

**VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
November 26, 2012, 7:00 PM**

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

**Present:** Chair Sandi Bush, Vice Chair Stephen Keeney, Chuck Adams, Jeff Davis, John Grexa, Alternate Bill Bennett

**Others Present:** Mayor Brad Horvath; Cheryl Bennett, Clerk; Joshua Langen, Planning/Zoning Administrator, Carol Mullis

The meeting was called to order at 7:00 pm; a quorum was present.

1. Pledge and Invocation

Chair Bush led the pledge; Vice-Chair Keeney gave the invocation.

2. Public Comments – none

3. Additions, Deletions and Approval of Agenda

The agenda was amended to add the oath of office for Bill Bennett, date for December Meeting, and update on zoning violation. Jeff Davis made a motion to adopt the amended agenda; Chuck Adams seconded the motion.

The motion passed unanimously.

3A. Oath of Office

Clerk Cheryl Bennett administered the oath of office to Bill Bennett, who was appointed as an alternate member by Council.

3B. Date for December Meeting – This was briefly discussed, and will be decided later in the meeting.

3C. Update on Zoning Violation – Joshua Langen reported he got an email from the neighbors, and they said the house at 124 Mollie Irene was sold and renovations had begun by the new owner.

4. Approval of Minutes

This item was deferred to later in the meeting

5. Article 2 & Article 4 – Yard Definitions & Garage Setbacks

Definition of “Setback” was discussed; Stephen Keeney noted we approved definitions last month, but they didn’t include this which was shown in red. Langen had added detail on how to measure setback depending on the type of road. John Grexa asked why in the rear setback definition it had “except as may be permitted elsewhere in this Ordinance”. Zoning Administrator Langen said there are other examples in the ordinance, and it

would be too many to list out. Stephen Keeney made a motion to accept the Article 2 changes to the definitions of corner lot, setback, front yard, rear yard and side yard. Jeff Davis seconded the motion.

The motion passed unanimously.

Article 4 was reviewed next. Zoning Administrator Langen checked with the attorney and he said it is legal to change the setbacks for accessory uses or structures. Bill Bennett asked about including examples of the accessory structures; and Langen explained what had happened since the decision on the gun range lawsuit; we have been taking out language that says “such as” or similar. Carol Mullis asked what would not be an accessory use; Langen said for example if an indoor shooting range was well used and the house seldom used, then the indoor range would not be an accessory use, it would be the primary use. Jeff Davis made a motion to approve the changes to Section 4.9.1. Stephen Keeney seconded the motion.

The motion passed unanimously.

Article 5 was discussed next. Langen put the language back in regarding the buffer s and yard setbacks. At Section 5.1.3(d) “nearest” was added before “edge of the buffer area.” Chuck Adams asked why the side yard setback is 25 feet for R-60, but 15 feet for R-40. Langen said he wanted to make it as large as reasonably possible, and you have more room on larger lots. John Grexa was concerned about the 15 foot side yard setbacks in RA-40, citing a fire risk. Discussion of fire risks was held, which may vary according to weather, and what is stored in a structure.

Chuck Adams made a motion to approve the text changes to Article 5, adding a parentheses at 5.1.3 (e), and “nearest” at Section 5.1.3(d) (1). Jeff Davis seconded the motion.

The motion passed 4-1, with John Grexa voting nay.

The text amendment as proposed by Planning Board is as follows.

**VILLAGE OF WESLEY CHAPEL  
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT**

**ARTICLE 2, ARTICLE 4 SECTION 4.9, ARTICLE 5 SECTIONS 5.1,  
5.2, 5.3 & 5.4**

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

#### Corner Lot.

A lot located at the intersection of two **platted** public or private streets and/or **platted** private drives acting as access to multiple lots. A lot abutting a curved street or street(s) shall be considered a corner lot if the intersection or curve interior angle is less than one hundred thirty-five (135) degrees. Lots divided by **platted** public or private streets, **and/or platted** private drives, shall have all lot setback and yard restrictions, excluding zoning use, applied to each individual plot of land as divided.

#### Setback.

A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance. **Setbacks shall be measured from edge of pavement of a NCDOT maintained street, NCDOT maintained right-of-way, NCDOT proposed right-of-way or platted right-of-way, whichever is farthest from the centerline of a public or platted private street. Setbacks along unplatted private roads and drives shall be measured from property lines. Setbacks distances shall be established in Article 5 or from recorded final subdivision plats with deed-restricted setbacks, whichever is lesser.**

#### **a) Setback, Front**

That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

#### **b) Setback, Rear**

That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

#### **c) Setback, Side**

That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

#### **d) Setback, Sign**

The shortest horizontal distance from ~~the property line or right-of-way to the~~ nearest point (leading edge) of the sign or its supporting member ~~whichever is to the nearest to the~~ property line, edge of pavement of a NCDOT maintained street, NCDOT maintained right-of-way, NCDOT proposed right-of-way or platted right-of-way, whichever is farthest from the centerline of a public or private

platted street. Setbacks along unplatted private roads and drives shall be measured from property lines.

**Yard, Front.**

~~An~~ The area measured between from the edge of the public street right-of-way front property line and to the front façade(s) of a the principal building, projected to the side lot lines. On corner lots, the front yard shall be determined-measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, by the property owner and shall be surveyed and recorded at the property owner's expense. On corner lots, the property owner shall also have the option to designate two front yards, which shall be surveyed at the property owner's expense. Should the property owner choose not, or be unable, to designate and survey front yard preference, the front yard shall be designated by the Zoning Administrator in response to any Zoning Permit application, although shall not be surveyed or recorded. shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house.

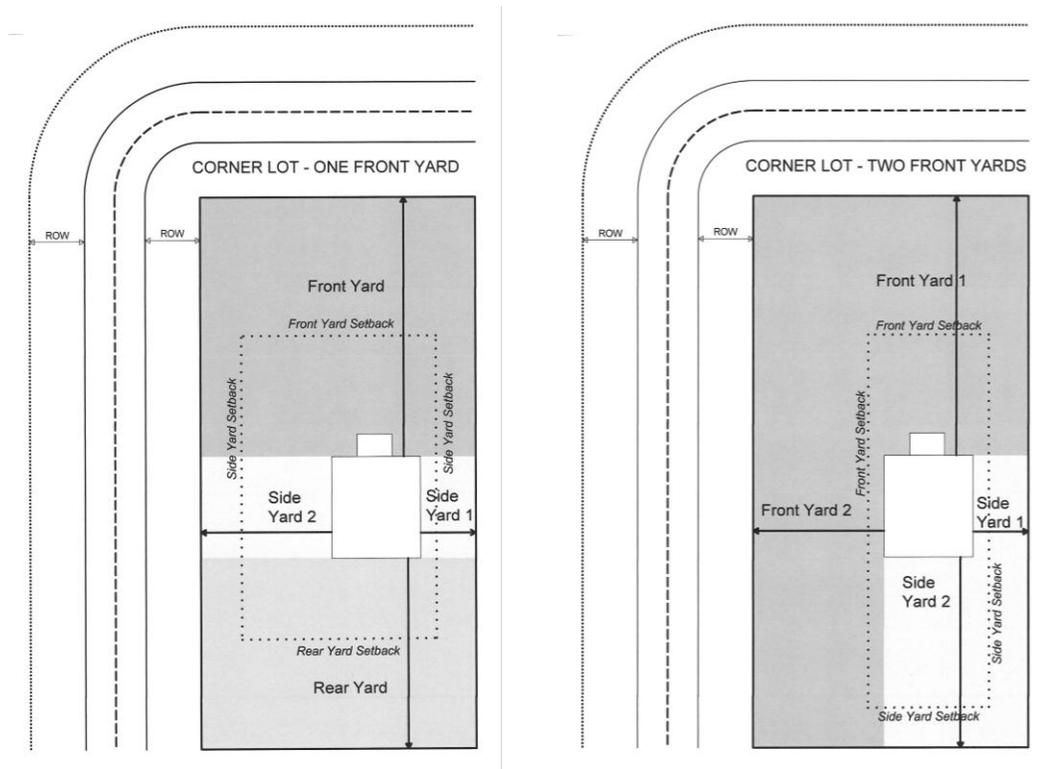
**Yard, Rear.**

The area measured from the rear property line, to the rear facade of the principal building, projected to the side lot lines. On corner lots where the property owner has designated two (2) front yards, only side yards shall be designated adjacent to the front yards. Rear yards shall not be designated adjacent to any front yard(s). A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line parallel thereto and passing through the point of the principal building nearest the rear lot line. Where a rear yard abuts a public or private street, the rear yard shall be measured from the recorded rear lot line, which, in some cases, may coincide with the centerline of the street. If a rear yard abuts a buffer area along a major or minor thoroughfare as required by Section 405.4 of the Subdivision Ordinance, the rear lot line shall be considered to be the nearest edge of the buffer area. (Amended 01.10.05)

**Yard, Side.**

The area measured from the side property line, to the side facade of the principal building, projected to the rear and front yard lines, or projected from front yard line to other side lot line, in the case of corner lots designated to have two (2) front yards. A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building. If a side yard abuts a buffer area

along a major or minor thoroughfare as required by Section 405.4 of the Subdivision Ordinance, the side lot line shall be considered to be the nearest edge of the buffer area.



## ARTICLE 4

### GENERAL PROVISIONS

#### Section 4.9 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:

- 4.9.1 Accessory uses or structures, well houses, garages and swimming pools shall be located no closer than fifteen (15) feet to any side or rear lot line. Well houses shall be allowed in any yard and shall not be subject to setback requirements. Detached garages may be located in any non-

~~required side or rear yard, and must comply with all setback requirements of principal structures for that zoning district. (Revised 09.09.02)~~

## ARTICLE 5

### ZONING DISTRICT REGULATIONS

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#### Section 5.1 R-80 Single-Family District

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##### 5.1.3 Yard Regulations

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- d. **Minimum Side Yard Setback** ~~—(Side yards shall be increased by twenty feet on street side of all corner lots).~~  
*(Revised 03.12.01)*
  - 1. Single-family dwellings and modular homes - 25 feet *(if a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured from the nearest edge of the buffer area).*

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- e. **Minimum Rear Yard Setback**  
*(Revised 03.12.01)*
  - 1. Single-family dwellings and modular homes - 60 feet. *(If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the rear yard setback shall be measured from the nearest edge of the buffer area).*

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#### Section 5.2 R-60, Single-Family District

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##### 5.2.3 Yard Regulations

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- d. **Minimum Side Yard Setback** ~~—(Side yards shall be increased by twenty (20) feet on street side of all corner lots).~~

*(Revised 03.12.01)*

1. Single-family dwellings and modular homes - 25 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured from the nearest edge of the buffer area.

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**e. Minimum Rear Yard Setback**

*(Revised 03.12.01)*

1. Single-family dwellings and modular homes - 60 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the rear yard setback shall be measured from the nearest edge of the buffer area).

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**Section 5.3 R-40, RA-40 Single-Family Districts**

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**5.3.3 Yard Regulations**

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**d. Minimum Side Yard Setback (~~side yards shall be increased by 10 feet on street side of all corner lots~~)**

1. Single-family dwellings, modular and manufactured homes in the RA-40 Zoning District - 15 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured to the nearest edge of the buffer area.

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**e. Minimum Rear Yard Setback**

*(Revised 03.12.01)*

1. Single-family dwellings, modular and manufactured homes in the RA-40 Zoning District - 40 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance the rear yard setback shall be measured from the nearest edge of the buffer area).

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**Section 5.4 R-20, RA-20 Single-Family Districts**

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**5.4.3 Yard Regulations**

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- d. **Minimum Side Yard Setback** (~~side yards shall be increased by 10 feet on street side of all corner lots~~)  
(Revised 03.12.01)
  - 1. Single-family dwellings and modular homes - 15 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured to the nearest edge of the buffer area.

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- e. **Minimum Rear Yard Setback**  
(Revised 03.12.01)
  - 1. Single-family dwellings and modular homes - ~~40~~ 30 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance the rear yard setback shall be measured from the nearest edge of the buffer area).

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2012.

Attest:

\_\_\_\_\_  
Cheryl Bennett, Clerk

\_\_\_\_\_  
Mayor Brad Horvath

6. Article 4 – Subdivisions – Section 408 Fees-in-Lieu

Discussion was held on whether we require buffers or not, and under what circumstances. Chuck Adams asked why we require buffers; Langen said so drivers don't have to see the houses. Adams said that doesn't represent Wesley Chapel, he would prefer it is to protect the homeowner from seeing the road.

Langen added language to Section 405.4 (1) regarding separately platting the buffer for a major subdivision, and the buffer could be located within the private lots for minor subdivisions. Stephen Keeney asked what if there are just a few lots on a large piece of land. He pointed out that the buffer might not be maintained when on the private lots. An example was cited – the property east of Stonegate, which is wild and unkempt, and whether it was a buffer. Chuck Adams asked why we buffer minor thoroughfares; Sandi Bush said to somewhat hide them. Langen will give an option and make the language simpler on Section 405.4. Consensus was to require a buffer, but give options on how they would be set up and on their maintenance. Chuck Adams disagreed; he didn't think we should require buffers.

Section 408 was discussed; Chuck Adams asked why you would require common area, people can use Dogwood Park. Finance Officer Cheryl Bennett pointed out in the past we never received land; we always received the "fee in lieu". Chair Bush said why we give an option, we could just ask for the fee. The Mayor was asked for input. He said we haven't dealt with this in six years. It was decided to have Council discuss and offer their perspective on it and also on buffers. It was decided to have a December meeting on December 17, which will be after Council discusses these issues on December 10.

Stephen Keeney said you could get more effect by going to R-80 sized lots, if common open space is a goal or policy.

Planning Board also asked Langen to check with other communities on how they handle this.

7. Wesley Chapel Land Use Plan

Discussion focused on Goal 2. Chuck Adams asked about road requirements; Langen said we can build upon the Traffic Impact Analysis, such as requiring that for a medical office of a certain size. Langen will come back with some wording on this. Next month Planning Board will look at Goal 3.

8. Other Business

Chuck Adams made a motion to approve the minutes from October 22, 2012; Jeff Davis seconded the motion.

The motion passed unanimously.

Mayor Horvath reported all permits were obtained for the town hall; Aston is working on the shared road, which Morlando Construction can use during the construction. We will start with land clearing next month. At the park NC Wildlife built a fishing pier with a handicapped ramp. A Scout project will establish fourteen fishing stations around the lake. Chair Bush asked if we would use special containers for disposal of used fishing line; it helps the wildfowl. Park bids are due December 13.

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9. Topics to Discuss at Next Meeting

Topics include the Land Use Plan, and Sections 405 and 408.

10. Adjournment

Adams made a motion to adjourn the meeting; Keeney seconded the motion.

The motion was approved unanimously.

The meeting adjourned.

Respectfully submitted

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Cheryl Bennett, Village Clerk

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Chairman Sandi Bush