

AN ORDINANCE TO AMEND The Town of Weddington Zoning Map Beckingham CZ 2023-02

WHEREAS, the Town of Weddington has received an application requesting that the zoning classification of parcels of land subject to the zoning regulations of the Town be reclassified; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through posting of the property; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through advertisement in a newspaper of general circulation in the Town; and

WHEREAS, property owners within 1300 feet of the subject parcels have been notified by first class mail of the public hearing on the question of reclassification; and

WHEREAS, a public hearing on the question of the reclassification of the subject parcel has been held by the Town Council of the Town of Weddington; and

NOW, Therefore be it ordained by the Town Council of the Town of Weddington that tax parcel numbers o6153016 and o6153054A consisting of approximately 62 acres located Lochaven Road be reclassified as Conditional Zoning District as shown on Exhibit A titled Beckingham, dated November 13, 2023 and is further subject to the conditions shown on Exhibit B Development Guidelines and Standards dated November 13, 2023 attached hereto and incorporated herein by reference.

Adopted the 13th day of November, 2023

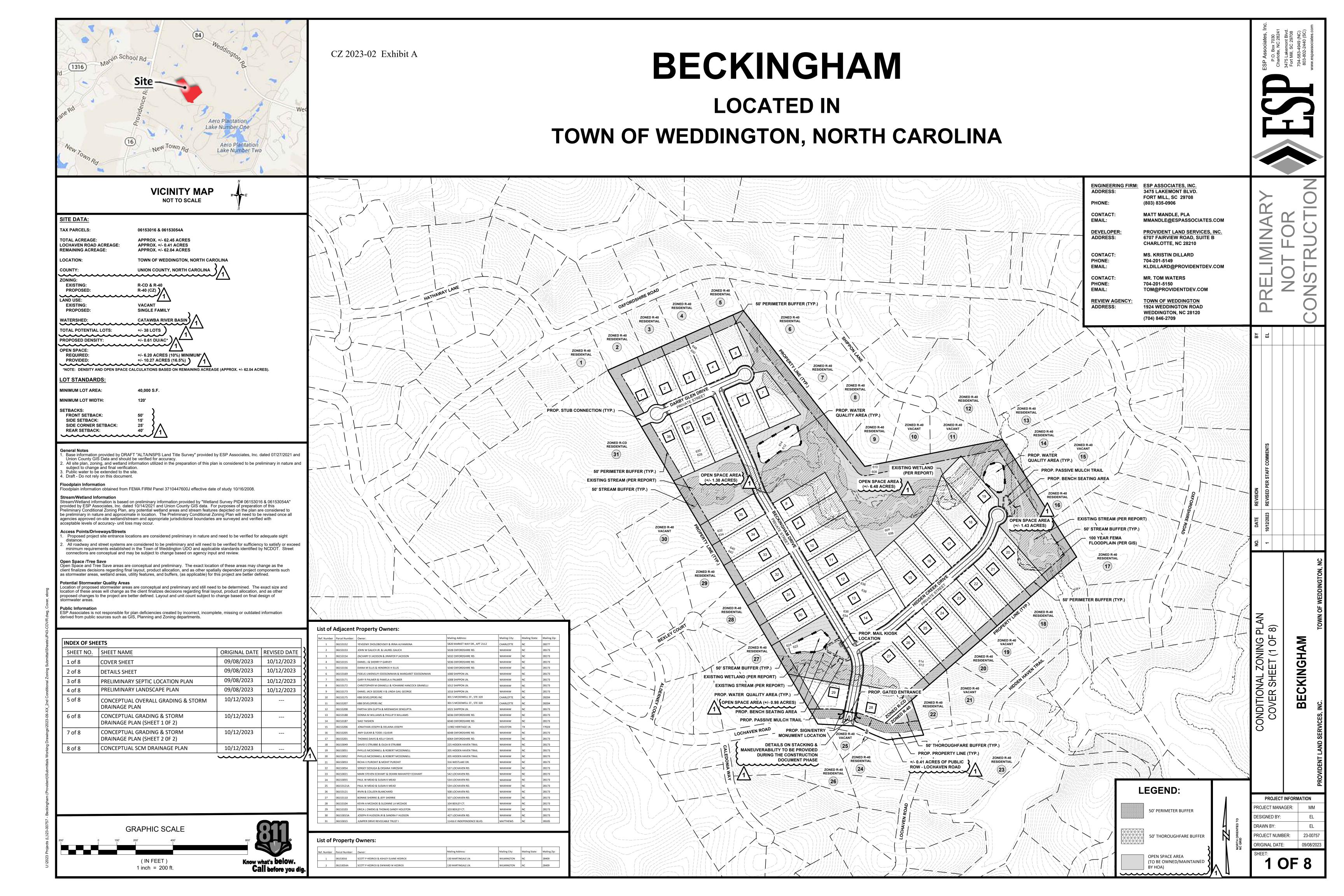
D. Craig Horn,

Attest:

Karen Dewey, Town Administrator/Clerk

APPROVED AS TO FORM:

Karen Wolter, Town Attorney



--Proposed Zoning: R-40 (CZ)
--Existing Uses: Vacant --Proposed Uses: Up to 38 single-family detached dwelling units as allowed by right and under) prescribed conditions in the R-40 (CZ) zoning district as further described in Section 2 below. ······//

1. General Provisions:

- **a. Site Location**. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Provident Land Services, Inc. ("Petitioner") to accommodate the development of up to thirty-eight (38) single-family detached dwelling units as generally depicted on the Rezoning Plan. The proposed development will be on an approximately 62.04 acre site located on Lochaven Road (the "Site").
- **b. Zoning Districts/Ordinance**. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Town of Weddington Land Unified Development Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the R-40 (CZ) zoning classification shall govern.
- c. Graphics and Alterations. The schematic depictions lots, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes, and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section D-607(C)(10) of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed per Section D-607(C)(10)(b) of the Ordinance. These instances would include changes to graphics if they are minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Town Planner/Zoning Administrator will determine if such minor modifications are allowed and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow Section D-607(C)(10)(a) of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

2. <u>Permitted Uses</u>:

The Site may be developed with up to thirty-eight (38) single-family residential units.

- Access and Transportation:
- Proposed Access.
- **a.** Access to the Site will be from Lochaven Road as generally depicted on the Rezoning Plan.
- b. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the Town of Weddington and/or NCDOT in accordance with applicable published standards.
- c. The overall street network is conceptual in nature and may be adjusted during the permitting process subject to the standards and approvals of NCDOT and the Town of Weddington as applicable.
- Standards, Phasing and Other Provisions.
- a. <u>Weddington and NCDOT Standards.</u> All of the foregoing public roadway improvements will be subject to the standards and criteria of the Town of Weddington and/or NCDOT (as it relates to the roadway improvements within their respective road system authority). It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the area, by way of a private/public partnership effort or other public sector project support.
- Substantial Completion. Reference to "substantial completion" for certain improvements as set forth above shall mean completion of the roadway improvements in accordance with the applicable standards. Provided however, in the event certain non-essential roadway improvements (as reasonably determined by the Town of Weddington) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Town of Weddington will instruct applicable authorities and/or departments to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

4. **Architectural Standards:**

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, cementitious fiber shake, stucco, decorative block and/or wood.
- **b.** Vinyl or Aluminum shall not be used as a primary siding material however it may be used on windows, soffits, fascia and/or similar roof overhang elements, handrails/railings, and/or other miscellaneous trim elements.
- **c.** The proposed roofing materials will be architectural shingles, slate, tile and/or metal.
- **d.** All residential units shall include side load or center court drive three car garages as a minimum with the following garage door treatments
- i. windows and/or a vent detail above the garage door,
- ii. a minimum of two siding materials on the façade, and
- iii. windows
- Streetscape, Setbacks, Buffers, and Yards:
- **a.** A fifty (50) foot perimeter buffer shall be provided to support the overall character of the community as generally depicted on the Rezoning Plan. Grading and clearing within the fifty (50) foot buffer is permitted subject to approval by applicable regulatory agencies and contingent upon replanting, as needed.

- **b.** Fifty (50) foot buffers will be installed where natural landscape does not provide sufficient screening for adjoining existing homes and along Lochaven Road frontage per section D-917A(O) of the Unified Development Ordinance. The buffer will be enhanced with evergreen plantings, such as Nellie Stevens, Burford Holly, Ligustrum or similar approved evergreen species.
- **d.** Due to topographic constraints and existing features on the site, the minimum block length of 334'
- a. The Site shall comply with the minimum Stormwater and Water Quality requirements as set forth in
- **b.** The location of the proposed stormwater areas are conceptual in nature and the exact size and location of these areas are subject to change depending upon final layout, product allocation, and/or other site plan elements. The overall layout and unit count may be altered as a result of final stormwater locations.
- c. The Site shall comply with the minimum Open Space and Tree Save requirements as set forth in Section D-917A(P) and (Q) of the Unified Development Ordinance. Required stream and wetland buffers may count towards open space. The Open Space and Tree Save areas generally depicted on the Rezoning Plan are conceptual in nature and subject to change depending upon final layout, product allocation, and other spatially dependent project components such as but not limited to stormwater areas, wetland areas, utilities, and buffers (as applicable).
- d. The Petitioner shall provide third party inspection of site development construction activities to occur after each ½" (or greater) rainfall event.

7. Amendments to the Rezoning Plan:

ii. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions of the Ordinance.

8. <u>Binding Effect of the Rezoning Application</u>:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and insure to the benefit of the Petitioner and subsequent owners of the Site and their respective

c. A minimum fifteen (15) foot side yard and twenty-five (25) foot corner side yard shall be provided.

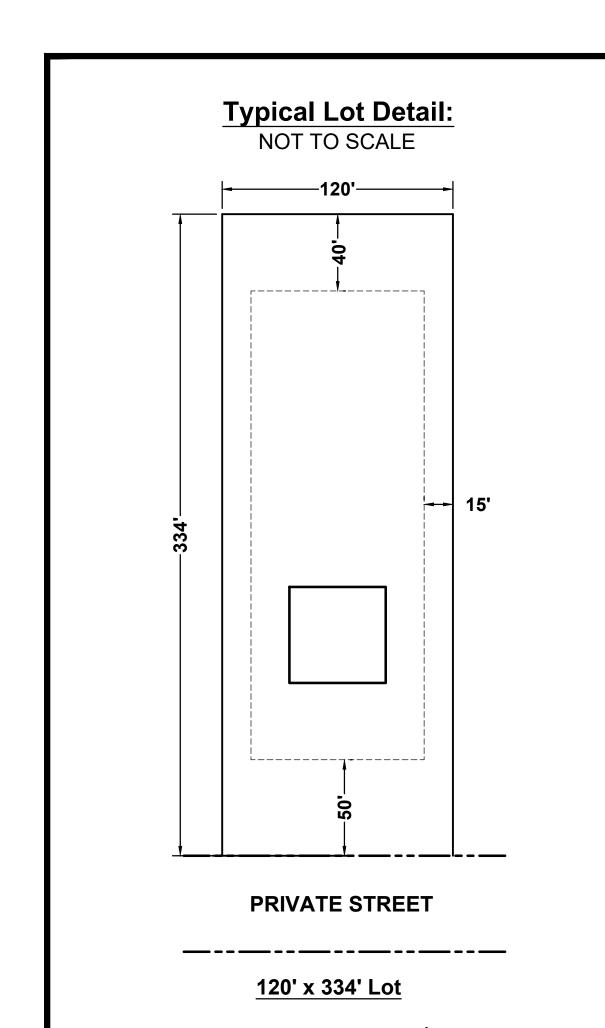
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e. Street trees shall be provided on each side of the street spaced forty (40) feet on center or based on tree species in compliance with Section D-917A(Q)(1)(b).

Environmental Features and Open Space:

may be exceeded as generally depicted on the Rezoning Plan.

the Unified Development Ordinance. 1



ONDITIONAL ZONING DETAILS SHEET (2 O CKINGHAM

MINA

Setbacks **Front: 50'** Side: 15' Corner Side: 25' **Rear: 40'**

09/08/2023 ORIGINAL DATE: 2 OF 8

23-00757

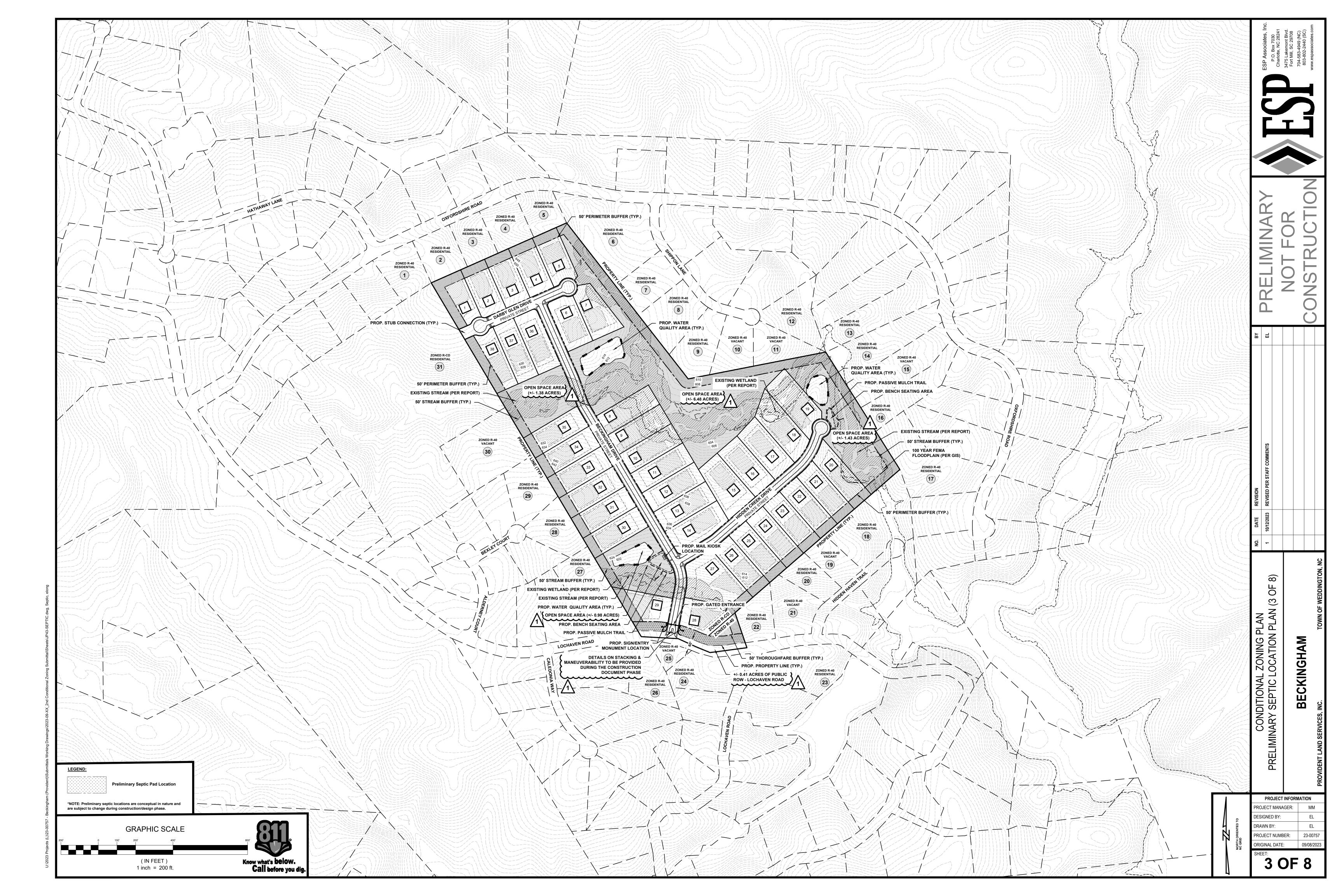
PROJECT INFORMATION

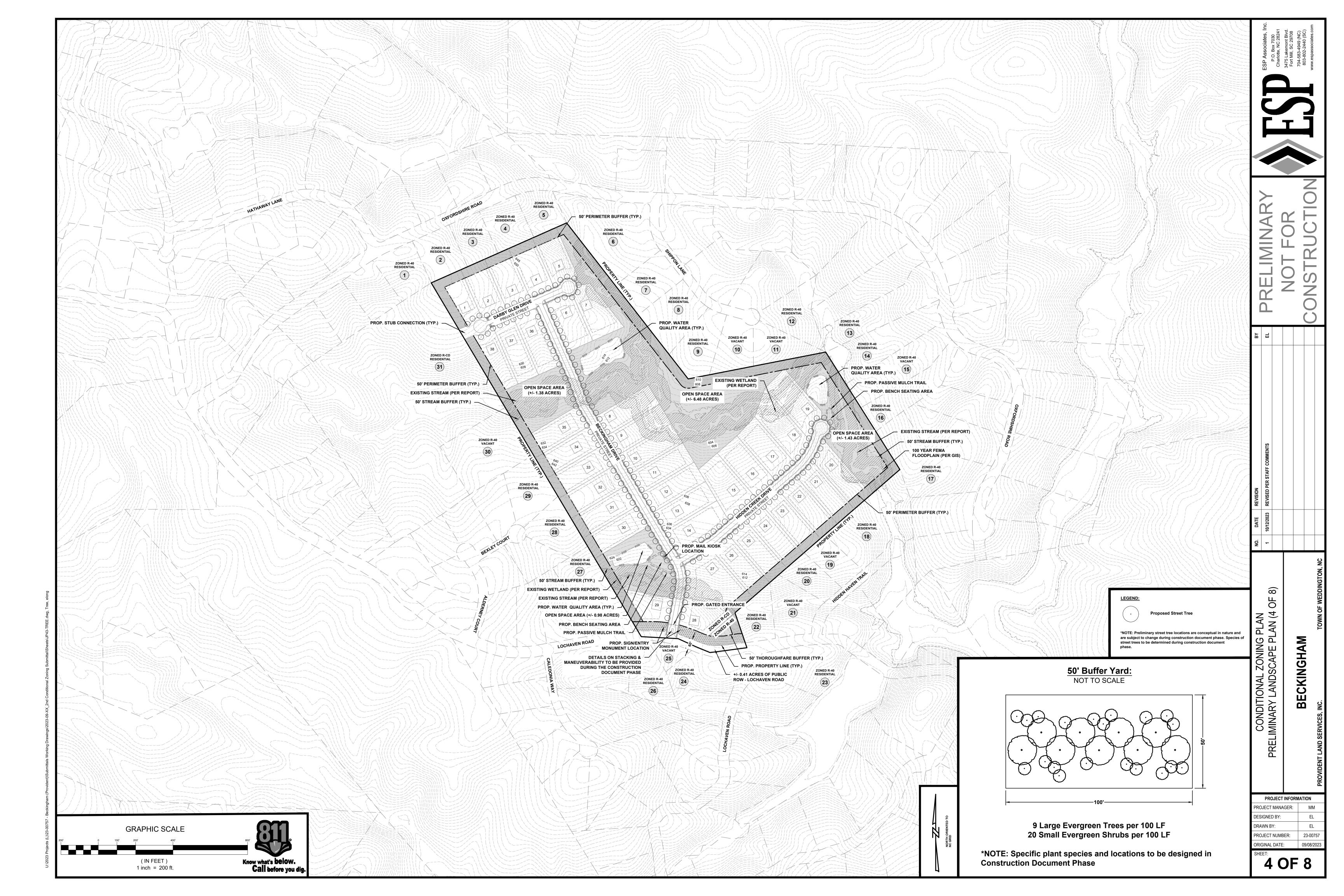
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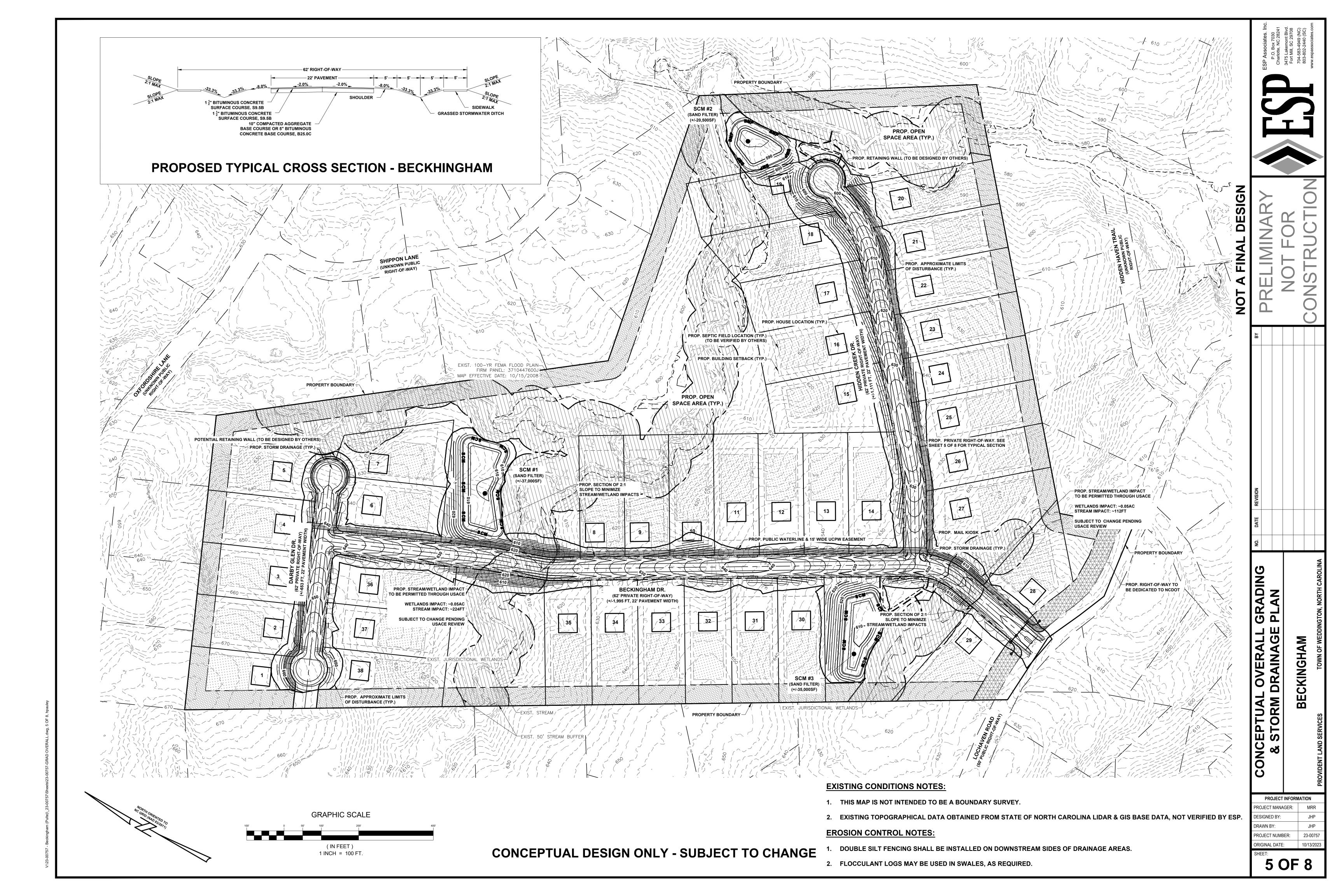
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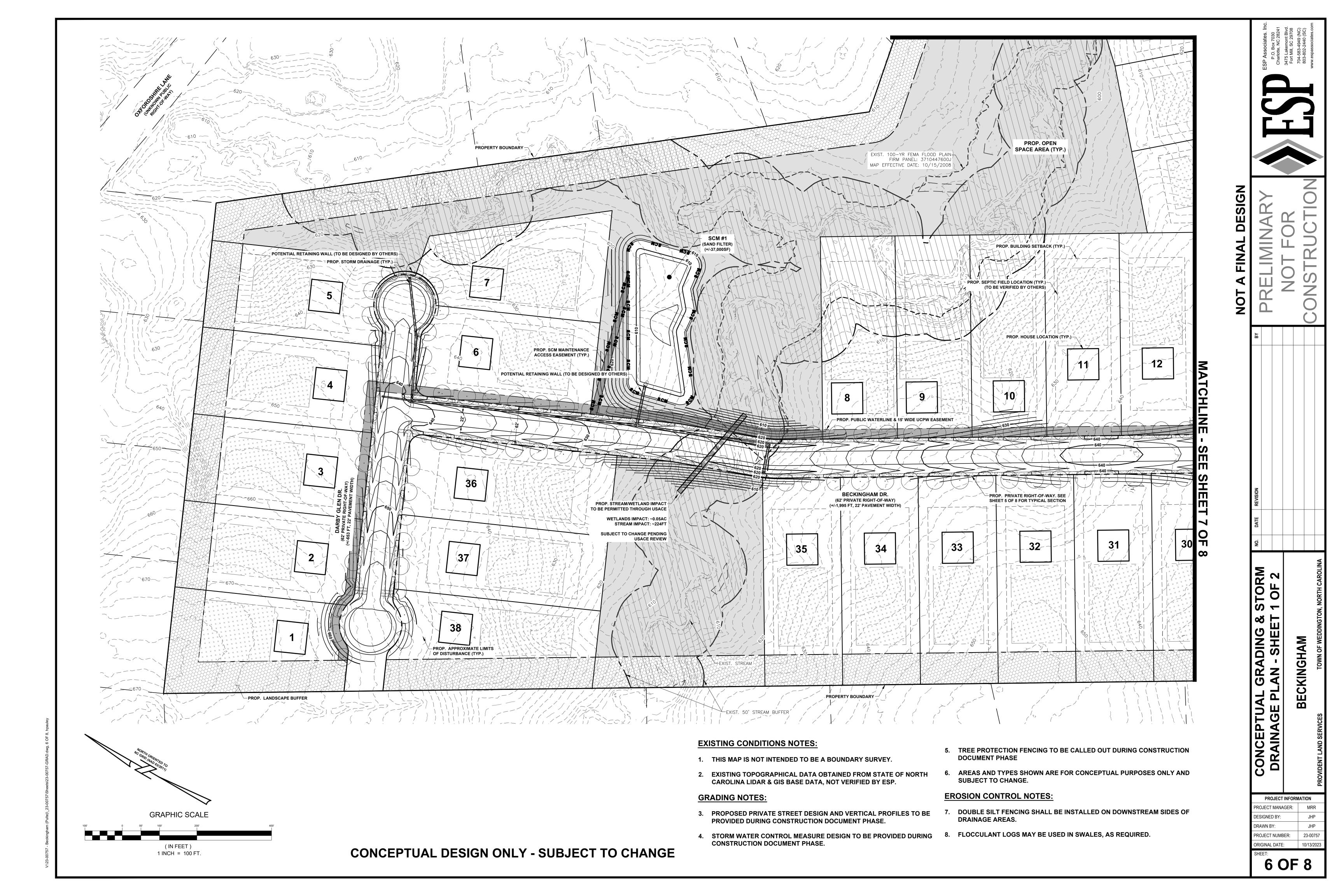
DESIGNED BY:

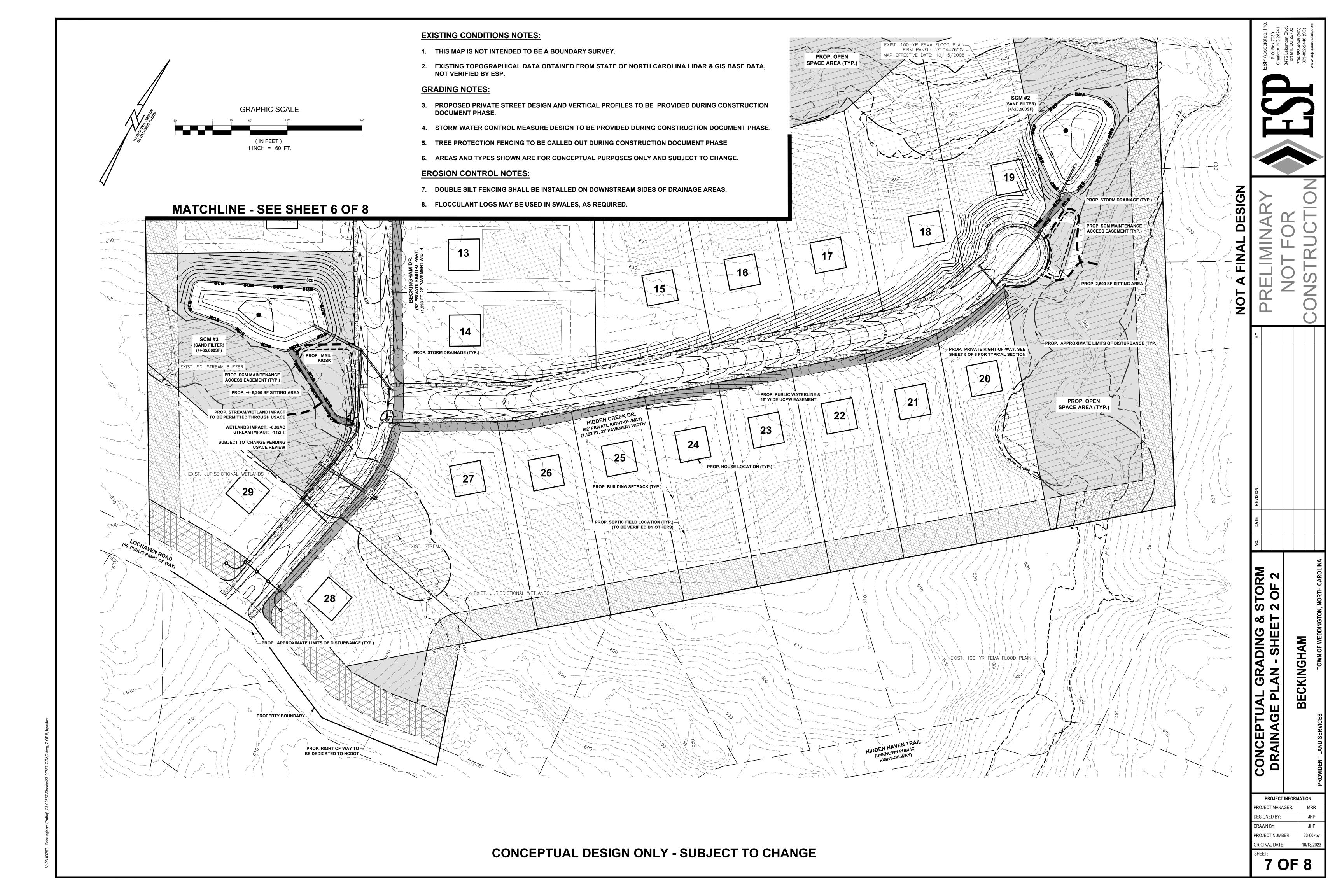
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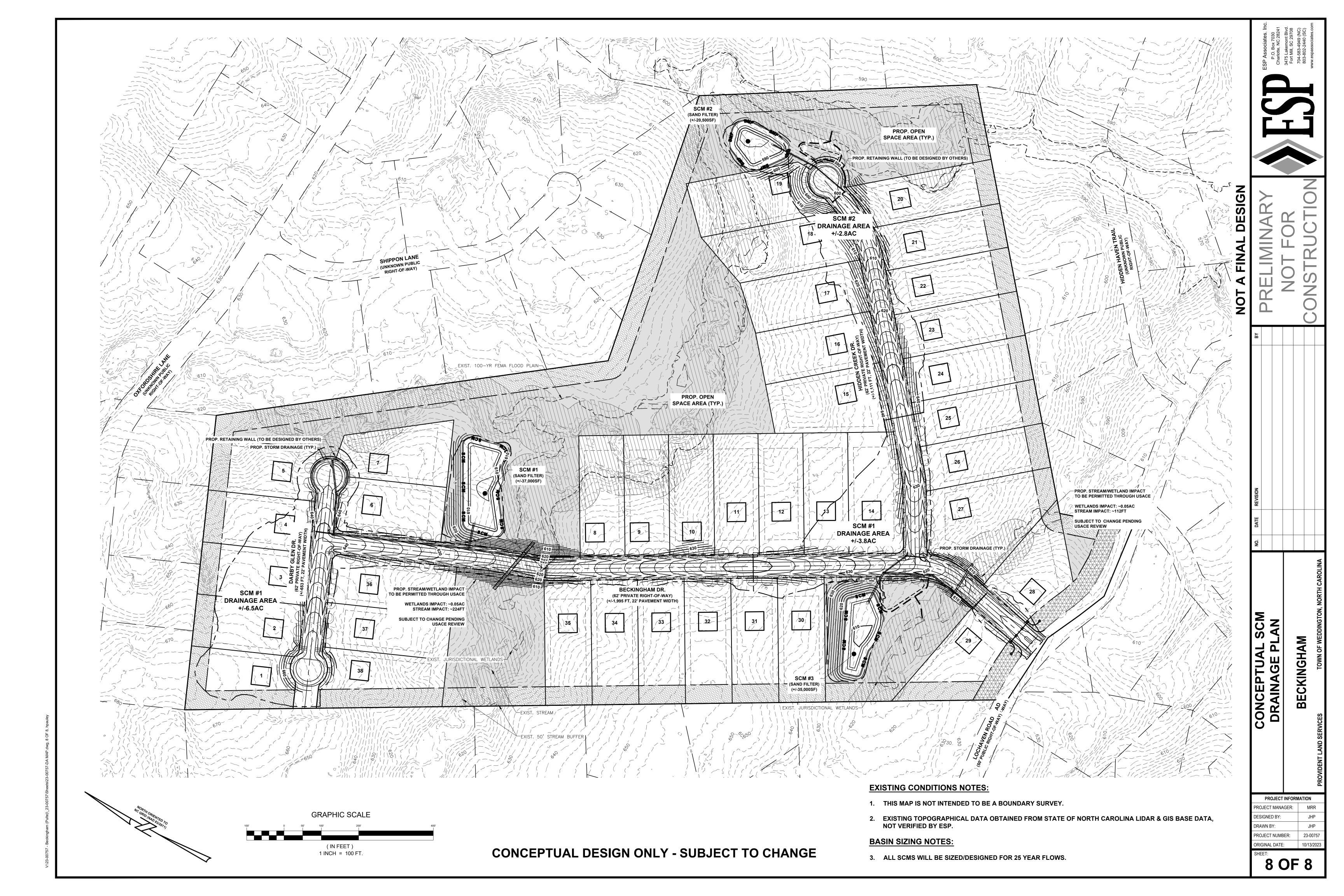
























CZ 2023-BECKINGHAM EXHIBIT B. DEVELOPMENT STANDARDS

- 1. <u>Development Standards</u>. Development of the Property will be governed by these development standards, all submittals presented to the Town Board in support of this application, and the applicable provisions of the Town of Weddington Unified Development Ordinance in place on the Filing Date.
- 2. Applicability of Other Regulations. The Rezoning Plan shall comply with the current version of applicable non-Unified Development Ordinance at the time of individual permit submission unless otherwise specified under state or federal law, including G.S. 160D-108: Permit Choice and Vested Rights. Examples of these codes may include, but are not limited to, building codes, fire codes, and/or codes or regulations administered by outside agencies.
- 3. <u>Schematic Nature of Rezoning Plan</u>. The Rezoning Plan shows the general location of all structures and exact locations of structures may be altered or modified during design, engineering, and construction phases of the development so long as the minimum Ordinance standards are met, and such alterations or modifications are materially in keeping with the Rezoning Plan.
- 4. <u>Permitted Uses</u>. Permitted uses for this site include all uses permitted in the R-CD and R-40 districts. This site may be developed with up to thirty-eight (38) single-family residential units.

5. Architectural Standards:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, cementitious fiber shake, stucco, decorative block and/or wood.
- b. Vinyl or Aluminum shall not be used as a primary siding material however it may be used on windows, soffits, fascia, and/or similar

- roof overhang elements, handrails/railings, and/or other miscellaneous trim elements
- c. The proposed roofing materials will be architectural shingles, slate, tile and/or metal.
- d. All residential units shall include side load, side load with single front facing carriage door, or center court drive with three car garages as a minimum with the following garage door treatments
 - i. windows and/or a vent detail above the garage door,
 - ii. a minimum of two siding materials on the façade, and
 - iii. windows

6. Environmental Features and Open Space:

- a. The site shall comply with the minimum Open Space and Tree Save requirements as set forth in D-917A (p) and (q) of the Weddington Unified Development Ordinance. Required stream and wetland buffers may count toward open space.
- 7. <u>Stormwater Management.</u> Applicant shall meet all requirements for storm water management as required by the Weddington Unified Development Ordinance and as required by town engineers.

8. Access and Transportation.

- a. All roadway improvements and construction within the subdivision will be subject to the standards and criteria of the Town of Weddington and/or NCDOT standards for road construction.
- b. Applicant shall only be required to provide one ingress/egress from Lochaven Road to the subdivision.
- c. Applicant will agree to construct complete cul-de-sac on west side of Darby Glen Lane and not stub for possible future connection to neighboring parcel.
- d. Applicant will enter into encroachment agreements with NCDOT to add asphalt on the right side exiting Lochaven Rd onto Providence Road. Applicant will also add asphalt to the sharp curve along Lochaven Rd. Additional pavement subject to NCDOT standards and the criteria of the Town of Weddington.

- 9. Streetscape, Setbacks, Buffers, and Yards:
 - a. A fifty (50) foot perimeter buffer shall be provided to support the overall character of the community as generally depicted on the Rezoning Plan. Grading and clearing within the fifty (50) foot buffer is permitted subject to approval by applicable regulatory agencies and contingent upon replanting, as needed.
 - b. Within the Fifty (50) foot buffers where natural landscape does not provide sufficient screening for adjoining existing homes and along Lochaven Road frontage per section D-917A(O) of the Unified Development Ordinance, applicant with enhance those areas of the buffer with evergreen plantings, such as Nellie Stevens, Burford Holly, Ligustrum or similar approved evergreen species.
 - c. A minimum fifteen (15) foot side yard and twenty-five (25) foot corner side yard shall be provided.
 - d. Due to topographic constraints and existing features on the site, the minimum block length of 334' may be exceeded as generally depicted on the Rezoning Plan.
 - e. Street trees shall be provided on each side of the street spaced forty (40) feet on center or based on tree species in compliance with Section D-917A(Q)(1)(b).

This 13th day of November 2023

Tom Waters, Provident Land, Inc.

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