

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
June 11, 2012 – 7:00 P. M.

The Village Council of Wesley Chapel, North Carolina, met in the Fellowship Hall of Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina.

Present: Mayor Horvath, Council Members Brotton, Plyler and Rosoff

Absent: Mayor Pro Tem Ormiston

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. Joshua Langen; Attorney George Sistrunk

Citizens: Carol Mullis, Tonya VanWynsberg, Jeff Davis, John Lepke, Grace Keller, Sandi Bush, Chuck Adams

The meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Horvath led the Pledge of Allegiance and said the invocation.

2. PUBLIC COMMENTS

Grace Keller asked about the grant money for the park, the security system on the town hall, and why taxes are going up. Mayor Horvath replied that taxes are not going up. Council Member Rosoff explained that we have three years to use the park grant, and have to accomplish certain elements which are in process. Mayor Horvath noted the funds are matching, we have already received in excess of \$300,000 and will be going out to bid on the construction in August. Council Member Brotton said we have paid the town hall architect for the design of the security system for the town hall but have not yet bid the system out, so please send any info you might have on it to him.

3. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA

Council Member Rosoff made a motion to approve the agenda; Council Member Plyler seconded the motion.

The motion passed unanimously.

4. APPROVE MINUTES FOR COUNCIL MEETINGS MAY 14, 2012 AND MAY 15, 2012

Council Member Plyler made a motion to approve the May 14, 2012 and May 15, 2012 minutes; Council Member Rosoff seconded the motion.

The motion passed unanimously.

5. STAFF REPORTS

- a. Review and approve May 31, 2012 financial reports and budget amendment – Ordinance 2012-07

Bennett presented the May 2012 financial reports. The alcoholic beverage tax came in over budget at \$32,998. We received the MUMPO dues invoice, and the amount nearly doubled from last year, necessitating the budget amendment.

**Budget Ordinance Amendment 2011/12 #4
Ordinance 2012-07**

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2012:

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

	Decrease	Increase
<u>Expenditures:</u>		
Election Fees	\$655	
Newsletter	\$1,415	
Seminars	\$425	
Dues		\$ 2,495.

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 11th day of June, 2012.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

Council Member Plyler made a motion to approve the Budget Ordinance Amendment 2011/12 #4 - Ordinance 2012-07. Council Member Rosoff seconded the motion.

The motion passed unanimously.

May 31, 2012 Balance Sheet

ASSETS

Current Assets

Checking/Savings

Fifth Third Bank Checking	129,683.39
Fifth Third Bank Money Market	776,646.20
Citizens South CD Bldg 07.03.12	248,999.67
BB&T Money Market	823,873.38
Petty Cash Fund	50.00

Total Checking/Savings 1,979,252.64

Misc. Fees Receivable 125.00

Total Accounts Receivable 125.00

Other Current Assets

Prepaid Exp.	1,210.00
Property Tax Rec.	3,476.00
Allow. for Doubtful Accounts	-1,034.00
Total Sales Taxes to be Received	<u>1,188.98</u>

Total Other Current Assets 4,840.98

Fixed Assets

Dogwood Park CIP	17,309.40
Town Hall- CIP	4,144.27
Land	717,634.40
House at Dogwood Park	411,169.00
Office Equipment	7,620.98
Accumulated Deprec.	-5,333.98

Total Fixed Assets 1,152,544.07

TOTAL ASSETS 3,136,762.69

LIABILITIES & Fund Balance

Current Liabilities

Other Current Liabilities	
Escrow from Developers	45,076.00
UnearnedRev(Priv lic,cty MVtax	429.18
Deferred Revenue	2,442.20

Total Current Liabilities 47,947.38

Total Liabilities 47,947.38

Fund Balance

Fund Balance Assigned for NNO	174.20
Fund Bal. non-spendable	45,926.00
Fund Bal. inv. in Fixed Assets	1,152,544.07
Fund Bal. Committed for CIP	1,374,374.78

Fund Balance	-849,308.80
Excess of Rev. over Exp.	1,365,105.06
Total Fund Balance	3,088,815.31
TOTAL LIABILITIES & Fund Balance	3,136,762.69

May 31, 2012 Budget Report

	<u>May 12</u>	<u>Jul '11 - May 12</u>	<u>YTD Budget</u>	<u>% of Budget</u>
General Fund				
Revenues				
Appropriated Fund Balance	0.00	437,686.00	437,686.00	100.0%
Fees and Licenses				
Newsletter/Deputy Sponsor	0.00	10,000.00	12,000.00	83.33%
National Night Out-raffle,cont	0.00	366.00	500.00	73.2%
Contribution for parks and rec	0.00	0.00	0.00	0.0%
Fall Festival	0.00	7,730.00	11,000.00	70.27%
Cable Franchise (from Time Warn	4,083.00	13,426.00	12,000.00	111.88%
Engineering Fees Reimbursement	0.00	4,758.75	8,000.00	59.48%
Zoning Permit	1,050.00	9,460.00	6,000.00	157.67%
Privilege Licenses	309.40	26,811.56	25,000.00	107.25%
Annexation Exp Reimbursed	0.00	150.00	300.00	50.0%
Misc. Fees	0.00	7,092.56	200.00	3,546.28%
Total Fees and Licenses	5,442.40	79,794.87	75,000.00	106.39%
Interest Earned	203.19	4,807.26	5,000.00	96.15%
Property Tax Income				
Current Year Property Tax	740.39	142,749.54	137,413.00	103.88%
Delinquent Taxes	291.41	835.00	1,800.00	46.39%
Interest/Ad Fee on Taxes	51.37	382.78	400.00	95.7%
Utility Ad Valorem	0.00	1,984.46	1,000.00	198.45%
Vehicle Registration	699.42	8,211.76	8,375.00	98.05%
Total Property Tax Income	1,782.59	154,163.54	148,988.00	103.47%
Revenue Sharing				
Alcoholic Beverage Tax	32,998.02	32,998.02	25,000.00	131.99%
Video Programming(State Cable)	0.00	54,395.31	82,000.00	66.34%
Excise Tax (Piped Natural Gas)	0.00	5,394.00	14,000.00	38.53%
Franchise Tax (Electric Power)	0.00	103,168.00	152,000.00	67.87%
Sales & Use Taxes	2,994.26	24,697.90	32,000.00	77.18%
Telecommunications Tax	0.00	6,595.00	11,000.00	59.96%
Total Revenue Sharing	35,992.28	227,248.23	316,000.00	71.91%

Total Revenues	<u>43,420.46</u>	<u>903,699.90</u>	<u>982,674.00</u>	<u>91.96%</u>
Expense				
Transfer to CIP	0.00	625,000.00	625,000.00	100.0%
Operating Expenditures				
Contingency	0.00	0.00	2,070.00	0.0%
Advertising - Clerk	106.20	330.24	500.00	66.05%
Annexation Expense	0.00	26.00	400.00	6.5%
Annual Retreat	0.00	1,003.32	1,800.00	55.74%
Bank Charges	28.14	350.68	600.00	58.45%
Books & Literature	22.00	250.00	300.00	83.33%
Contributions	0.00	100.00	100.00	100.0%
Dues and Subscriptions	0.00	7,890.00	11,800.00	66.86%
Election Expense	0.00	6,743.83	7,400.00	91.13%
Electronic Commun (Tele/RR)	229.81	3,058.79	3,600.00	84.97%
Insurance - Liability	0.00	9,567.77	9,570.00	99.98%
Insurance - Workmen's Comp	0.00	500.00	525.00	95.24%
Land Maintenance	0.00	0.00	0.00	0.0%
Miscellaneous	7.00	7.00		
Town office Maint.	75.00	817.98	1,000.00	81.8%
Misc town office	0.00	233.43	500.00	46.69%
Newsletter	0.00	1,581.77	3,000.00	52.73%
Office Equipment	0.00	1,127.98	1,200.00	94.0%
Office Expense	576.77	2,035.58	2,200.00	92.53%
Postage and Delivery	7.25	563.82	2,100.00	26.85%
Rent	1,400.00	15,400.00	17,000.00	90.59%
Seminars	0.00	65.00	700.00	9.29%
Tax Collection Fee	26.79	2,300.41	2,400.00	95.85%
Travel & Entertainment	94.67	1,502.59	2,500.00	60.1%
Utilities- Temp. Town Hall	134.05	1,956.03	2,200.00	88.91%
Youth Council Committee	<u>0.00</u>	<u>0.00</u>	<u>250.00</u>	<u>0.0%</u>
Total Operating Expenditures	<u>2,707.68</u>	<u>57,412.22</u>	<u>73,715.00</u>	<u>77.88%</u>
Gen. Govt. Salaries				
Admin. Assistant	750.00	3,650.50	5,305.00	68.81%
Allowance for Salary Adjustment	0.00	0.00	211.00	0.0%
Mayor	0.00	3,600.00	4,800.00	75.0%
Mayor Protem	0.00	2,250.00	3,000.00	75.0%
Council Salary	0.00	5,400.00	7,200.00	75.0%
Clerk Salary	3,451.88	40,667.55	49,219.00	82.63%

Finance Officer Salary	848.08	9,722.64	11,025.00	88.19%
Payroll Taxes	684.61	8,724.86	11,120.00	78.46%
Payroll exp - Unemployment	0.00	0.00	1,000.00	0.0%
Fringe Benefits - Insurance	1,292.24	14,214.64	15,514.00	91.63%
Fringe Benefits - Retirement	576.02	6,993.00	7,796.00	89.7%
Total Gen. Govt. Salaries	7,602.83	95,223.19	116,190.00	81.96%
Planning & Zoning				
P/Z Admin. Salary	4,000.00	47,075.00	52,075.00	90.4%
Planning & Zoning Board Salary	0.00	2,394.00	4,032.00	59.38%
Advertising	0.00	248.74	500.00	49.75%
P/Z Office Expense	0.00	107.87	500.00	21.57%
P/Z Seminars	0.00	199.00	400.00	49.75%
P/Z Travel	51.34	602.37	1,200.00	50.2%
P/Z Dues,Subscriptions	0.00	360.00	360.00	100.0%
Total Planning & Zoning	4,051.34	50,986.98	59,067.00	86.32%
Professional Fees				
Audit Fees	0.00	3,900.00	4,000.00	97.5%
Engr. Consulting	193.75	3,733.75	9,000.00	41.49%
Legal Fees	1,841.40	15,043.16	19,000.00	79.18%
Total Professional Fees	2,035.15	22,676.91	32,000.00	70.87%
Parks & Recreation				
Events	0.00	7,204.00	11,000.00	65.49%
Dues & Subscriptions	0.00	0.00	500.00	0.0%
Food and Provisions	36.54	209.18	300.00	69.73%
Other Supplies and Materials	7.47	37.84	50.00	75.68%
Insurance	0.00	1,864.00	1,865.00	99.95%
Maintenance/Grounds	0.00	3,196.13	10,685.00	29.91%
Office Expense	0.00	8.90	1,000.00	0.89%
Security	0.00	0.00	1,000.00	0.0%
Telephone	0.00	0.00	600.00	0.0%
Utilities	28.52	1,840.07	2,000.00	92.0%
Total Parks & Recreation	72.53	14,360.12	29,000.00	49.52%
Public Safety	0.00	42,310.20	42,702.00	99.08%
Capital Outlay	0.00	5,000.00	5,000.00	100.0%
Total Expense	16,469.53	912,969.62	982,674.00	92.91%
Net General Fund	26,950.93	-9,269.72	0.00	100.0%

CIP

CIP Income

PARTF Grant	64,436.84	383,852.34	500,000.00	76.77%
Adopt A Trail Grant	5,000.00	5,000.00	5,000.00	100.0%
Water Based Resource Grant-Park	0.00	95,079.21	100,000.00	95.08%
Transfer from General Fund				
Appropriated for Dogwood Park	0.00	1,000,000.00	1,000,000.00	100.0%
Appropriated for Town Hall	0.00	1,100,000.00	1,100,000.00	100.0%
Total Transfer from General Fund	0.00	2,100,000.00	2,100,000.00	100.0%
Total CIP Income	69,436.84	2,583,931.55	2,705,000.00	95.52%

CIP Expense

Capital Projects

Dogwood Park Capital Outlay

Land Acquisition	0.00	673,271.00	680,000.00	99.01%
House	0.00	411,419.00	412,000.00	99.86%
Site preparation	0.00	0.00	35,000.00	0.0%
Utilities	0.00	0.00	15,000.00	0.0%
Preliminary Planning	0.00	15,526.67	15,527.00	100.0%
Design/Constr Mgt,etc.	6,050.00	34,485.70	69,050.00	49.94%
Grassing	0.00	0.00	5,850.00	0.0%
Parking lot & drive	0.00	0.00	87,170.00	0.0%
Rest room renovation	0.00	0.00	30,000.00	0.0%
Site Furnishings-gate,signs,etc	0.00	277.77	7,000.00	3.97%
Boardwalk	0.00	0.00	31,000.00	0.0%
Accessible routes	0.00	0.00	21,000.00	0.0%
Paved Walking Trail	0.00	0.00	54,000.00	0.0%
Unpaved trail	0.00	9,902.25	14,210.00	69.69%
Multipurpose Field	0.00	0.00	30,000.00	0.0%
Amphitheater/Stage/Outdoor Clas	0.00	0.00	35,000.00	0.0%
Fishing Pier	0.00	0.00	25,000.00	0.0%
Other Expense	35.00	35.00	18,931.00	0.19%
Contingency	0.00	0.00	19,262.00	0.0%
Other Water Resources Grant Exp	0.00	0.00	0.00	0.0%
Total Dogwood Park Capital Outlay	6,085.00	1,144,917.39	1,605,000.00	71.33%

Town Hall Capital Outlay

Total Capital Projects	6,085.00	1,209,556.77	2,705,000.00	44.72%
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Total CIP Expense	6,085.00	1,209,556.77	2,705,000.00	44.72%
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Net CIP Income	63,351.84	1,374,374.78	0.00	100.0%
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Net Excess of Revenues over Exp.	<u><u>90,302.77</u></u>	<u><u>1,365,105.06</u></u>	<u><u>0.00</u></u>	<u><u>100.0%</u></u>
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b. Review monthly planning report and zoning violations report
 Langen reported there were twenty permits, including a commercial upfit for Revolution Bicycles. Two text amendments are through Planning Board review and ready for Council action and two amendments are going to Planning Board in June. More of his time has been spent on parks lately. The violations report now has tabs; he is still working on adding in the historic violations. The only outstanding violation is on Cottonwood which was a prior violation. Mayor Horvath replied to Council Member Brotton’s inquiry regarding Lowes’ Foods; Harris Teeter bought several local Lowes’ Food Stores, and per the newspaper is turning some into specialty stores. The Coffee Table is closing at the end of the month. Council Member Plyler said we need to help our businesses.

c. Discussion on backyard chickens inquiry
 An e-mail was received from a Silver Creek resident; their HOA restricts them from having chickens. Langen noted the ordinance requires structures housing chickens and their waste must be at least 150 feet from the property line and only in R-40 or larger lots.

d. Update from Attorney on JDH Land
 Sistrunk reported a survey is in process on the parcel. He spoke to the JDH attorney Friday who will be getting back to Sistrunk.

e. Updated Dispute Resolution Procedure from attorney
 Sistrunk reported there is an attorney in his firm who specializes in this area and they are fine tuning the procedure. They are also working on the minority business documents. This will be addressed in the July meeting and either Sistrunk or the other attorney will be present.

f. Discussion on privilege license inquiry and related rates
 Graham sent a memo to Council updating them; all 2012 ABC privilege licenses have been issued and regular privilege license applications have all been mailed out. She plans to mail out the new licenses the last week of June. Graham has completed the Adopt-A-Trail round II grant application requesting \$5000 for tools; work was done on the Take Me Fishing Grant however a decision was made to wait and apply next year. The Home Depot Foundation grant application process is in process. She is also researching the Target Public Safety Grant. Mayor Horvath had an inquiry from a citizen who had previously paid a flat fee of \$50 for a service business. Our new graduated rate starts with \$15 for gross receipts of \$5,000 or less, to be fairer to small businesses that might have previously paid \$50. We do not ask for their tax returns but do need to know their gross to compute the fee. Sistrunk said Council can make reasonable changes to the fee schedule, but not an arbitrary change. He noted generally the privilege license is based on the location, i.e. where you conduct your business. Mayor Horvath will put an item on the July work session agenda to look at the fees for privilege licenses.

6. PUBLIC HEARING ON PROPOSED 2012-2013 BUDGET

Mayor Horvath opened the public hearing. Carol Mullis asked about the MUMPO fee; for 2012-13 it is expected to be about \$6,726. Chuck Adams asked how much was budgeted for Parks and Rec, the amount is \$58,679. He asked if we need \$3,000 to stock the pond; Parks and Rec Committee Chairman Lepke said we may get donations. Adams asked if the Friends of Parks efforts will go to offset this budget or go as they see fit. Mayor Horvath said they will have to come to us to propose an expenditure, and Parks and Rec must approve it. Adams asked why the amount for Town Hall is \$1.1 million; Council Member Brotton said it is due to timing, the total is \$1.25 million. Mayor Horvath closed the public hearing.

7. PUBLIC HEARING ON AMENDMENTS TO ZONING ORDINANCE FOR SETBACKS AND PERMITTING OF ACCESSORY USE BUILDINGS; AND RESIDENTIAL AND NON-RESIDENTIAL PARKING, DRIVEWAY ACCESS AND STORAGE OF INOPERABLE VEHICLES

Mayor Horvath opened the public hearing. There were no comments, and the public hearing was closed.

8. EAGLE SCOUT PROPOSAL

John Lepke introduced Jordan Bennett who proposed an Eagle Scout project to extend the unpaved trail by seventy five feet; materials left over from the 1,535 foot trail can be used. Jordan reported he would level the ground, put down ground cloth and gravel, and replant ferns. The trail will be six feet wide. Lepke noted waivers will be signed; adults will supervise and use the power tools. Council Member Rosoff made a motion to approve the project; Council Member Plyler seconded the motion.

The motion passed unanimously.

The trail will be built in three days in August. Mayor Horvath expressed his appreciation for Jordan Bennett's work.

9. INTERVIEWS FOR PLANNING BOARD POSITIONS THAT EXPIRE JUNE 30, 2012 AND POSSIBLE VOTE

Mayor Horvath reported that Sandi Bush wants to stay on as Chairman of the Planning Board, and Jeff Davis would like to move up from alternate to regular member in Ray Davis' seat (Ray is retiring). Council Member Plyler made a motion to reappoint Sandi Bush to a new term and to appoint her as chairman, and to appoint Jeff Davis to the open term as a regular member. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Tonya VanWynsberg is currently on the Board of Adjustment and would like to be more involved with the town; she was interested in the alternate member term. Council Member Plyler made a motion to appoint Tonya VanWynsberg as an alternate on Planning Board; Council Member Rosoff seconded the motion.

The motion passed unanimously.

10. DISCUSSION AND POSSIBLE VOTE ON AMENDMENTS TO ZONING ORDINANCE FOR SETBACKS AND PERMITTING OF ACCESSORY USE BUILDINGS; AND RESIDENTIAL AND NON-RESIDENTIAL PARKING, DRIVEWAY ACCESS AND STORAGE OF INOPERABLE VEHICLES

Mayor Horvath commented that Planning Board was trying to deal with some nuances. Comments that Sandi Bush compiled from Planning Board were sent to Council. Langen said there are a couple of reasons for these amendments; there was confusion in Article 10 on when you need a survey and what is an accessory structure. A survey is required for more expensive structures to avoid situations like those that created a variance request to the Board of Adjustment. Langen commented the parking relies more on visual appearance from the road, and clarification and common sense were needed. He endorsed the amendments except for Section 9.1.4 (f) where Planning Board recommended if there is more than 15% impervious surface on a lot, that the rules would apply. It was an effort to say a lot of paved surface and vehicles may seem very cluttered but a more rural lot will not seem as cluttered. This may not make sense to someone on their lot when their neighbor has the same number of vehicles stored and doesn't have a violation. Council Member Plyler agreed with Langen and noted some older homes have less paved area. Langen noted it penalizes those with more pavement. He said he gives the property owner the benefit of the doubt. Council Member Brotton asked if we only investigate when we receive a complaint. Langen replied yes 95% of the time, unless he gets a complaint and then notices the next house has a similar situation. Mayor Horvath noted Planning Board raised the percentage from a previous version. Langen noted they also put in platted subdivision and platted roads to avoid restrictions in rural areas. Council Member Brotton asked if it is a matter of storm water or appearance; Langen said agricultural equipment is treated separately and it is a visual matter.

Council Member Plyler made a motion to approve both the Zoning Ordinance text amendments. Council Member Brotton seconded the motion.

The motion passed unanimously.

Council Member Plyler asked why it says at Section 10.3.1 that permit application forms can be obtained from the Village Clerk; Langen replied in practice he gives out the permit applications. The approved text amendments are as follows.

**VILLAGE OF WESLEY CHAPEL Ordinance 2012-09
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT**

THAT WHEREAS the Village of Wesley Chapel would like to preserve a satisfactory environment through the regulation of setbacks and permitting of accessory use buildings, and

WHEREAS the following text amendments address setbacks and permitting of accessory use buildings;

WHEREAS the following text amendments are found to be compatible with the 2003 Village of Wesley Chapel Land Use Plan;

ARTICLE 2

DEFINITIONS

Accessory Use or Structure

A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use. Porches, patios and decks shall be considered accessory structures unless they are to be considered an increase in heated space of the attached structure. An increase in heated space shall be considered an addition. Separate accessory structures shall not have heated space, kitchens and bathroom facilities as part of the same building, these are to be considered separate dwelling units. In-ground pools shall be considered accessory structures.

ARTICLE 10

ZONING ADMINISTRATION

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Section 10.3 Zoning and Foundation Permits

It shall be unlawful to commence the excavation or filling of any lot for the construction of a building or structure, or to begin the construction of any building or structure or part thereof, or to erect or replace a sign (except as permitted in Section 8.2) or to move, alter or add to any structure, or to begin the development of land, until the Zoning Administrator has issued a Zoning Permit for such work. No zoning permit shall be issued except in conformity with the provisions of this Ordinance unless after written order from the Board of Adjustment.

10.3.1 Application for Zoning Permit

A zoning permit as well as a foundation permit is required for all residential, institutional, commercial and light industrial uses, excepting those uses delineated in Section 10.7 of this Ordinance.

A zoning permit application form can be obtained from the Village Clerk, and shall contain the following information:

- a. Non-Residential Uses - Two (2) copies of a scaled dimensional plan drawn by and certified as true and correct by a surveyor or engineer registered with the State of North Carolina which show:
(a) the exact shape, dimensions and location of the lot to be built upon, (b) the exact shape, dimensions, use and location of existing structures on the lot, (c) the exact shape, dimensions and location of the structure(s) to be developed upon the lot, (d) all set back

lines on the lot once the proposed construction is completed, (e) proposed parking facilities (if required), (f) landscaping and buffering plans (if required) and (g) any other information that may be needed to insure that the proposed construction is in compliance with all applicable provisions of this Ordinance. In the event the subject property is a corner lot as defined in Section 2.2 Sub-section 2.2.41.b, the applicant shall designate which intersecting street shall be the front of the lot.

- b. Single-Family Residences - Two (2) copies of a scaled dimensional survey drawn by and certified as true and correct by a surveyor or engineer registered with the State of North Carolina which show (a) the exact shape, dimensions and location of the lot to be built upon, and (b) the exact shape, dimensions, use and location of existing structures on the lot. Upon this survey shall be sketched the following: (a) the exact shape, dimensions and area of proposed location of the proposed structure(s) to be placed upon the lot; (b) all setback lines on the lot once the proposed residence is completed, affirmatively showing that the area of proposed location will meet all set back requirements; and (c) any other information that may be needed to insure that the proposed structure is in compliance with all applicable provisions of this Ordinance. Provided, however, that if the tract that the residence is being constructed contains ten (10) acres or more, then the person applying for the zoning permit shall not be required to provide a drawing certified by an engineer or surveyor, but shall be allowed to present a non-certified sketch in lieu thereof; provided that the residence is not to be located closer than 200 feet from any of the boundaries of the tract. In the event that the proposed residence is to be located closer than 200 feet from any of the boundaries of the tract, then the applicant shall submit a certified survey with respect to those boundaries only. The sketch submitted shall in all other respects comply ~~to~~ with the requirements set forth above. In the event the subject property is a corner lot as defined in Section 2.2 Sub-section 2.2.41.b, the applicant shall designate which intersecting street shall be the front of the lot.
- c. Accessory Buildings on Residential Property and Buildings for Agricultural Purposes - Two (2) copies of a sketch which show: (a) the shape, dimensions and location of the lot to be built upon; (b) the shape, dimensions, use and location of existing structures on the lot; (c) the shape, dimensions, use and location of the accessory or agricultural structure(s) to be placed upon the lot; (d) all setback lines on the lot once the proposed accessory

building is completed; and (e) any other information that may be needed to insure that the proposed accessory structure(s) will be in compliance with all applicable provisions of this Ordinance.

- d. A fee for processing each application for a zoning permits as well as foundation permits shall be charged by the Village in accordance with an adopted fee schedule. Each structure requires a separate zoning permit and foundation permit application and, therefore, a separate fee. The fee shall be as established from time to time by resolution of the Village Council, and must be paid by ~~certified~~ check, or cash at the time an application for a zoning permit is received by the Village. If processing of a zoning permit application necessitates plan review by the Village Engineer, all costs incurred associated with said review shall be reimbursed by the applicant. **(Revised 10.11.04)**

10.3.2 Approval Process

The Zoning Administrator shall promptly review each Zoning Permit application, examine the accompanying plans and specifications, and may inspect the premises upon which the proposed structure is to be built. A permit shall be issued or denied within thirty (30) calendar days of receipt of application. Failure to issue a zoning permit shall constitute denial. After obtaining a zoning permit from the Zoning Administrator, the applicant shall apply to Union County for a building permit. All building inspections in the Village of Wesley Chapel shall continue to be done by Union County. Zoning permits for conditional uses shall be issued only after the final plans have been approved by the Village Council, as set forth in Section 6.3. **(Revised 03.31.01)**

10.3.3 Conditions for Approval

Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation of this Ordinance and shall be subject to any and all sanctions as indicated under Section 1.5.

10.3.4 Denial of Permit

If a zoning permit is denied, the Zoning Administrator shall specify the reasons for denial in writing and transmit the written denial within five (5) days of his decision to the applicant by first class mail.

10.3.5 Expiration of Zoning Permit

Any zoning permit shall become invalid unless the work authorized by it shall have been substantially begun within a period of six (6) months of the date of issue of the permit.

Once a zoning permit has expired, construction work on the lot(s) in question cannot proceed until a new zoning permit is issued.

10.3.6 Right of Appeal

The applicant may appeal the Zoning Administrator's denial of any such zoning permit to the Board of Adjustments. Appeal of denial of a zoning permit must be made in writing and must specify the grounds thereof and said appeal must be received by the Zoning Administrator and the Village Clerk within ten (10) days of receipt by the applicant of the written notice of denial of a zoning permit application, or the passage of the time period specified in Section 10.3.2 which constitutes denial has occurred.

10.3.7 Records

The Zoning Administrator shall maintain a record of all zoning permits on file, and copies shall be made available upon written request by interested parties. A fee for these copies may be assessed.

10.3.8 Foundation Permit and Survey

A foundation permit application form can be obtained from the Village Clerk, and shall contain the following information:

Upon construction of a building foundation (subsequent to the issuance of a zoning permit for that building or structure) the applicant shall be required to submit a foundation permit application and a copy of the foundation survey of that building or structure to the Zoning Administrator in order to ensure that the foundation is in accordance with all applicable setback and bulk requirements. The foundation survey, in scaled form and certified as being accurate by a surveyor or engineer registered with the State of North Carolina, shall show the location of the foundation on the lot and all applicable front, side, and rear yard setbacks. Failure to submit this foundation survey may result in the denial of a Certificate of Compliance.

Accessory Buildings other than detached garages or pool houses on Residential Property as well as Buildings for Agricultural Purposes shall be required to submit two (2) copies of a non-certified foundation sketch which show: (a) the shape, dimensions and location of the lot as built upon; (b) the shape, dimensions, use and location of existing structures on the lot; (c) the shape, dimensions, use and location of the accessory or agricultural structure(s) foundations as placed upon the lot; (d) all setback lines on the lot once the proposed accessory building is completed; and (e) any other information that may be needed to insure that the proposed accessory structure(s) will be in compliance with all applicable provisions of this Ordinance. Detached garages, in-ground pools and pool

house accessory structures shall be required to submit a certified foundation survey if they are to be located within five feet (5') of any setback line.

Should the Zoning Administrator find that such foundation survey is not in compliance with the applicable provisions of this Ordinance; the applicant shall be so advised in writing within five (5) days of receipt of such foundation survey. If corrective action is not taken by the applicant within five (5) days of receipt of such notice, the Zoning Administrator may revoke the Zoning Permit; in which instance he shall so notify the Union County Office that issued the Building Permit, and a violation of this Ordinance shall be deemed to exist, and any and all sanctions under Section 1.5 shall apply.

The requirements for foundation survey submittal shall be waived if the structure is a single-family dwelling or manufactured home located on a tract of at least ten (10) acres in area and the proposed dwelling is also at least two-hundred (200) feet from the boundaries of the tract.

Section 10.4 Certificate of Compliance

No building hereafter erected or structurally altered or changed in use shall be used or occupied until a Certificate of Compliance has been issued by the Zoning Administrator. Such certificate of compliance shall state that the building or portion of a building is in compliance with the provisions of this Ordinance, with the information stated on the zoning permit, and with the Foundation Survey

10.4.1 Application for a Certificate of Compliance

A Certificate of Compliance may only be issued after a fee has been paid in accordance with an adopted fee schedule and written application for same has been made in which the applicant must state that the building or structure erected or altered or changed complies in all respects with this Ordinance, ~~or the zoning permit previously issued and/or (in the case of any building) the~~ and an approved zoning permit, and Foundation Permit and Survey (if applicable) has been previously submitted and accepted approved. ~~If the application for certificate of compliance is for any building, the application shall include a scaled, dimensional plat drawn by and certified as accurate by a surveyor or engineer registered with the State of North Carolina which affirmatively shown that the building or structure was erected in compliance with this Ordinance and the zoning permit~~ previously issued. Provided, however, for residential properties only, that ~~the tract that the residence is constructed contains ten (10) acres or more, then the person applying for the certificate of compliance shall be allowed to present a non-certified sketch in lieu thereof, provided that the residence is not to be located closer than 200 feet from any of the~~

~~boundaries of the tract. In the event that the proposed residence is to be located closer than 200 feet from any of the boundaries of the tract, then the applicant shall submit a certified survey of the improvements with respect to those boundaries only. The sketch submitted shall in all other respects comply to the requirements set forth above.~~

The requirements for a compliance certificate shall be waived for accessory buildings.

10.4.2 Review of Certificate of Compliance (Revised 10.11.04)

The Zoning Administrator shall take all necessary action to assure applicant's compliance with this Ordinance, or the zoning permit and/or the foundation survey (if any) prior to issuing a Certificate of Compliance and shall make written findings that applicant has complied with the zoning permit. After making such findings, the Zoning Administrator may issue a certificate of compliance. If review of an application for a Certificate of Compliance necessitates review by the Village Engineer, all costs incurred associated with said review shall be reimbursed by the applicant.

10.4.3 Denial of Certificate of Compliance

In the event the Zoning Administrator finds that the applicant has not complied with this Ordinance, or the zoning permit previously issued, and/or the foundation survey (if any) previously submitted and accepted, he shall notify the applicant of same stating in writing the reasons, therefore, by first class mail.

10.4.4 Appeal

The applicant may appeal the Zoning Administrator's denial of any such certificate of compliance to the Board of Adjustment. Appeal of denial of a certificate of compliance must be made in duplicate written form, state the grounds thereof, and be received by the Zoning Administrator and the Village Clerk within ten (10) days of applicant's

Section 10.5 Fees

A fee for processing each application for a zoning, foundation or compliance certificate permit shall be charged by the Village and shall be in accordance with an adopted fee schedule. In the event of construction of multiple structures on a single lot at the same time, each structure is required to be permitted, approved and charged a separate fee for zoning, foundation and compliance permit applications. The fee shall be as established from time to time by resolution of the Village Council, and must be paid by check or cash at the time an application for a zoning permit is received by the Village. If processing of a zoning permit application necessitates plan review by the Village Engineer, all costs incurred associated with said review shall be reimbursed by the applicant.

Section 10.56 Remedies

Violation of this Article shall subject the violator to those enforcement and penalty provisions as set out in Section 1.5 of this Ordinance.

Section 10.67 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator. Such complaint shall state fully the precise nature of the violation and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action as provided by this Ordinance.

Section 10.78 Zoning Permit Not Required

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- (1) Street construction or repair.
- (2) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- (2) Specific signs exempted in Section 8.2 of this Ordinance.
- (4) Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses under fifteen (15) square feet of gross floor area.
(Added 09.09.02)

Section 10.82 Early Vesting Of Development Rights Upon Approval Of Site Plan

Pursuant to G.S. 160A-385.1 and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific development plan approval which shall entitle said landowner to develop property in accordance with said site specific development plan. The procedure for establishing a vested right is set forth in this Section 10.82.

10.82.1 Definitions

For the purpose of this Section only, the following definitions shall apply:

1. Landowner
Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a

person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan in the manner allowed by this Ordinance.

2. Property
All real property subject to zoning regulations and restrictions and within the jurisdiction of Wesley Chapel.
3. Vested Right
The right to undertake and complete the development and use of property under the terms and conditions of an approved sitespecific development plan.

10.89.2 Submission Of A Site Specific Development Plan

To apply for a vested right, a landowner shall first submit to the Zoning Administrator a site specific development plan. The plan shall be submitted in completed form (i.e., contain all information as herein prescribed) with a fee (in accordance with a fee schedule adopted by the Village Council) and an accompanying application which, at a minimum, shall contain the following information:

- A. All information listed in Section 6.3 of this Ordinance.

Once the Zoning Administrator deems the site specific development plan to be complete, he shall schedule it to be reviewed by the Planning Board at their next regularly scheduled meeting. The Zoning Administrator must receive the complete plan at least ten (10) days prior to the Planning Board's next meeting date to place it on their agenda.

10.89.3 Planning Board Review And Recommendation

Once the site specific development plan is forwarded, the Planning Board shall review the application and make a recommendation to the Village Council. The Planning Board shall have up to forty-five (45) days from their first meeting date to make such recommendation. Alternatively, the Planning Board may request additional information of the applicant in order to aid them in their review of the application. Such request may include additional data in addition to that listed in Section 6.3 of this Ordinance as deemed necessary. If no recommendation is made during said forty-five (45) day period (except as herein provided) the application shall forthwith be forwarded to the Village Council without a recommendation.

10.82.4 Public Hearing

Upon receipt of the plan and the recommendation from the Planning Board, if one is forthcoming, the Village Council shall schedule a public hearing.

Notice of the Village Council public hearing shall be given as follows:

- A. A notice shall be published in a newspaper having general circulation in Wesley Chapel once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.
- B. At least one (1) notice shall be conspicuously posted on the subject property at least ten (10) days prior to the public hearing. Such notice shall state the nature of the public hearing and the date, time and location at which it is to be held. The notice shall be removed only after the public hearing has been held
- C. A notice of the public hearing shall be sent by first class mail by the Zoning Administrator to all contiguous property owners at least ten (10) days prior to the public hearing.

10.82.5 Village Council Action

Once the public hearing has been conducted and concluded, the Village Council shall determine whether or not to approve the site-specific development plan and accord the vested right. In approving an application for vested rights of a site specific development plan, the Village Council may attach fair and reasonable ad hoc conditions which tend to support the requiring finding of facts as herein listed.

The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Village Council.

The Village Council may not require the landowner to waive his vested right as a condition of developmental approval.

The Village Council may approve the site specific development plan if it has evaluated an application and determined that:

- A. The use meets all required specifications of the Zoning Ordinance, and
- B. The use will not materially endanger the public health, safety or general welfare, and will not substantially injure the value of adjoining property if located where proposed. Conditions, if any, placed on the site specific

development plan by the Village Council shall be adequate to fully satisfy this requirement.

- C. If the site specific development plan is vested for a period of greater than two (2) years, this decision shall be based on one or more factors so described in Sub-section 10.8.6 of this Ordinance.

The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the site plan would be contrary to one or more of these findings) shall rest entirely with the landowner.

If the use or development for which the site specific development plan is submitted is a conditional use, the Village Council may approve the site specific development plan contemporaneously with the approval of the conditional use permit. In no case, however, may a site specific development plan be approved for a use or development which requires the issuance of a conditional use permit without the conditional use permit having first been issued.

10.82.6 Effect Of Approval

The effect of the Village Council approving a site-specific development plan shall be to vest such site plan for a period of two (2) years from the date of approval.

If the landowner requests, however, the Village Council may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any site plan beyond a two (2) year period may only be authorized by the Village

Council where it is found that due to (i) the sizing and phasing of the development; or (ii) the level of investment; or (iii) the need for the development; or (iv) economic cycles; or (v) market conditions, building permits for all phases of the development cannot be secured within two (2) years.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.

A vested right, once established as herein provided, shall preclude any zoning action by the Village which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development except under the following conditions:

1. The affected landowner provides written consent to the Village of his desire to terminate the vested right; or,
2. The Village determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site specific development plan; or,
3. Compensation is made by the Village to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,
4. The Village determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Village of the site specific development plan; or,
5. Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site specific development plan. In such case the Village may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.

Any public hearing called for in Sub-sections 10.89.6 (4 and 5) herein shall be conducted by the Village Council and advertised as indicated in Sub-section 10.89.4. Recommendation by the Planning Board and final action by the Village Council shall be undertaken provided in Sub-sections 10.89.3 and 10.89.5, respectively.

Once a vested right is granted to a particular site-specific development plan, nothing in this Section shall preclude the Village from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

10.89.7 Revocation Or Expiration Of A Vested Right

The vested right resulting from the approval of a site-specific development plan may be revoked by the Village Council as provided for in Sub-section 10.89.6. In addition, a revocation may occur if the Village Council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance. The vested right shall

otherwise expire at the end of the approval period established by the Village Council.

10.82.8 Revocation Of Building Permit

A building permit issued by the Union County Building Inspector pursuant to G.S. 160A-417 may not be revoked because of the passage of time regarding a piece of property for which a site-specific development plan has been approved and the vested right period has not otherwise expired.

~~10.82.9 Amendments To The Zoning Ordinance~~

~~The establishment of a vested right on a piece of property for a site-specific development plan shall not preclude the Village from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.~~

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Zoning Ordinance text amendments.

Adopted this 11th day of June, 2012.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

VILLAGE OF WESLEY CHAPEL Ordinance 2012-10 TO ADOPT ZONING ORDINANCE TEXT AMENDMENT

THAT WHEREAS the Village of Wesley Chapel would like to preserve a satisfactory environment through the regulation of residential and non-residential parking, driveway access and storage of inoperative vehicles, and

WHEREAS the following text amendments address residential and non-residential parking, driveway access and storage of inoperable vehicles, and

WHEREAS the following text amendments are found to be compatible with the 2003 Village of Wesley Chapel Land Use Plan;

ARTICLE 2

DEFINITIONS

Agricultural Equipment

Specialized vehicles and/or mechanical equipment used in the conduct of Agricultural Uses, not including simple non-motorized hand-tools .

All-Terrain Vehicle

A motorized off-highway vehicle designed to travel on three or four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control.

Inoperable

The state in which a mechanical object that for a period of more than ninety (90) days is substantially disassembled, is mechanically unfit or unsafe to be operated or moved, yet is more than fifty percent (50%) intact. Mechanical objects less than fifty percent (50%) intact are to be considered junk or scrap materials for purposes of meeting the Junk Yard definition in this Ordinance.

Manufactured Home

~~A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a home site on its own chassis and exceeds forty (40) feet in length and eight (8) feet in width. Such~~

A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD, complies with the standards established under the Act, and built on or after June 15, 1976.

The term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within the text of this Ordinance, when the term single family dwelling is used it shall not include a manufactured home. A structure that would otherwise be characterized as a manufactured home except that it is not used or held ready for use as a dwelling unit (e.g. is used as an office or some other business use) shall not be regarded as a manufactured home.

Manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the North Carolina Building Code.

Mobile Home

Portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation and built before June 15, 1976. This term shall also include park trailers.

Modular Home

A dwelling unit constructed in accordance with North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent, completely enclosed foundation. This unit may consist of two (2) or more sections transported to the site in a manner similar to a manufactured home (except that a modular home meets the North Carolina State Building Code) or a series of panels or room sections transported on a truck and erected or joined together on the site

Motorcycle

A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters, mopeds and motor-driven bicycles.

Operable

The state in which a mechanical object that is mechanically fit and safe to be operated or moved or for a period of more than ninety (90) days is substantially disassembled, is mechanically unfit or unsafe to be operated or moved, yet is more than fifty percent (50%) intact.

Recreational Vehicle

~~A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel~~

~~trailers, truck campers, camping trailers and self-propelled motor homes.~~

A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. A recreation vehicle shall not be considered as being a single-family dwelling.

A. Motor home.

A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, separate 110-125 volt electrical power supply, or an LP gas supply.

B. Travel trailer.

A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

C. Fifth-wheel trailer.

A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

D. Camping trailer.

A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

E. Truck camper.

A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

Trailer

Vehicles used for the transportation of property or persons, and not considered Recreational Vehicles, without motive power and designed for being drawn by a motor vehicle, and so constructed that either none or only part of their weight or their load rests upon or is carried by the pulling vehicle.

Vehicle, Inoperable

A vehicle that for a period of more than ~~seventy-two (72) hours~~ ninety (90) days ~~has been in a state of disrepair and is incapable of being moved under its own power~~ is substantially disassembled and for any reason is mechanically unfit or unsafe to be operated or moved upon a public street, highway, or public vehicular area, yet is more than fifty percent (50%) intact. Vehicles less than fifty percent (50%) intact are to be considered junk or scrap materials for purposes of meeting the Junk Yard definition in this Ordinance.

Vehicle, Operable

A vehicle that is mechanically fit and safe to be operated or moved upon a public street, highway or public vehicular area or has not for a period of more than ninety (90) days been substantially disassembled or for any reason mechanically unfit or unsafe to be operated or moved upon a public street, highway, or public vehicular area, yet was more than fifty percent (50%) intact.

Vehicle, Motor

Any operable commercial or passenger vehicle. Does not include recreational vehicles, farm equipment, motorcycles or all-terrain vehicles.

ARTICLE 5

SECTION 5 TABLE OF USES

Change Uses;

Manufactured Home, Class A, one unit per lot and Manufactured Home, Class B, one unit per lot

to;

Manufactured Home

Add Use;

Mobile Home *as* “Not allowed in any zoning district”

ARTICLE 9

OFF-STREET PARKING AND LOADING

Section 9.1 Off-Street Parking

9.1.4 Off-street parking for residential uses shall be located as follows:

.....

- e. In residential areas, the temporary parking or storage of manufactured homes shall be prohibited. Boats, motor homes and camping trailers. The parking of operable boats, motorcycles, all-terrain vehicles, and trailers not required to be registered or have certificate of title by North Carolina state law shall not be regulated by this ordinance.
- f. For properties with more than 15% impervious surface coverage and located within platted subdivisions which include platted streets, recreational vehicles may, however, be stored, if inoperable, or temporarily parked, if operable, in residential districts those subdivisions; Such storage or parking shall be consistent with the following regulations and with any more restrictive subdivision covenants. No more than two (2) inoperative Inoperable motor vehicles per dwelling unit, recreational vehicles, boats, motorcycles, all-terrain vehicles and property hauling trailers required to be registered may be stored outdoors, and shall be parked behind the residence, and screened from public Right-of-Way (ROW) by year-around fencing or plant materials or combination thereof, providing at least seventy five percent (75%) opaque coverage from the public right-of-way, and shall also satisfy any more restrictive subdivision covenants that may exist.
- g. The parking of commercial vehicles shall be subject to Article 4.1, Customary Home Occupations.
- h. Motor vehicles, recreational vehicles, boats, motorcycles, all-terrain vehicles, agricultural equipment and trailers, required to be registered or otherwise, that are deteriorated beyond the definition of inoperable, as defined in Articles 2, shall be considered junk and subject to the regulation of Junk Yards, as defined in Article 2 of this Ordinance.
- i. Parking areas, including driveways, for residential uses shall be allowed to be extended into side and rear yard setbacks. Parking areas, including driveways, for residential uses shall be allowed to be extended into rear yard setbacks provided they are screened from neighboring properties by year-around fencing or plant

materials or combination thereof, providing at least seventy five percent (75%) opaque coverage.

~~f. Parking areas shall not be extended into the required rear yard and side yard setbacks.~~

9.1.5 Design standards for non-residential use parking areas are as follows:

- a. All parking areas, including required driveways for access to public roads and off-street loading areas, if any, shall be paved. Paving requirements for parking areas for places of worship, Village of Wesley Chapel owned and operated government uses and community indoor or outdoor public or private recreation centers facilities are encouraged, but not required to be paved, but relief from this design standard requires specific Village Council approval are to be determined via the CUP process. Nonconforming use parking areas in compliance with Article 7 shall be clearly delineated with a gravel bed and maintained border.
- ~~k. Parking areas, including parking aisles, for non-residential uses shall not be extended into the required rear yard and side yard setbacks. Parking lot access, excluding parking aisles, may be located within a side or rear yard setback. However, such access shall be located perpendicular to the set back line to the greatest extent possible.~~
- ~~l. Storage of inoperable vehicles, boats, motorcycles, all-terrain vehicles, trailers requiring registration, and equipment for non-residential uses shall be in conformance with the screening requirements of section 4.2.1 of this ordinance.~~

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Zoning Ordinance text amendments.

Adopted this 11th day of June, 2012.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

11. DISCUSSION AND POSSIBLE VOTE ON PROPOSED 2012-2013 BUDGET AND ORDINANCE 2012-08

Council Member Plyler asked why the budget has decreased. Finance Officer Bennett said primarily because less fund balance has been appropriated for transfer to the capital projects. In response to a question from Carol Mullis, Council Member Brotton said he and Bennett reached out to John Fuller and he did not think we would have the town hall in operation until after June, thus no operating budget changes were needed for the town hall. Mayor Horvath noted there will be some new maintenance expenses when we open the new town hall. Council Member Brotton made a motion to approve the 2012-2013 budget and Ordinance 2012-08; Council Member Rosoff seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel
Budget Ordinance 2012-08
2012/2013**

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the Village government and its activities for the fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the chart of accounts heretofore established for this Village:

General Fund

General Government Personal Services	\$ 127,020
General Government Professional Fees	35,750
General Gov. Supplies and Materials	5,600
General Government Services	67,765
General Government Capital Outlay	110,000
Planning & Zoning	61,567
Parks and Recreation	58,679
Public Services/Safety	78,187
Transfer to CIP	186,200
Contingency	34,000
Total	\$ 764,768

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013:

Property Tax Income	\$ 150,569
Revenue Sharing Income	355,000
Fees and Licenses	59,500
Interest	2,500
Appropriated Fund Balance	197,199
Total	\$ 764,768

Section 3: There is hereby levied a tax at the rate of one and 65/100 cents (\$.0165 per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2012.

This rate is based on a total valuation of real and personal property for the purposes of taxation of \$861,127,788 and an estimated rate of collection of 98%; and a valuation of motor vehicles of \$58,459,739 with an estimated collection of 93%.

Section 4: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. She may transfer amounts between line item expenditures, or from Contingency, up to a dollar amount of \$1,000.
- b. An official report on all transfers should be made to Council at the next scheduled meeting.
- c. Transfers should not be made to salary accounts.

Section 5: Copies of this Budget Ordinance shall be furnished to the Clerk of the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 11th day of June, 2012.

Village Clerk Cheryl Bennett

Mayor Brad Horvath

12. REVIEW ADVANCE PRIORITIES AND FURTHER RANK IN ORDER OF IMPORTANCE / FEASIBILITY

Council decided to wait to do this until they have a full board in attendance in July.

13. TOWN HALL BUILDING COMMITTEE UPDATE

a. Status of Proposed Agreement and Declaration covering Access Road
Council Member Brotton reported the Mayor signed the agreement, and the architect and engineer are working with Aston's engineer.

b. Amend Charter on Positions

Council Member Brotton made a motion, based on the recommendation of the Town Hall Building Committee, to amend their charter to have five voting members. Council Member Plyler seconded the motion.

The motion passed unanimously.

c. Other

There is a Committee meeting on Thursday and they are looking at the timeline.

14. PARKS AND REC COMMITTEE UPDATE

- a. Changes to proposed Fishing Pier Due to Funding Change

Parks and Rec Chairman Lepke reported the NC Wildlife office has had some changes and will not provide the pier but will provide Wirth with the drawings for the pier; they also suggested we might be able to get the pier from the Division of Corrections at a good price. They gave us verbal recommendations on the amount and frequency for stocking fish, and suggested a limit of six catfish taken per day per fisherman. Other recommendations are dye to minimize algae, a rule to prohibit feeding waterfowl to prevent geese problems, and an aerator. Chuck Adams asked if the edibility of fish would be affected by dye.

b. Additional Information on House Usage

Lepke reported the fire marshal came out, and said the building standards would be based on occupancy, so they had Langen measure the first floor. Council Member Rosoff reported we would fall under assembly usage and the maximum occupancy of the first floor would be 239 people based on the measurements. Lepke said we would need restrooms in the structure, and need a due diligence report. Since the fire marshal said we need a fire hydrant, Wirth is trying to cover that cost by savings in using the pond for detention. Council Member Plyler asked if we have bathrooms in the house, who will monitor them. Council Member Rosoff said we can close off the house as needed.

Bennett read a memo from Council Member Ormiston regarding her quotes from vendors on doing a due diligence report. Council Member Brotton made a motion to contract with Engineer Chris Hope at \$1,500 for the due diligence report. Council Member Rosoff seconded the motion.

The motion passed unanimously.

d. Review Most Recent Park Construction Budget

Lepke said the budget won't change until we get price quotes.

e. Disposal of Remaining House Items

Lepke said there were some items left in the house, and personally he would dispose of them in the dumpster. Chuck Adams noted it is amazing what people will buy in a garage sale or what might be useful to a charity, such as Habitat for Humanity. Lepke was asked to isolate the trash from the items that might have any value. There are also hazardous trash materials. A list will be made and options determined.

e. Update on PA System

Bennett reported Indian Trail had responded to her request on the list serv for a PA system, however their system includes a large movie screen as well as sound equipment and two people and they charge \$350 for rentals. Lepke spoke to Streetwise Music and they can write specs and volunteer to serve as the sound man; Lepke thought it important that we can control the level of sound ourselves.

There are some trees that need to be taken down at Dogwood Park; however we don't have complete information on the quotes that Council Member Ormiston was obtaining so this was tabled to the next meeting.

15. SAFETY COMMITTEE – REVIEW AND POSSIBLE APPROVAL OF CHARTER UPDATE

Council Member Plyler reported some corrections were made to the Table of Contents. They did not put in terms since it is hard to get members. Council Member Brotton made a motion to approve the Safety Committee Charter; Council Member Plyler seconded the motion.

The motion passed unanimously.

16. STATUS OF VILLAGE SEAL

Mayor Horvath brought an updated sketch, the center was improved and dates added. It will be brought back after some more work.

17. UPDATE ON UNION COUNTY SOLID WASTE DISPOSAL MEETING

Bennett reported on the solid waste disposal meeting. The County has a ten year plan on solid waste, and is updating it. Consultant CDM Smith ran the meeting, and almost all municipalities were represented. About half provide some waste collection/recycling, and half do not. Discussion was held on current and future services as well as what citizens expect and what is convenient to them. The county has waste collection set up as an enterprise fund, and in the last four years operated at a loss, so they increased the price of disposal about a year ago.

18. DISCUSS AND CONSIDER RESOLUTION IN SUPPORT OF UNION COUNTY SCHOOLS AND EDUCATION

Mayor Horvath said he wanted to encourage both the County and School Board to work together to maintain an excellent school system. Council Member Plyler asked that we add the State of North Carolina to the resolution. Council Member Rosoff made a motion to approve Resolution 2012-06, adding in "State of North Carolina", incorporated herein. Council Member Plyler seconded the motion.

The motion passed unanimously.

Village of Wesley Chapel Resolution 2012-06

IN SUPPORT OF UNION COUNTY SCHOOLS AND EDUCATION

Whereas, Union County has had tremendous population growth over the past ten years, especially in Western Union County, and

Whereas, the Village of Wesley Chapel is proud to be the home to one of the first public schools in North Carolina, and

Whereas, one of the reasons that many people, including a significant portion of the residents of the Village of Wesley Chapel, have chosen to live in Union County is due to the quality of education offered in its public school system, and

Whereas, the majority of residents of the Village of Wesley Chapel support the continued emphasis on excellence in our schools and the education provided, and

Whereas, the cost of this education continues to be among the lowest per student in the State, and

Whereas, the funding of schools has taken many years to account for the explosive growth in Union County, and

Whereas, Union County is blessed to have very dedicated teachers, staff, and volunteers, as well as an exemplary Board of Education, and

Whereas, the importance of a quality education for the youth of our community cannot be over-emphasized,

Be it known, that by the undersigned, the citizens, Mayor and Council for the Village of Wesley Chapel do hereby state their unequivocal support for a continued focus on providing quality education for our youth, and respectfully request that the Union County Board of Commissioners and the Union County Board of Education work together to ensure that the current standards continue to be met or exceeded, and that appropriate funding/ budgeting is achieved to reach this goal in fiscal year 2012-2013 and beyond. We cannot provide for the future of our communities if we fail in our current responsibilities to our children, while ensuring we do so in a fiscally prudent manner. This must be our highest priority.

Adopted this 11th day of June, 2012.

ATTEST

Cheryl Bennett, Village Clerk

Brad Horvath, Mayor

19. CONSIDER APPROVAL OF CHARTER REVISION FOR WESTERN UNION COUNTY MUNICIPAL COALITION

Mayor Horvath reported the Coalition had included two members from each municipality but they had a hard time getting quorums, so they are now changing the charter to five members and added a Chairman and Vice-Chairman position. Council Member Brotton made a motion to approve the charter revisions as noted above; Council Member Plyler seconded the motion.

The motion passed unanimously.

20. REVIEW OF PROCESS FOR EMPLOYEE PERFORMANCE EVALUATIONS/ NEXT STEPS

Mayor Horvath is compiling comments from council members and will get this out this week for a closed session next week to review any increases.

21. REMOVE MEMBER FROM YOUTH COUNCIL COMMITTEE

Mayor Horvath removed Mallory Johnson from the Youth Council Committee since she has not attended any meetings.

22. OTHER BUSINESS

We need to find out if the Youth Council Committee can sell hot dogs at the National Night Out. Mayor Horvath noted Jerry Simpson, Chairman of the Union County Board of County Commissioners will be here next week with a presentation on CONNECT. There is a MUMPO meeting next week that Council Member Brotton will attend.

23. COUNCIL COMMENTS- none

24. ADJOURNMENT

2012.06.11 minutes

Brotton made a motion to adjourn; Rosoff seconded the motion.
The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath