

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
June 22, 2009, 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, with Chairman John Grexa presiding.

Present: Chairman John Grexa, Members- Chuck Adams, Ray Davis, Stephen Keeney; Alternates - Sandi Bush, Bill Fairman (sat as regular member)

Absent: Alternate Shirley Wilson

Others Present: Cheryl Bennett, Clerk; Joshua Langen, Planning/Zoning Administrator

Citizens: Carol Mullis

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

1. Pledge and Invocation

Grexa led the pledge of allegiance, and Adams did the invocation.

2. Additions, Deletions and Approval of Agenda

Adams made a motion to approve the agenda, Davis seconded the motion.

The motion passed unanimously.

3. Approval of Minutes

Adams made a motion to approve the May 26, 2009 minutes, Fairman seconded the motion.

The motion passed unanimously.

4. Consider recommending zoning classifications for annexed parcels.

A list of annexed parcels was presented showing the proposed zoning to be applied. Parcels in neighborhoods like Silver Creek were developed under Union County smart growth, and they have smaller lots than normal R-40, so they would be zoned R-20. A two and one quarter acre parcel on Weddington Road was zoned R-20 in the County, and is proposed for R-20 Wesley Chapel zoning. Discussion was held on whether it should come in at R-40 or R-20. Bush read the definition of R-20 zoning from Article 3.2., saying R-20 zoning is limited to areas zoned by the county at R-20. Adams suggested that we change the ordinance to say if a parcel is zoned County R-20 but it is more than one acre, it will be zoned R-40 in Wesley Chapel. Fairman made a motion we use the proposed zoning from the zoning administrator except that 5402 Weddington Road be zoned R-40 with permission of the land owner. Keeney seconded the motion.

The motion passed unanimously.

5. Discussion of **Section 411. Homeowners' Associations Required** of the Village of Wesley Chapel Subdivision Ordinance

Langen presented the updated changes to Section 411 as follows. Discussion was held on the amendment, on how large a vote is required to change the HOA bylaws and on state law versus local ordinances.

Fairman made a motion to approve the changes to Section 411 as written below. Keeney seconded the motion.

The motion passed unanimously.

SECTION 411. Homeowners' Associations Required

~~411.1 New major subdivisions in which public or private streets are proposed or necessary shall establish a homeowners' association for the maintenance of improvements and common areas not dedicated to and accepted by a public authority for the purposes of maintenance. Improvements and common areas, that may be required by this Ordinance and that shall be maintained by the homeowners' association, include but are not limited to: streets not yet accepted into the public street system for maintenance by NCDOT, sidewalks, curbs and gutters, street lighting, and landscaped thoroughfare buffers. The homeowners' association also shall be responsible for maintenance of common improvements and common areas that are proposed by the subdivider for the benefit of all residents of the subdivision although not required by this Ordinance, including but not limited to entry signs, monuments, perimeter walls, entry gates and gatehouses, clubhouses, ponds and lakes including dams and other associated structures, and parking areas and driveways serving common areas.~~

New major subdivisions in which common areas are proposed and require maintenance, such as landscaping or mowing, as opposed to common areas which are to be left in a natural state, shall establish a homeowners' association for the maintenance of those common areas. New major subdivisions in which facilities requiring maintenance, such as private roads, pools, tennis courts, parks, facility parking, stormwater facilities beyond curb and gutter, and clubhouses, are proposed, shall establish a homeowner's association for the maintenance of those facilities. Subdivisions providing only Amenities, such as sidewalks, fountains, monument signs, street lighting, walls, gates and sculpture, are not required to be maintained through a homeowners' association and, therefore, a homeowners' association is not required.

411.2 The homeowners' association shall be organized and established as a legal entity prior to or as a part of the final plat approval and recording process. Membership in the homeowners' association shall be mandatory for each original purchaser of a residential lot within the subdivision ~~and each successive purchaser of such lot.~~ The homeowners' association shall be organized so that it has clear legal authority to maintain and exercise control over the required improvements, common areas

and facilities, as specified in Section 411.1, and not dedicated to and accepted by a public authority for the purposes of maintenance.

~~a) The homeowners' association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, and payment of assessments for public and private capital improvements made to or for the benefit of the common areas. It shall be further provided that: 1) upon default by the homeowners' association in the payment to the governmental authority of an ad valorem tax levied against the common areas or assessments for public improvements to the common areas; and, 2) should such default continue for a period of six (6) months; then, each owner of a residential lot in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then the sum shall become a continuing lien on the real property of the then owner, his heirs, devisees, personal representatives and assigns of such lot, and the taxing or assessing governmental authority may either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the real property of the owner.~~

~~b) The homeowners' association shall be empowered to levy assessments against the owners of residential lots within the development for the payment of expenditures made by the homeowners' association for the items set forth in the preceding subparagraph and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the residential lot of the owner.~~

ea) As a part of the final plat approval process, the developer shall submit to the Village the following documents, should an association be required, for review:

1. Proposed Articles of Incorporation for the association. Such Articles of Incorporation shall provide for homeowners control when over 50% of the lots are sold.
2. Proposed bylaws of the association. Such bylaws shall provide for annual meetings of the association, election of officers and distribution of an annual financial accounting to members.
3. Proposed annual budget of the association showing monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association and necessary capital

expenses.

4. Proposed restrictions and covenants for the common areas.

- ~~d.~~ **b)** All proposed common areas shall be designated on the subdivision plat as common areas to be held in separate ownership for the use and benefit of residents occupying residential lots in the subdivision. Should these common areas and facilities require maintenance, Approval of these common areas by the Village Council as part of the final plat approval process requires submission by the developer of restrictions and covenants that will govern the ownership, management, and maintenance of the common areas. The Village Council reserves the right to conditionally deny approval of final subdivision plats if it finds that the restrictions and covenants do not properly address issues of ownership, management and maintenance of common areas.
- c) Organization of homeowners' associations shall comply with all applicable North Carolina State Statutes. Homeowners' association bylaws shall not allow for the foreclosure of a home upon failure of a member homeowner to pay association dues or assessments or fines. A lien may be imposed to satisfy non-payment of dues, assessments and fines without interest and may only be satisfied behind debts from lending institutions at the time of sale of the property. Barring the use of any and all common ground, parks, pools and playgrounds located in the development for the negligent homeowner, until such assessments or dues are paid, is recommended as a potential option and will be monitored by the homeowners' association. Existing organization of homeowners' associations may choose to comply with all applicable NC State laws.

6. Review of Residential Stormwater/Flood Protection Ordinance Amendments

Council had a public hearing on these amendments at their last meeting, but did not take action at that time. Langen said all references to waivers had been taken out and the checklist has been inserted. He said a conditional use permit, a preliminary subdivision plat or a re-zoning would require a conceptual storm water management plan as spelled out in the amendment in sections 14.6.1 – 14.6.5. Fairman wondered if this would be an onerous burden at the preliminary stage. Grexa pointed out the problem at Underwood Road and how our hands were now tied. He noted the amendments were somewhat confusing to read because there were multiple layers of changes. Wetland language is being taken out of the flood ordinance because that ordinance only applies to land in the flood plain, and wetlands can apply to land that is not in the flood plain. Discussion was held on having a pre-conference with the zoning administrator, and a pre-conference with the Planning Board unless there was some denying factor. Then the applicant would come back with a complete application including a concept stormwater plan. Langen said he would see if it the language on a preliminary meeting would go best in this article or in the CUP checklist.

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Fairman made a motion to add that the applicants can have the opportunity to have a pre-application conference with the Planning Board in Article 14 before submitting a completed application. Davis seconded the motion.

The motion passed unanimously.

The proposed new Article 14 is as follows.

ARTICLE 14 ---DRAFT

DRAINAGE, STORM WATER MANAGEMENT, & WETLAND PROTECTION

Section 14.1 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Detention” means the temporary storage of storm water runoff in a stormwater management practice with the goals of controlling peak discharge rates and discharge volume

“Detention Facility” means a detention basin or alternative structure designed for the purpose of temporary storage of surface runoff and gradual release of stored water at controlled rates.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Drainage Easement” means an area of land dedicated for the purpose of conveying stormwater runoff by means of an open channel or drainage pipe.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Impervious Cover” means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, gravel surfaces, sidewalks, driveways, etc).

“Permanent Pond” means a man-made or natural stormwater impoundment which retains a permanent pool of water

“Runoff” means the excess precipitation from rain or snowfall, which flows over the ground.

“Storm Water Management” means the use of structural or non-structural practices that are designed to reduce storm water runoff discharge volumes, and/or peak flow discharge rates.

"Stormwater Management Facility" means any measure or practice that controls or reduces stormwater runoff volumes and/or peak flow discharge rates

Section 14.2 Lands to Which This Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ's), of the Village of Wesley Chapel. In addition, regulations governing floodplain management are included in Article ??, "Flood Damage Protection Ordinance".

Section 14.3 Natural Drainage System Utilized to Extent Feasible

To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing manmade drainage ways shall remain undisturbed. Determination of practicability will be made by the Village Engineer during Stormwater Management Concept Plan review, as required by Section 14.6.

To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing manmade drainage ways within subdivisions to eliminate the creation of lots that could only be built upon by altering such drainage ways. Determination of practicability will be made by the Village Engineer during Stormwater Management Concept Plan review, as required by Section 14.6.

Section 14.4 Developments Must Drain Properly

All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

- (1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan; or
- (2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from high adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

No surface water may be channeled or directed into a sanitary sewer.

Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or adjacent streets. Determination of practicability will be made by the Village Engineer during Stormwater Management Concept Plan review, as required by Section 14.6.

Private roads and access ways within non-subdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner, or if other sufficient reasons exist to require such construction.

Construction specifications for drainage swales, curbs and gutters, and storm drains shall be reviewed and approved by the Zoning Administrator with the assistance of the Village's Engineering Consultant, as necessary. All systems shall be designed in accordance with the Village of Wesley Chapel Stormwater Design Manual. Design of such systems shall be certified by a registered North Carolina professional engineer as an integral part of any permit application.

Section 14.5 General Standards for Stormwater Management

All developments shall be constructed and maintained so that properties are not unreasonably burdened with storm water runoff as a result of such developments. More specifically:

- (1) All nonresidential development and all major residential subdivisions shall provide storm water management facilities to control the peak stormwater runoff. Said facilities shall be designed to control the peak runoff from the 1, 2, 10, and 25 year, 24 hour storm events to pre-development levels, and shall safely pass the 50 and 100 year, 24 hour storm with minimum 0.5 feet of freeboard. Stormwater management facilities shall not be located within 10 feet of any property lines. Design of facilities shall be consistent with the Village of Wesley Chapel Stormwater Manual except as stated herein.
- (2) Minor residential subdivisions and individual single-family residences are exempt from requirements of this section.
- (3) Additions to existing non-residential structures that are over 50% of the existing floor area square footage will be subject to the requirements of this section.
- (4) All developments with existing impervious area that add impervious area (structural or non-structural), including demolition of existing structures for purposes of redevelopment, shall provide detention only for the newly added impervious area, in compliance with this section. **(REMOVED THE 20,000 SF THRESHOLD)**
- (5) Where stormwater management facilities are proposed to be constructed, the owners, heirs, assigns or successors of the land, **including any homeowners associations,** will agree to perpetual maintenance of the facility and will release and hold harmless the Village of Wesley Chapel from any liability, claims, demands, attorney's fees, and costs or judgments arising from said facility. At a minimum, the facility will be inspected by a registered North Carolina professional engineer on a yearly basis. The annual inspection report will be submitted by the owner to the Zoning Administrator for purposes of compliance. See Section 14.7 for further requirements.
- (6) An evaluation of any dam that is part of a stormwater management facility shall be made by the designer, in accordance with the Dam Safety Law of 1967, and submitted to the dam safety engineer for review, if required.
- (7) No certificate of occupancy or release of sureties will be issued for any development until:

- (a) A professional land surveyor has surveyed the as-built storm drainage and stormwater management facilities.
 - (b) Any required revised calculations based upon as-built conditions have been submitted and approved by the Village. Said revised calculations must be sealed by a registered North Carolina professional engineer.
 - (c) The facility has been stabilized consistent with the North Carolina Department of Environment and Natural Resources standards and specifications.
 - (d) The as-built survey, final calculations, and facility have been reviewed and inspected, and final approval has been given by the Village.
- (8) When a stormwater management facility serves more than one property, a permanent drainage easement that encompasses the facility shall be shown on a recorded plat, along with an access easement from the facility to a public right of way. This easement will be described by metes and bounds.
- (9) There will be a note placed on the recorded plat that clearly describes who is responsible for maintenance of the stormwater management facilities, pipes and/or channels located within the permanent facility.

Section 14.6 Requirements for Stormwater Management Plan Approval

14.6.1 Stormwater Management Plan Required for All Developments

No Conditional Use, Vested Rights, Rezoning, or Zoning application for Non-Residential Uses or Preliminary Subdivision Plat for Residential or Non-Residential Uses will be considered as complete unless it includes a stormwater management plan detailing in concept how runoff resulting from the development will be controlled or managed.

No Zoning Permit or Final Plat approval shall be issued until a satisfactory final stormwater management plan, ~~or a waiver thereof~~, shall have undergone a review and been approved by the Village after determining that the plan ~~or waiver~~ is consistent with the requirements of this ordinance.

All costs for the Village's engineering review of the storm water management concept plans and final plans shall be borne by the owner/developer.

14.6.2 Stormwater Management Concept Plan Requirements

A stormwater management concept plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future

development. To accomplish this goal, the information provided shall meet the submittal requirements outlined in the Concept Plan Submittal Checklist, Section 14.6.5, and the design requirements found in the Stormwater Design Manual and shall be included in the concept plan. The stormwater concept plan shall be signed by a licensed professional engineer. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments made must be addressed in a final stormwater management plan.

14.6.3 Final Stormwater Management Plan Requirements

After review of the stormwater management concept plan and modifications to that plan as deemed necessary by the Village, a final stormwater management plan must be submitted for approval. The final stormwater management plan, in addition to the information from the concept plan, shall include all of the information required in the Final Stormwater Management Plan checklist, Section 14.6.6, and the design requirements found in the Stormwater Design Manual, and shall be signed by a licensed professional engineer.

14.6.4 Performance Bond/Security

The Village of Wesley Chapel may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater management facilities are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 50%. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered North Carolina professional engineer that the detention facility has been installed in accordance with the approved plan and other applicable provisions of this ordinance.

14.6.5 Stormwater Management Concept Plan Checklist

The following items are required to be submitted for review of the Stormwater Management Concept Plan:

A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

Vicinity map

Topographic base map of the site at 1" = 200' which extends beyond the limits of the proposed development to include all offsite areas draining to the site, and which indicates existing surface

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water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown

Existing and proposed mapping and plans (recommended scale of 1" = 50'.) which illustrate at a minimum:

- Existing and proposed topography (minimum of 2-foot contours recommended)
- Perennial and intermittent streams
- Mapping of predominant soils from USDA soil surveys
- Boundaries of existing predominant vegetation and proposed limits of clearing and grading
- Location and boundaries of resource protection areas such as wetlands, lakes, ponds, and other setbacks (e.g., stream buffers, drinking water well setbacks, septic setbacks)
- Location of existing and proposed roads, buildings, and other structures
- Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements
- Proposed land use with tabulation of the percentage of surface area to be adapted to various uses
- Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains
- Flow paths
- Location of floodplain/floodway limits and relationship of site to upstream and downstream properties and drainages
- Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings
- Preliminary location, size, and limits of disturbance of proposed structural stormwater management practices

Engineering Analysis

Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with the Village of Wesley Chapel Storm Water Management ordinance and the specifications of the Stormwater Design Manual. More specifically, a hydrologic and hydraulic analysis including:

- Existing condition analysis for runoff rates, volumes, and velocities presented showing methodologies used and supporting calculations

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- Proposed condition analysis for runoff rates, volumes, and velocities showing the methodologies used and supporting calculations
- Preliminary analysis of potential downstream impact/effects of project, where necessary
- Preliminary selection and rationale for structural stormwater management practices
- Preliminary sizing calculations for structural stormwater management practices including, contributing drainage area, storage, and outlet configuration

Additional Information

Preliminary landscaping plans for structural stormwater management practices and any site reforestation or revegetation

Preliminary erosion and sediment control plan that at a minimum meets the requirements outlined in local Erosion and Sediment Control guidelines

Preliminary water quality treatment plan that at a minimum meets the requirements outlined by NCDENR Division of Water Quality

A written description of the required maintenance burden for any proposed stormwater management facility

14.6.6 Stormwater Management Final Plan Checklist

The following items are required to be submitted for review of the Stormwater Management Concept Plan:

Vicinity map

Existing and proposed mapping and plans (recommended scale of 1" = 50' or greater detail) which illustrate at a minimum:

- Existing and proposed topography (minimum of 2-foot contours recommended)
- Perennial and intermittent streams
- Mapping of predominant soils from USDA soil surveys as well as location of any site-specific borehole investigations that may have been performed.
- Boundaries of existing predominant vegetation and proposed limits of clearing
- Location and boundaries of resource protection areas such as wetlands, lakes, ponds, and other setbacks (e.g., stream buffers, drinking water well setbacks, septic setbacks)
- Location of existing and proposed roads, buildings, and other structures

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- Location of existing and proposed utilities (e.g., water, sewer, gas, electric) and easements
- Proposed land use with tabulation of the percentage of surface area to be adapted to various uses
- Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains
- Flow paths
- Location of floodplain/floodway limits and relationship of site to upstream and downstream properties and drainages
- Location and dimensions of proposed channel modifications, such as bridge or culvert crossings
- Location, size, maintenance access, and limits of disturbance of proposed structural stormwater Management practices

Representative cross-section and profile drawings and details of structural stormwater Management practices and conveyances (i.e., storm drains, open channels, swales, etc.) which include:

- Existing and proposed structural elevations (e.g., invert of pipes, manholes, etc.)
- Design water surface elevations
- Structural details of outlet structures, embankments, spillways, stilling basins, grade control structures, conveyance channels, etc.
- Logs of borehole investigations that may have been performed along with supporting geotechnical report.

Hydrologic and hydraulic analysis for all structural components of stormwater system (e.g., storm drains, open channels, swales, Management practices, etc.) for applicable design storms including:

- Existing condition analysis for time of concentrations, runoff rates, volumes, velocities, and water surface elevations showing methodologies used and supporting calculations
- Proposed condition analysis for time of concentrations, runoff rates, volumes, velocities, water surface elevations, and routing showing the methodologies used and supporting calculations
- Final sizing calculations for structural stormwater Management practices including, contributing drainage area, storage, and outlet configuration. Provide calculation summary on the Village of Wesley Detention Worksheet found in the Storm Water Design Manual.

- Stage-discharge or outlet rating curves and inflow and outflow hydrographs for storage facilities (e.g., stormwater ponds and wetlands)
- Final analysis of potential downstream impact/effects of project, where necessary
- Dam breach analysis, where necessary

Soils information, if a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins). The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

Final landscaping plans for structural stormwater Management practices and any site reforestation or revegetation

Structural calculations, where necessary

Applicable construction specifications

Erosion and sediment control plan that at a minimum meets the requirements of the local Erosion and Sediment Control Guidelines

Water quality treatment plan that at a minimum meets the requirements outlined by NCDENR Division of Water Quality

Sequence of construction

Maintenance plan which will include:

- Name, address, and phone number of responsible parties for maintenance.
- Description of annual maintenance tasks
- Description of applicable easements
- Description of funding source
- Minimum vegetative cover requirements
- Access and safety issues
- Testing and disposal of sediments that will likely be necessary

Evidence of acquisition of all applicable local and non-local permits

Evidence of acquisition of all necessary legal agreements (e.g., easements, inspection and maintenance agreements, covenants, land trusts)

Section 14.7 Maintenance of Stormwater Facilities

14.7.1 General Standards for Maintenance

The owner, its successors and assigns, **including any homeowners association**, of a stormwater management facility installed pursuant to this ordinance shall maintain and operate the practice so as to preserve and continue its function in controlling storm water **runoff** at the degree or amount of function for which the facility was designed.

14.7.2 Operation and Maintenance Agreement

All stormwater management facilities shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the facilities, and to perform routine maintenance as necessary to ensure proper functioning of the facility. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all facilities shall be secured prior to issuance of any permits for land disturbance activities.

At the time that as-built plans are provided to the Zoning Administrator as described in Section 14.6.4 and prior to final approval of a project for compliance with this ordinance, but in all cases prior to placing the stormwater management facility in service, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all current and subsequent owners of the site, including any homeowners associations, portions of the site, and lots or parcels served by the facility.

Failure to execute an operation and maintenance agreement within the time frame specified by the Zoning Administrator may result in assessment of penalties as specified in Section **14.8**, Violations and Enforcement. Until the transference of all property, sites, or lots served by the stormwater management facility, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement. At the discretion of the Zoning Administrator, certificates of occupancy may be withheld pending receipt of an operation and maintenance agreement. The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the facility, and shall state the terms, conditions, and schedule of maintenance for the facility. In addition, it shall grant to the Village of Wesley Chapel a right of entry in the event that the Zoning Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the facility; however, in no case shall the right of entry, of itself, confer an obligation on the Village of Wesley Chapel to assume responsibility for the facility. The operation and maintenance agreement **shall** be referenced on the final plat and shall be recorded by the applicant or owner with the Union County Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Zoning Administrator within fourteen (14) days following its recordation.

14.7.3 Maintenance Easement

Prior to approval of the Final Stormwater Management Plan, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land, including any homeowners associations, served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Wesley Chapel, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded in the Union County Register of Deeds land records.

14.7.4 Inspections

The person responsible for maintenance of any stormwater management facility installed pursuant to this ordinance shall submit to the Zoning Administrator an annual inspection report from a qualified registered North Carolina professional engineer performing services only in their area of competence. The inspection report shall contain all of the following:

1. The name and address of the land owner;
2. The recorded book and page number of the lot of each stormwater management facility;
3. A statement that an inspection was made of all stormwater management facilities
4. The date the inspection was made;
5. A statement that all inspected stormwater facilities are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and
6. The original signature and seal of the engineer. An original inspection report shall be provided to the Zoning Administrator beginning one year from the date of as-built certification and each year thereafter on or before the anniversary date of the as-built certification.

14.7.5 Records of Installation and Maintenance Activities

The owner, its successors and assigns, **including any homeowners association**, of each storm water management facility shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Zoning Administrator.

14.7.6 Nuisance

The owner, its successors and assigns, **including any homeowners association**, of each stormwater management facility shall maintain it so as not to create a nuisance condition.

Section 14.8 Violations and Enforcement

14.8.1 General

The provisions of this ordinance shall be enforced by the Zoning Administrator, his or her designee, or any authorized agent of the Village of Wesley Chapel. Whenever this Section refers to the Zoning Administrator, it includes his or her designee as well as any authorized agent of the Village of Wesley Chapel.

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.

~~Each day that a violation continues shall constitute a separate and distinct violation or offense.~~

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, detention facility, stormwater management facility, practice, or condition in violation of this ordinance, as well as any person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this Section. For the purposes of this article, responsible person(s) shall include but not be limited to:

1. **Person Maintaining Condition Resulting In or Constituting Violation**
Any person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.
2. **Responsibility For Land or Use of Land**
The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for storm water management practices pursuant to a private agreement or public document, and any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

14.8.2 Inspections and Investigations

Inspections by the Village of Wesley Chapel may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in detention facility; and evaluating the condition of detention facility.

The Zoning Administrator shall have the authority to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting. No Person shall refuse entry or access to the Zoning Administrator who requests entry for purpose of inspection or investigation, and who presents appropriate credentials, nor shall any Person obstruct, hamper, or interfere with the Zoning Administrator while in the process of carrying out official duties. The Zoning Administrator shall also have the power to require written statements, or the filing of reports under oath as part of an investigation.

When the Zoning Administrator finds that any building, structure, or land is in violation of this ordinance, he or she shall notify in writing the responsible person/entity. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation occurred or is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. The notice shall, if required, specify a date by which the responsible person/entity must comply with this ordinance, and advise that the responsible person/entity is subject to remedies and/or penalties or that failure to correct the violation within the time specified will subject the responsible person/entity to remedies and/or penalties as described in ~~Section 14.8.3~~ Section 1.5 of this ordinance. ~~In determining the measures required and the time for achieving compliance, the Zoning Administrator shall take into consideration the technology and quantity of work required, and shall set reasonable and attainable time limits. The Zoning Administrator may deliver the notice of violation and correction order personally, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.~~

~~If a violation is not corrected within a reasonable period of time, as provided in the notification, the Zoning Administrator may take appropriate action, as provided in Section 14.8.3, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this ordinance.~~

~~A responsible person/entity who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Zoning Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the responsible person/entity requesting the extension, the Zoning Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 60 days. The Zoning Administrator may grant 30 day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the responsible person/entity violating this ordinance. The Zoning Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.~~

~~Penalties may be assessed concurrently with a notice of violation for any of the following in which case the notice of violation shall also contain a statement of the~~

~~civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt:~~

- ~~1. Failure to submit a storm water management plan.~~
- ~~2. Performing activities without an approved storm water management plan.~~
- ~~3. Obstructing, hampering or interfering with an authorized representative who is in the process of carrying out official duties.~~
- ~~4. A repeated violation for which a notice was previously given on the same project and to the same responsible person/entity responsible for the violation.~~
- ~~5. Willful or negligent violation of this ordinance.~~
- ~~6. Failure to install or maintain best management practices per the approved plan.~~

~~After the time has expired to correct a violation, including any extension(s) if authorized by the Zoning Administrator, the Zoning Administrator shall determine if the violation is corrected. If the violation is not corrected, the Zoning Administrator may act to impose one or more of the remedies and penalties authorized by Section 14.8.3.~~

~~If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Zoning Administrator may order the immediate cessation of a violation. Any Person so ordered shall cease any violation immediately. The Zoning Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty specified in Section 14.8.3.~~

~~14.8.3 Remedies and Penalties~~

~~The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.~~

~~a. Remedies~~

- ~~1. Withholding of Certificate of Occupancy~~

~~The Zoning Administrator or other authorized agent may refuse to issue a certificate of occupancy or any other applicable permit issued by the Village for the building or other improvements constructed or being constructed on the site and served by the storm water practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.~~

~~2. Disapproval of Subsequent Permits and Development Approvals~~

~~As long as a violation of this ordinance continues and remains uncorrected, the Zoning Administrator or other authorized agent may withhold, and the Village of Wesley Chapel may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the zoning, subdivision, and/or building regulations, as appropriate for the land on which the violation occurs.~~

~~3. Injunction, Abatements, etc.~~

~~The Zoning Administrator, with the written authorization of the Village Mayor may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.~~

~~4. Correction as Public Health Nuisance, Costs as Lien, etc.~~

~~If the violation is deemed dangerous or prejudicial to the public health or public safety as provided in North Carolina General Statute 160A193, the Zoning Administrator, with the written authorization of the Village Mayor, may cause the violation to be corrected and the costs to be assessed as a lien against the property.~~

~~5. Stop Work Order~~

~~The Zoning Administrator may issue a stop work order to the Person(s) violating this ordinance. The stop work order shall remain in effect until the Person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The stop work order may be withdrawn or modified to enable the Person to take the necessary remedial measures to correct such violation or violations.~~

~~6. Restoration of Areas Affected by Failure to Comply~~

~~By issuance of an order of restoration, the Zoning Administrator may require a Person(s) who engaged in a land development activity and failed to comply with this ordinance to restore the waters and land affected by such failure so as to minimize the detrimental effects of the resulting pollution. This authority is in addition to any other civil penalty or injunctive relief authorized under this ordinance.~~

~~b. Civil Penalties~~

~~1. Violations of Ordinance~~

~~A violation of any of the provisions of this ordinance or rules or other orders adopted or issued pursuant to this ordinance may subject the violator to a civil penalty. A civil penalty may be assessed from the date the violation occurs. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation except as provided in Section 14.8.2 of this ordinance in which case the penalty is assessed concurrently with a notice of violation. Refusal to accept the notice or failure to notify the Zoning Administrator of a change of address shall not relieve the violator's obligation to comply with this ordinance or to pay such a penalty.~~

~~2. Amount of Penalty~~

~~The maximum civil penalty for each violation of this ordinance is \$5,000.00. Each day of continuing violation shall constitute a separate violation. In determining the amount of the civil penalty, the Zoning Administrator shall consider any relevant mitigating and aggravating factors including, but not limited to, the effect, if any, of the violation; the degree and extent of harm caused by the violation; the cost of rectifying the damage; whether the violator saved money through noncompliance; whether the violator took reasonable measures to comply with this ordinance; whether the violation was committed willfully; whether the violator reported the violation to the Zoning Administrator; and the prior record of the violator in complying or failing to comply with this ordinance or any other postconstruction ordinance or law. The Zoning Administrator is authorized to vary the amount of the per diem penalty based on relevant mitigating factors. Civil penalties collected pursuant to this ordinance shall be credited to the Village of Wesley Chapel's general fund as nontax revenue.~~

~~3. Notice of Assessment of Civil Penalty~~

~~The Zoning Administrator shall determine the amount of the civil penalty and shall notify the violator of the amount of the penalty and the reason for assessing the penalty. This notice of assessment of civil penalty shall be served by any means authorized under North Carolina General Statute 1A1, Rule 4 and shall direct the violator to either pay the assessment or file an appeal within 30 days of receipt of the notice as specified below.~~

~~4. Failure to Pay Civil Penalty Assessment~~

~~If a violator does not pay a civil penalty assessed by the Zoning Administrator within 30 Days after it is due, or does not request a hearing as provided below, the Zoning Administrator shall request the initiation of a civil action, including the filing of a lis pendens, to recover the amount of the assessment. The civil action shall be brought in Union County Superior Court or in any other court of competent jurisdiction. A civil action must be filed within three (3) years of the date the assessment was due. An assessment that is appealed is due at the conclusion of the administrative and judicial review of the assessment.~~

5. ~~Appeal of Remedy or Penalty~~

~~The issuance of an order of restoration and/or notice of assessment of a civil penalty by the Zoning Administrator shall entitle the responsible party or entity to an appeal before the Board of Adjustment or other applicable body for the Village of Wesley Chapel if such Person submits written demand for an appeal hearing within 30 days of the receipt of an order of restoration and/or notice of assessment of a civil penalty. The appeal of an order of restoration and/or notice of assessment of a civil penalty shall be conducted as described in **Section 205** of this ordinance.~~

~~c. Criminal Penalties~~

~~Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.~~

Section 14.9 Wetlands

All developments shall fully comply with the State and Federal requirements of Sections 401 and 404 of the Clean Water Act, related to the protection of wetlands and surface waters. All developments shall obtain any required permits from the United States Army Corps of Engineers, pursuant to section 404 before submitting a permit application.

When required, water quality certifications must also be obtained from the North Carolina Department of Environment and Natural Resources, Division of Water Quality, pursuant to section 401 of the Clean Water Act before submitting a permit application.

Persons desiring to develop property shall be solely responsible for providing the Village with information and/or documentation demonstrating conclusively the proposed development will not unreasonably infringe, alter, or harm wetlands. If, in the sole opinion of the Zoning Administrator, any impact to wetlands may occur as a result of a proposed development, the applicant may be required to provide additional documentation that all applicable Federal and State requirements have been met for any specified areas in question before the permit application is further processed.

Section 14.10 Pond Evaluation

All preliminary plats that include proposed permanent ponds, and all preliminary plats that include stormwater runoff to any existing permanent ponds, shall be subject to the review of the state dam safety engineer. An evaluation of the pond dam shall be made by the designer, in accordance with the Dam Safety Law of 1967, and submitted to the dam safety engineer for review.

All proposed ponds shall be designed and constructed to safely withstand the ~~50~~ 100-year storm with a minimum of ~~0.50 feet~~ one foot (1') of freeboard at the dam. Design calculations shall include the assumption of future buildout of the drainage basin.

~~All existing ponds shall be evaluated and rehabilitated as necessary to ensure that the ponds will safely withstand the 50-year storm with a minimum of 0.50 feet of freeboard at the dam. Design calculations shall include the assumption of future buildout of the drainage basin.~~

Section 14.11 Effective Date

This ordinance shall become effective _____.

Langen asked if the Board would approve the stormwater amendments. Bennett noted it is just an amendment to the ordinance, so it should not have the effective date clause (Section 14.11). Board members said they did not receive a flood damage prevention ordinance amendment, Langen said it is what they had before but without the Section on Ponds, Stormwater, and Wetlands (Sections E, F and G). Grexa said they would want to see it in writing before approving it. Grexa read those sections aloud. Those sections from the Flood Ordinance will become 14.8, 14.9 and 14.10 in the zoning ordinance. Grexa said he remembered there being questions on the dam safety parts. Langen said he called the engineer and she said we didn't have any dams big enough to trigger the dam safety law. There were questions on the size that was large enough, and noted that the State does have the dam across from Price Mill on their inventory. Adams asked about the wording regarding damage or substantial damage; if it causes any damage a property owner would not like it. Bush said that is why we are adding all this language. Bush found where the document had been sent to the Planning Board for the special meeting on June 2, but not this meeting. The Flood Ordinance will have a new title "Flood Damage Prevention Ordinance". Bennett noted there was still no definition for "freeboard". Langen noted the flood ordinance no longer uses that term; the new term used is base flood elevation. He will ask the engineer again.

Keeney made a motion to approve the changes to the flood ordinance as presented, along with the recommendation on the pre-conference with Planning Board. Fairman seconded the motion.

The motion passed unanimously.

The proposed change is to delete Sections E, F and G from the Flood Ordinance, and add the above Article 14 to the Zoning Ordinance.

Bennett said when the changes are made by Council, and it becomes law, she will bring copies for the Board members.

7. Review of proposed Mobile Vendor/Sidewalk Sale Amendment to Zoning Ordinance

Grexia asked about there being two separate classifications, Bennett said there are two - sections 4.7.5 and 4.7.6., one is for 3 days and one is for 45 days. Grexa asked if the vendor on Highway 84 met these provisions. Langen said he had contacted the vendor, he has not heard back from him; once this is approved by Council the vendor would have to apply for a permit. Langen said he did not think this would preclude the vendor from operating, although there is some discretion for the Zoning Administrator to approve or disapprove the parking plan. Langen said he had offered to the vendor to co-sponsor the

amendment as a matter of courtesy, he never paid a fee to co-sponsor the amendment or filled out any paperwork. The vendor did not attend any of these meetings or inquire as to the progress on this amendment. Fairman asked about the process if the vendor did not meet the amendment; Langen said a violation letter would be sent, and if the violation is not fixed a fine could be levied. Bennett noted generally if the citizen made some attempt to come into compliance, the Zoning Administrator has waived the fine. Adams thought we should get a copy to the vendor before we approve this.

Davis made a motion to accept these changes; Fairman seconded the motion.

The motion passed 4-1, with Adams voting nay.

The amendment is as follows:

Section 2.2 Definitions of Specific Terms and Words.

Mobile Vendor

A person who sells retail merchandise, food or beverages, to the public from any vehicle, which is designed to be readily movable and located within the boundaries of the Village. Mobile vendors include pushcarts, mobile kitchens, hot dog carts, pretzel wagons, or similar uses. Foods are limited to prepackaged food unless the unit is equipped and approved to handle food preparation. All vendors shall comply with all applicable State and County Health Department requirements.

Restaurant, Drive-in/Drive-Through

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises or for delivery. Unlike a fast food restaurant, a drive-in/drive-through restaurant does not contain any indoor customer dining areas. Drive-in/drive-through restaurants can have orders taken from customers from centrally located drive-in windows or from an individual outdoor calling station and shall be associated with a principal building.

Sidewalk/Special Sales Events

A temporary event where a commercial business, religious institution, non-profit organization, charitable organization, or public entity engages in the sponsoring of ~~an~~ a promotion or activity for the purpose of selling or offering merchandise, food and/or entertainment beyond the normal retail or display space of the sponsoring entity.

Section 4.7 Temporary Structures and Uses

Temporary structures and uses, when in compliance with all applicable provisions of this Ordinance and all other ordinances of the Village of Wesley Chapel, shall be approved by the Zoning Administrator who shall issue a permit for such approval. The following temporary structures and uses shall be permitted:

- 4.7.1** In the event of a disaster, the result of which would require the rebuilding of a dwelling, the owner and his family may occupy a manufactured home on the property. The permit shall be issued for a six (6) month period and may be renewed by the Village Council provided that construction has proceeded in a diligent manner.
- 4.7.2** Manufactured homes, construction trailer and temporary buildings not for residential purposes when used by a contractor for field offices and storage during the building of structures on the same site or subdivision are permitted. The permit shall be issued for a six (6) month period and may be renewed by the Village Council provided that the construction has proceeded in a diligent manner.
- 4.7.3** Turkey shoots, sales of Christmas trees, 4-H shows, and charitable uses of a limited nature and for a limited time may be allowed, but shall be specifically permitted. Each such permit shall be for a period of time as determined by the Zoning Administrator, but not to exceed forty-five (45) days without the specific approval of the Village Council.
- 4.7.4** Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are allowable, but shall be specifically permitted. Such permits shall be issued by the Zoning Administrator for a period of one (1) year, and are renewable for a period of time as determined by the Village Council, provided the development is being actively marketed. At the completion of the sales in a tract, the temporary structure(s) shall be removed, and any permanent structure(s), temporarily used as a sales office shall be used only for a purpose otherwise permitted in that district.
- 4.7.5** Sidewalk/Special Sales Events shall not be located within public right-of-way, shall not obstruct ingress/egress to a parking area, shall be held with permission of the property owner, shall not operate beyond the operating hours of the sponsoring entity or between 5:00 am and 11:00 pm (whichever is more restrictive), shall provide adequate restroom facilities and shall be specifically permitted. A Temporary Use Permit shall be issued to the sponsoring entity by the Zoning Administrator, if approved, for a period of three (3) days and shall include any additional conditions deemed appropriate by the Zoning Administrator. The permit shall authorize all participating mobile vendors, however, mobile vendors are required to adhere to all applicable regulations in Section 4.7.6.
- 4.7.6** Mobile Vendor. No mobile vendor shall be installed, maintained, or operated in any zone unless the standards and requirements set forth in this Section are complied with and maintained. Mobile vendors are allowed only in commercial and industrial zones or any zone on Village of Wesley Chapel-owned property or non-profit institutional property, subject to the approval of a Temporary Use

Permit by the Zoning Administrator. Such a Temporary Use Permit shall include any conditions appropriate to assure compliance of the requirements of this section, shall be limited to ~~ninety (90)~~ forty five (45) days in duration and may include additional conditions and requirements that are found appropriate to assure the use will not be detrimental to health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood:

- (a) Every mobile vendor shall be a temporary day-to-day use and all equipment, including any stand, cart, table, or vehicle, shall be removed at the end of each sales day, excepting those vendors associated with a sidewalk/special sales event where removal of equipment is not customary.
- (b) Every operator of a mobile ~~food~~ vending operation shall have written permission from the property owner or lessee of property on which the vendor is located, a copy of which shall be filed with the operators' application. The operator shall also have a copy of the permission statement required by these provisions at the vendor location for inspection upon request by any person authorized to enforce the provisions of this Section.
- (c) No activities relating to the operation of a mobile vendor, including customer parking, shall occur, without express permission from the property owner
- (d) All stands, carts, vehicles, and display of merchandise shall be set back not less than ten (10) feet from any property line.
- (e) No mobile vendor, stand, cart, vehicle, merchandise, or parking area shall be located which restricts the visibility of vehicles along any adjacent streets or of vehicles entering or exiting the site.
- (f) One temporary/portable sign shall be allowed, not to exceed six (6) square feet in area, and shall be removed when vendor has completed daily sales activity. No sign shall obstruct view of bicyclists or motorist using any street, private driveway, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device or signal.
- (g) No food items shall be prepared and/or sold for immediate consumption on site, except for sidewalk/special sales events.
- (h) Only one vendor at a time may conduct business on any parcel of property, except commercial shopping center properties or sidewalk/special sales events.
- (i) At least one trash receptacle shall be provided on-site.
- (j) Shall not operate beyond the operating hours of the property owner/associated business entity or between 5:00 am and 11:00 pm (whichever is more restrictive),
- (k) Sale of produce is permitted only in accordance with applicable State of North Carolina laws.
- (l) The area used for sales or display of merchandise by the temporary concession shall be limited to 300 square feet. Such area shall be

identified on the Use Permit and the Use Permit shall be valid only for the area so identified.

- (m) A parking plan shall be submitted by the applicant and approved by the Zoning Administrator to ensure adequate access, circulation, capacity and safety.

Section 5 Table of Uses

Delete “Restaurant, Carry-Out and Deliver” from Table of Uses, as “Restaurant with Drive-In/Drive-Through” definition would cover this use.

8. Topics to Discuss at Next Meeting

Grexa said he was leaving CVS heading for BB&T, and people are coming in and going out, and neither side has a stop sign. Also you can't see when exiting BB&T because of the hill on Waxhaw Indian Trail Road. Grexa asked if we would like to discuss Article 3.2 about parcels coming into the village; and also look at the requirements for annexing into the village. Carol Mullis said the changes to the Table of Uses on recreation were discussed by Council, but they didn't have anyone from Planning Board to explain the reasoning. Bennett said she sent Council copies of the minutes from the meeting where it was initially approved, and also from the meeting where it was disapproved; they tried to discern what Planning Board was thinking, and Planning Board was trying to figure out why the amendment was proposed. Grexa noted we used to have more members of Council attend our meetings, and he is willing as Chair to go to their meeting to explain recommendations. More specifics in the recommendations would be helpful also.

9. Other Business

It was noted that Jimmy Allison is no longer on the board.

10. Adjournment

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

The motion was approved unanimously.

The meeting was adjourned at 9:30 pm.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chairman John Grexa