 24, 2022, the Planning Board discussed a potential text amendment to the accessory uses and structures provisions within Section D-917D. While the Planning Board was generally in favor of most changes being recommended, the Board did have comments on the regulation of accessory structure height, and detached garages. The Board directed staff to revisit the text amendment and return at a later date.

PROPOSAL:

Based upon the direction received from the Planning Board during its September and October meetings, 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 both now and in the future. 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 is currently implied that accessory uses and structures are not to be located between the principal building and the road, it would now be clearly stated.
- While accessory structures are currently allowed to match the height of the principal building, the proposed language would require any accessory structure greater than 12 feet to be set back an additional one-foot from the side and rear lots lines for every one-foot of height above 12 feet until such time that it met the principal structure setback.
- Added a standard requiring accessory family dwellings to have a compatible exterior appearance to the principal dwelling.
- Added specific provisions concerning solar panels.
- 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, and this would be established so that accessory structure not cumulatively exceed 25 percent of the gross floor area of the principal 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.

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 amend the existing definitions for Accessory Family Dwelling, and Accessory Use, while adding definitions for Accessory Structure and Swimming Pool in order to provide clarity and consistency with the revisions being made elsewhere in the UDO.

Staff offers the modifications attached in Draft Ordinance No. 2023-02 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 ~~strike through~~ 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. 2023-02

ORDINANCE NO. 2023-XX

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 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 Weddington 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 subsection is to establish standards for accessory uses and structures so that they contribute to the comfort and convenience of the principal use/structure, while not detracting from the character of the neighborhood. Accessory use and structures shall be customarily found in conjunction with the subject principal use; shall constitute only an incidental or insubstantial part of the total activity that takes place on the subject lot; and are integrally related to the principal use.

1. General Standards.

a. Establishment. Accessory structures must be constructed in conjunction with or after the principal structure. Accessory structures may not be built prior to the construction of the principal structure.

b. Location and Setbacks.

1. Accessory uses and structures shall be located on the same lot as the principal use.

2. Accessory uses and structures, including swimming pools, shall be located at least 15 feet from any side or rear lot line. Pool decks, driveways, and similar "at grade" structures may be located within this setback area but shall be located at least 5 feet from any side or rear lot line.

3. Accessory uses and structures shall not be located closer to any adjacent right-of-way or street than is the principal use/structure.

4. Well houses shall be allowed within any setback area, provided they are not located within 15 feet of a right-of-way or street, or within 5 feet of any side or rear lot line.

c. Height.

1. Accessory structures greater than 12 feet in height shall be set back from side and rear lot lines an additional one-foot for every one-foot of height, or fraction thereof, exceeding 12 feet up to the required principal structure setback.

2. In no instance shall an accessory structure exceed the height of the principal structure.
3. Barns and other bona fide farm-related structures shall not be limited in their height by these accessory use and structure provisions and shall instead only be limited by the otherwise established maximum building height for their respective zoning district
- d. Other than barns and other bona fide farm-related structures, accessory structures shall not cumulatively exceed 25 percent of the gross floor area of the principal structure.
- e. Accessory structures must be separated by a minimum distance of 5 feet from all other accessory and principal structures.
- f. Roofed accessory structures that are physically attached or otherwise connected to the principal structure shall be considered a part of the principal structure and shall be subject to those same setback and height requirements as the principal structure.

2. Specific Standards.

- a. Accessory Family Dwellings. Accessory family dwellings shall be subject to the following:
 1. Accessory family dwellings shall be allowed only on lots that meet the minimum lot area requirement of the applicable zoning district.
 2. No more than one accessory family dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling.
 3. The heated floor area of the accessory family dwelling shall not exceed 30 percent of the gross floor area of the principal dwelling.
 4. The accessory family dwelling shall meet all setback requirements applicable to principal structures in the zoning district.
 5. At least one additional off-street parking space shall be provided for the use of those occupying the accessory family dwelling.
 6. The exterior appearance of the accessory family dwelling unit shall be compatible to the principal dwelling.
- b. Solar Panels.
 1. Despite being physically attached to either a principal or accessory structure, solar panels shall be considered an accessory structure and shall be permitted as such.
 2. The installation of roof mounted solar panels shall not cause an otherwise conforming building to become nonconforming with regard to height requirements.

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 on the same lot as the single-family dwelling that is the principal use on that lot 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 single-family dwelling.

Accessory structure means a structure located on the same parcel of land as the principal structure and the use of which is customarily incidental to the use of the principal structure.

Accessory use means a use ~~clearly incidental and subordinate to the principal use~~ that exists on the same lot with the principal use and is subordinate and clearly incidental to the principal use.

Swimming pool means any in-ground or above-ground tank or tub for swimming or wading, including hot tubs, spas, whirlpools, jacuzzis, and the like.

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