

ARTICLE 3

ZONING DISTRICTS

Section 3.1 General Zoning Districts (Revised 03.08.04, 10.17.05)

In order to achieve the purpose of this Ordinance, the following general zoning districts based on the concepts and proposals of the land development plan of the Village of Wesley Chapel are hereby established. In addition to the primary uses which are permitted by right or through the issuance of a conditional use permit, other uses including accessory uses, off-street parking, and signs are permitted as listed in this Ordinance.

3.1.1 R-Residential Districts. (Revised 12.08.14) These districts are established to encourage the retention of existing farms and low-density residential areas, which are compatible with the land development plan concept of retaining the suburban, rural character of the community. Residential development must be restricted to a sufficiently low density where there is no public water supply and development is dependent upon septic tanks on individual lots for sewage disposal. In order to provide for a healthful, rural environment, residential development must continue in a low-density fashion. *(Revised 11.09.09)*

- a. **R-80, Single-Family and Agricultural.** The R-80 District is established to accommodate agricultural uses and areas of very low density residential development which is compatible with the land development plan's concept of retaining the rural character of the community. Densities need to be low due to the suitability of land, a general lack of public water and sewer, and the compatibility of surrounding development. Therefore, the minimum lot size is 80,000 square feet. *(Revised 10.17.05)*
- b. **R-60, Single-Family and Agricultural.** The R-60 District is established to accommodate agricultural uses and areas of very low density residential development which is compatible with the land development plan's concept of retaining the rural character of the community. Densities need to be low due to the suitability of the land, lack of public water and sewer, and the compatibility of surrounding development. Therefore, the Minimum lot size is 60,000 square feet. *(Revised 10.17.05)*
- c. **R-40, Single-Family and Agricultural.** The R-40 district is established to accommodate agricultural uses and low-density single-family residential development at low densities consistent with suitability of the land and the rural character of the Village. The minimum lot size is 40,000 square feet. *(Revised 10.17.05)*

- d. R-20 Single-Family and Agricultural.** The R-20 district is established to accommodate low-density single-family residential development at low densities consistent with suitability of the land and the rural character of the Village. The minimum lot size is 20,000 square feet. The R-20 district should be limited only to those areas that were zoned R-20 by Union County prior to the adoption of the Village's Zoning Ordinance or that were platted with lots smaller than 40,000 square feet under the jurisdiction of Union County prior to incorporation/annexation into the Village of Wesley Chapel. *(Revised 10.17.05)*
- e. R-A40, Single-Family District.** The R-A 40 district is established to encourage the perpetuation of existing agricultural uses and to accommodate low-density single-family residential development (including most classes of manufactured homes) at low densities consistent with suitability of the land and the rural character of the Village. The minimum lot size is 40,000 square feet. *(Revised 10.17.05)*
- f. R-A20 Single-Family District.** The RA-20 district is established to encourage the perpetuation of existing agricultural uses and to accommodate low-density single-family residential development at low densities consistent with suitability of the land and the rural character of the Village. The minimum lot size is 20,000 square feet. The RA-20 by Union County prior to the adoption of the Village's Zoning Ordinance or that were platted with lots smaller than 40,000 square feet under the jurisdiction of Union County prior to incorporation/annexation into the Village of Wesley Chapel. *(Revised 03.12.01)(Revised 10.17.05)*
- g. RUC Residential Union County District** The RUC district is established to accommodate the construction of proposed principal and accessory structures and the expansion and renovation of existing structures on parcels that were approved for development under Union County zoning regulations and have been subsequently annexed into the Village of Wesley Chapel. The intent of this district is to allow for and to maintain the established setbacks as noted on the final plat of record of only those parcels previously approved for development in unincorporated Union County for principal structures and to allow for Village of Wesley Chapel accessory use provisions. If no land subdivision, combination, conditional use or zoning changes have occurred on the property since establishment of this district, setbacks for residential structures, on RUC properties will conform to setbacks as indicated on the final plat of record. Accessory structures, with the exception of detached garages, for RUC will conform to setbacks as indicated on the final plat of record or those allowable in

Section 4.9, whichever is less. Detached garages will conform to the principal structure setbacks as indicated on the final plat of record.

For purposes of this subsection g, the term "final plat of record" shall mean the final plat for the subject property that sets forth setbacks for the subject property, that contains the approvals required by Union County at the time such plat was recorded, and which was recorded in the Union County Public Registry prior to annexation into the Village.

Allowable uses in the RUC district shall be the same as those allowed in the Wesley Chapel R-40 district, if lot size is 40,000 square feet or greater, or those allowable uses in the Wesley Chapel R-20 district, if lot size is less than 40,000 square feet.

Subdivisions of land, combinations of land, proposed conditional use permits and re-zonings of RUC property shall require applicant to re-zone the property from RUC to another allowable Wesley Chapel zoning district and to conform to all zoning and setback requirements as required for that district, under the Village of Wesley Chapel Zoning Ordinance.

(Added 11.09.09)

3.1.2 B-Business Districts

- a. **B-1 General Business District.** The B-1 district is established to provide an area for neighborhood business without undue conflict with, detriment to, or disruption from nearby land uses or zoning districts. This district is designed primarily for retailing of merchandise such as convenience grocery sales, drugs and household items and for furnishing certain personal, business and professional services for the convenience of residents of local neighborhoods. This district is located at an accessible location with respect to traffic circulation in order to conveniently serve the resident population. The standards established for these business areas are designed to protect abutting or surrounding residential areas from undesirable aspects of nearby business development. Any permitted individual use locating in the B-1 zoning district shall have a maximum gross floor area of 2,000 square feet. Individual uses exceeding a gross floor area of 2,000 square feet will be permitted on a conditional use basis only. *(Revised 10.17.05)*
- b. **B-2 Local Shopping Center District.** This district is established to provide for the controlled development of more intense retail and service uses designed to serve the immediate Village of Wesley Chapel area. This district is designed to provide an orderly arrangement of convenience and

comparison-shopping outlets, along with adequate off-street parking and other amenities. The shopping center district shall be located adjacent to major thoroughfares. A shopping center as defined in this Ordinance will only be permitted on a conditional use basis. Certain uses will be permitted only on an individual basis. Any permitted individual use locating in the B-2 zoning district shall have a maximum gross floor area of 2,000 square feet. Individual uses exceeding a gross floor area of 2,000 square feet will be permitted on a conditional use basis.

(Revised 10.17.05)

- c. **L-1 Light Industrial District.** This district is established to provide for general industrial and warehousing operations, including manufacturing, processing and assembling of goods, product distribution facilities, and a broad variety of specialized commercial and industrial operations. These uses shall be operated indoors in a relatively clean and quiet manner, which will not be obnoxious to adjacent residential and business districts. Outdoor storage may be utilized, when specifically permitted and screened in accordance with the requirements of Sub-sections 5.7.2 and 5.7.4 respectively, of this ordinance. *(Revised 10.17.05)*

- d. **O-I Office-Institutional District** The O-I District is established to allow areas with limited types of office and institutional development that produce low traffic volumes and have limited impacts on neighboring properties. The District accommodates uses such as governmental and professional offices while prohibiting retail and industrial uses. The limitations on the uses allowed and the standards established for them are designed to protect abutting or surrounding residential areas from potentially undesirable impacts. Any permitted individual use locating in the O-I zoning district shall have a maximum gross floor area of 2,000 square feet. Individual uses exceeding a gross floor area of 2,000 square feet will be permitted on a conditional use basis only. *(Added 10.17.05)*

Section 3.2 CU Parallel Conditional Use Districts *(Added 03.08.04)*
(Revised 10.17.05)

Parallel Conditional Use Districts are established to consider situations where a particular use may be acceptable on a lot or tract of land but the other uses permitted in a General Zoning District would not be acceptable. In such instances, the Village Council may elect to rezone the lot(s) in question to a parallel conditional use district. Such rezonings may be made contingent upon the property owner meeting fair and reasonable conditions which assure the compatibility of the use with surrounding properties and promote the general welfare of the community. Zoning to a CU District shall be a voluntary procedure on the part of the property owner or his agent and is intended for firm development proposals. It is not intended for securing early zoning

for tentative proposals.

The following CU Districts are hereby established:

CU-R-80	CU-B-1
CU-R-60	CU-B-2
CU-R-40	CU-L-1
CU-R-20	CU-O-I <i>(Added 10.17.05)</i>
CU-RA-40	
CU-R-A20	

Section 3.3 Airport Overlay (AO) District *(Added Section 3.3 on 06.10.04)*

3.3.1 Purpose

The Airport Overlay (AO) District is intended to protect the airport environ from the encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. It is the intent of this Ordinance to restrain influences which are adverse to the airport property and safe conduct of aircraft in the vicinity of the Monroe Regional Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, AO designation, when overlaid to a basic district classification, is intended to coordinate the purpose and intent of the Ordinance with other regulations duly established by the Village of Wesley Chapel, whose primary intent is to further the purposes set out above.

3.3.2 Applicability

The Airport Overlay District is not intended to be utilized as a district classification, but as a designation which identifies areas subject to regulations which are supplementary to the regulations of the district to which such designation is attached, appended, or overlaid. Regulations which apply to areas designated on the zoning map as being within such appended or overlaid designation must be determined by joint reference to the regulations of both the basic district classification and the overlay classification.

3.3.3 Definitions

The following definitions shall apply to this Section:

- (1) **AIRPORT:** Monroe Regional Airport
- (2) **AIRPORT ELEVATION:** The highest point of the airport's useable landing area measured in feet above mean sea level (679.0 feet).
- (3) **APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 5 of this Ordinance.
- (4) **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES:** These zones are set forth in Section 3.3.4 of this Ordinance.
- (5) **CONICAL SURFACE:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand (4,000) feet.
- (6) **HAZARD TO NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.
- (7) **HEIGHT:** For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be a mean sea level elevation unless otherwise specified.
- (8) **HORIZONTAL SURFACE:** A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (9) **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

- (10) **NONCONFORMING USE:** Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of the Ordinance or an amendment thereto.
- (11) **NONPRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- (12) **OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 3.3.5 of this Ordinance.
- (13) **PERSON:** An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (14) **PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- (15) **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two-hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 3.3.4 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (16) **RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (17) **STRUCTURE:** An object, including a mobile object, constructed or installed by man, including by without

limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

- (18) **TRANSITIONAL SURFACES:** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the aides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- (19) **TREE:** Any object of natural growth.
- (20) **UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (21) **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

3.3.4 Airport Zones Established

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Monroe Regional Airport. Such zones are shown on the Official Zoning Map of the Village of Wesley Chapel. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and are defined as follows:

- (1) Precision Instrument Runway Approach Zone (AO-A): The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) Nonprecision Instrument Runway Approach Zone (AO-AN): The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands

outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (3) Transitional Zones (AO-T): The transitional zones are the areas beneath the transitional surfaces.
- (4) Horizontal Zone (AO-H): The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (5) Conical Zone (AO-C): The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there, from a horizontal distance of 4,000 feet.

3.3.5 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limitations herein established for each zone in questions as follows:

- (1) Precision Instrument Runway Approach Zone (AO-AP): Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence, slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- (2) Nonprecision Instrument Runway Approach Zone (AO-AN): Slopes thirty-four (34) feet outward for each foot upward beginning at the end of the horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
- (3) Transitional Zones (AO-T): Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of 150 feet above the airport elevation (or 829 feet above mean sea level). In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where

they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the side of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

- (4) Horizontal Zone (AO-H): Established at 150 feet above the airport elevation or at a height of 829 feet above mean sea level.
- (5) Conical Zone (AO-C): Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation or at a height of 1,029 feet above mean sea level.
- (6) Excepted Height Limitations: Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 100 feet above the surface of the land.

3.3.6 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

3.3.7 Nonconforming Uses

1. Regulations Not Retroactive: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance and is diligently prosecuted.

2. Marking and Lighting: Notwithstanding the preceding provision of this Ordinance, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Monroe Regional Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Monroe Regional Airport Authority.

3.3.8 Permits

1. Future Uses

Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it, to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 3.3.8.4.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than one-hundred (100) feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than one-hundred (100) feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.
- c. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than one-hundred (100) feet above the ground, except when, such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be

construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

2. Existing Uses

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become greater hazard to air navigation than it was on the effective date of this Ordinance, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed

Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 60% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the regulations of this Ordinance.

4. Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in compliance with the regulations prescribed in this Ordinance may apply to the Board of Adjustment for a variance from such regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this Ordinance. Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of this application has been furnished to the Director of the Monroe Regional Airport for advice as to the aeronautical effects of the variance. If the Airport Director does not respond within thirty days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Monroe Regional Airport Authority at its own expense, to install, operate, and maintain the necessary markings and lights.

3.3.9 Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by the Ordinance to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator.

Section 3.4 Zoning Map Interpretation *(Changed Section 3.2 to 3.3 on 03.08.04)* *(Changed Section 3.3 to 3.4 on 06.14.04)*

The map entitled "Official Zoning Map of the Village of Wesley Chapel, North Carolina", as certified as such by the Village Clerk of the Village of Wesley Chapel, North Carolina is hereby adopted by reference and declared to be a part of this Ordinance. The zoning of the districts on said map is hereby declared to be in the proper zoning for said districts as of the effective date of this Ordinance.

3.4.1 For the purposes of interpretation of district boundaries as shown on the zoning map, the following rules shall apply:

- a. Boundaries indicated, as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- b. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits.
- d. Boundaries indicated as parallel to or extensions of features indicated in this section shall be construed as such. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- e. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by this Section the Board of Adjustment shall interpret the district boundaries.

Section 3.5 Conditional Zoning Districts *(Added 04.13.15)*

Conditional rezoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional rezoning affords a degree of certainty in land use decisions not possible when

rezoning to a general district. The procedures for approving a conditional rezoning request are set forth in Section 12.3. Guidelines for the establishment of a conditional zoning district are as follows.

- A. Each conditional zoning district (CD) will have a corresponding general zoning district (i.e., an applicant can request to have their property rezoned to a CD only for the specific general zoning districts which have been identified as allowable in Section 3.1).
- B. Conditional zoning districts will be designated only in accordance with the procedures and requirements set forth in Section 12.3 of this Ordinance.
- C. Any conditional zoning district approved by the Village Council shall not contain conditions which are less restrictive than found in this Ordinance or other applicable state and/or federal laws. Any such conditional zoning district shall be noted on the Zoning Map with the prefix “CD”.
- D. No use will be permitted within a conditional zoning district that is not allowed within the corresponding general zoning district. Thus, for instance, any request for CD B-2 rezoning may only be allowed to contain uses that are allowed in the B-2 general zoning district.
- E. All standards and requirements that apply to the corresponding general zoning district will apply to the conditional zoning district. Fair and reasonable conditions and requirements that are mutually agreed to by the applicant and the Village Council can be added to any conditional rezoning request.
- F. A property may be considered for rezoning to a conditional zoning district only in response to and consistent with a petition submitted by the owners of record for all the property in its entirety, included in the rezoning petition. A petition for conditional rezoning must include a site plan, detailed information and consistent text describing the purpose for the project, the intended uses of the property, the benefit of the proposed project and detailed rules, regulations, and conditions that in addition to the general district use conditions, will apply to the proposed project.

3.5.1 Application Procedures *(Added 04.13.15)*

All applications must include a conceptual plan, drawn to scale, and consistent supporting text that, if approved, will become a part of that Conditional rezoning. The conceptual plan, drawn by an architect, landscape architect, professional surveyor, and/or engineer licensed to practice in North Carolina, shall include any details of architectural and landscape features and materials, along with any added benefit or detriment those materials or plantings may have to the community or environment, if applicable, supporting information and consistent text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that are in addition to all Zoning and or Subdivision Ordinance requirements, that will govern the development and use of the property.

- A. The applicant shall, at a minimum, include as part of the application, each of the items listed below
1. A boundary survey showing the total acreage, present zoning classifications, date, and north arrow;
 2. Legal description of the property (ies) included in the petition;
 3. The owners' names, mailing addresses, and the tax parcel numbers of all properties within a 1,320 foot (i.e., ¼ mile) radius. The information shall be provided in a digital format as well as in printed labels. This information shall be used for public hearing notification purposes. The applicant shall reimburse the Village for all expenses incurred to provide public hearing mail notifications. This fee shall be paid irrespective of whether the rezoning petition is approved by the Village Council. Additional information for providing notice for the required community meetings, as called for in Subsection C (4) shall also be provided by the applicant
 4. All existing or proposed easements, reservations, and rights-of-way on the property(ies) to be rezoned.
 5. Existing location of buildings on the parcel(s) included in the petition.
 6. Lot sizes for residential uses and proposed out parcels, if applicable.
 7. Proposed principal uses for the parcel(s) included in the petition. For residential uses this shall include the number of units and an outline of the area(s) where the structures will be located. For non-residential uses, designate the area(s) within the parcel where particular types of uses will occur with reference made to the list of uses found in the corresponding general zoning district.
 8. A traffic impact analysis (TIA) for the proposed service area as required by Section 6.13.1 of this Ordinance. Prior to submitting an application for a conditional rezoning, the applicant/property owner shall consult with the Village's consulting transportation engineer (CTE). The TIA shall receive preliminary approval from the Village's (CTE) prior to the first community meeting being scheduled. If modifications to the proposed project are made after the first community meeting, the Village's consulting transportation engineer shall be authorized to require any necessary revisions to the preliminary approved concept plan prior to the Planning Board's review of the application. The applicant shall bear all costs associated with the (CTE) review.
 9. Detailed information on the number, height, size and location of structures.

10. All proposed setbacks, buffers, screening and landscaping required by these regulations or otherwise proposed by the applicant shall be delineated on a conceptual plan. Actual approval of landscaping plans shall be part of the site plan review process.
11. Generalized traffic, parking, and circulation plans.
12. All existing and proposed points of access to public streets.
13. A detailed description of all proposed phasing of development for the project.
14. Number, location, type, and size of all signs proposed to be erected by the developer at entrances to the site. Additionally, a general description of other proposed signs including number, location, type and size of all commercial signs. Actual approval of signs shall be part of the site plan review process.
15. Conceptual renderings of the proposed development delineating the exterior treatments of the structures including proposed materials and general architectural design. Actual approval of all proposed buildings shall be part of the site plan review process.
16. Approximately identify all environment constraints on the subject property including but not limited to the following: flood plain, ponds, streams, wetlands and Carolina Thread Trail. Approximately delineate areas within the regulatory floodplain as shown on the official Flood Insurance Rate Maps (F.I.R.M.) published by the Federal Emergency Management Agency (F.E.M.A.)
17. Existing and proposed topography at two-foot contour intervals or less.
18. Scale and physical relationship of buildings relative to abutting properties. This may be accomplished by providing existing and proposed topographic elevation cross-sections of the site showing proposed structures relative to existing adjacent properties.
19. Letter of water and sewer availability from Union County Public Works.

20. A stormwater management concept plan showing all information contained in Sections 14.6.5(1), (2), (3), (6), (7), (8), and (9) of the Wesley Chapel Zoning Ordinance. In addition, the applicant shall provide engineering analysis in sufficient detail to support the preliminary selection and location of all proposed storm water management practices to be installed and to show that the proposed stormwater management measures are capable of controlling runoff in compliance with the Village's Storm Water Management Ordinance and specifications of the Storm Water Design Manual. Prior to submitting an application for a conditional rezoning the applicant/property owner shall consult with the Village's consulting stormwater engineer. The stormwater concept plan shall receive preliminary approval by the Town's consulting stormwater engineer prior to the first community meeting being scheduled. If modifications to the proposed project are made after the first community meeting, the Village's consulting stormwater engineer shall be authorized to require any necessary revisions to the preliminary approved concept plan prior to the Planning Board's review of the application. The identified revisions, if applicable, will be provided to the Village Council and Planning Board members. The applicant shall bear all costs associated with the consultant stormwater engineer's review.

Conceptual plans, including all additional information shown on it, shall constitute part of the petition for rezoning to a conditional zoning district. No application shall be deemed complete unless accompanied by a fee in accordance with the Village's most recently adopted fee schedule.

Additional requirements

When reviewing an application to rezone property to a conditional zoning district, the Planning Board and/or the Village Council may request additional information as they deem necessary.

Community Meetings

Once the conceptual plan and the required number of associated documents have been submitted to the Village and the required fees have been paid, the applicant shall schedule and hold a minimum of two (2) separate Community meetings, in coordination with the Village planning staff. All Community meetings are understood to provide for the opportunity of every citizen to attend and thus will follow the required rules associated with posting notice of quorums for each body of the Village government, including its committees and any sub-committees who have adopted a regular meeting schedule. Such meetings shall occur prior to the petition being scheduled on the Planning Board agenda. Community meetings are designed to provide a framework for creating a shared vision with community involvement inviting citizens to provide suggestions, and/or changes to the applicant. The meetings will be directed by the applicant in accordance with the following requirements:

1. The applicant shall provide an agenda, schedule, location, an electronic version of the project summary including renderings and a list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the project. This information shall be provided to the Village prior to the community meeting notification being mailed.
2. The purpose of the first community meeting is to introduce the project to the citizens with a presentation at the Town Hall. This meeting shall be a minimum of two (2) hours and allow for sufficient time for all comments, questions and suggestions to be heard and recorded. During the community meeting sufficient time will be allowed for service providers (such as NCDOT, utilities, NCDENR) to participate as needed. Citizens may arrive and depart at will, within the scheduled time frame.
3. After requisite review of the proposals and suggestions by the citizens, the applicant shall hold another community meeting addressing the citizens and advising of any modifications to the proposal.
4. Notice of community meetings shall at a minimum, be given as follows:
 - a. A notice shall be sent by first class mail by the Village of Wesley Chapel to the property owner(s) affected by the proposed conditional rezoning and to the owners of all properties that lie within 1320 feet (¼ mile) radius as measured from the exterior boundaries of the proposed project. The applicant shall furnish the Village with stamped and addressed envelopes (or postcards) along with information regarding the community meetings time, date, and location as well as a general description of the proposal.
 - b. Such notice shall be mailed by the Village not less than ten (10) days prior to the date of the first community meeting. A community meeting notification sign shall be prominently posted by the Village in a conspicuous place at the property subject to rezoning not less than ten (10) days prior to the first community meeting.
 - c. All conceptual plans submitted for review during the community meeting process shall conform to all current Village Ordinances. In addition, a disclaimer statement shall be added to all community meeting notifications indicating that the proposed application and the conceptual plan in no way has been endorsed or approved by the Village of Wesley Chapel.

Village staff shall keep notes of citizen comments received during the community meetings. In addition, all input received at the meetings shall be recorded by the Village.

Following the first community meeting, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. Revised copies of the conceptual plan shall be submitted to the Planning Director for review and shall be discussed at the second community meeting.

Planning Director Review

The applicant shall schedule a meeting with the Planning Director upon initial submittal of the conditional rezoning application. The purpose of this meeting is to familiarize the Planning Director with the rezoning process and timeline and for the Planning Director to give initial thoughts and comments on the submittal. The Planning Director will inform Council and Planning Board of any application and provide to them a brief, detailing the application, discussions and his initial comments. The Planning Director shall give comments to the applicant within fifteen (15) days of submittal.

Following the second community meeting, the applicant will have an opportunity to finalize his application prior to its submittal to the Planning Board. The finalized application revised plan shall be submitted to the Planning Director no less than eighteen (18) days prior to the Planning Board meeting at which the conditional rezoning petition is to be heard.

3.5.2 Planning Board Review and Village Council Decision *(Added 04.13.15)*

The procedures for Planning Board recommendation and the Village Council's decision on the rezoning petition shall be as provided in Section 12.3.2 and 12.3.3 of this Ordinance.

Please insert Airport Overlay District Map here.