

VILLAGE OF WESLEY CHAPEL
SPECIAL COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
December 17, 2018 – 6:00 PM

The Village Council of Wesley Chapel, North Carolina met in the Town Hall at 6490 Weddington Road, Wesley Chapel North Carolina.

Council Present: Mayor Horvath, Mayor Pro Tem Kaperonis, Council Members Como, Rodriguez and Fuller

Others Present: Clerk/Finance Officer Cheryl Bennett, Planning and Zoning Administrator Robyn Byers Ph.D.

1. Pledge of Allegiance, Invocation

Mayor Horvath led the Pledge of Allegiance and Council Member Rodriguez gave the invocation.

2. Consider vote on Ordinance 2018-12 to adopt text amendment regarding Essential Services Class V

Changes were made to the ordinance to make side and rear yard setbacks consistent, and to add to Article 156.089, (M) Additional Review Criteria, sections 2 and 8 regarding noise levels.

Council Member Como motioned to approved Ordinance 2018-12, incorporated herein, with the statement of reasonableness that the proposed text amendment is reasonable since it will add a new class of essential service that reflects new technology for solar electric generation, and the amendment will allow the zoning ordinance to remain relevant, and the statement of consistency that the proposed text amendment is consistent with the Future Land Use Plan as it is incorporated into all zoning districts equally as a conditional use. Council Member Fuller seconded the motion.

Mayor Pro Tem Kaperonis questioned how much we will open this up to, and is this the right direction for us to go. Mayor Horvath said the experts were clear there are a number of conditions, they must be on more than five acres, and near a main trunk line. They do twenty year leases and return the property to its original state at the end of the lease. Our roads do not support the Village's needs, and homes would add to that. It is not really an eyesore and there is a screening requirement, and it gives landowners another option.

The motion was voted on and passed 3-1 with Kaperonis voting nay.

**Village of Wesley Chapel, North Carolina Ordinance 2018-12
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING SOLAR
POWER GENERATING FACILITIES**

THAT WHEREAS, the Village of Wesley Chapel has considered amending the Village’s Zoning Ordinance regarding regulations pertaining to solar power generating facilities; and

WHEREAS, a public hearing was conducted on the matter at the Village Council’s December 10th, 2018 meeting; and

WHEREAS, the Village Council considered and heard comments on the proposed text amendment;

NOW THEREFORE BE IT RESOLVED THAT THE VILLAGE OF WESLEY CHAPEL ZONING ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

1. Article 156.005 (C), DEFINITIONS, of the Zoning Ordinance is hereby amended by **adding** the following in alphabetical order:

Solar Power Generating Facility. Utilizes ground mounted solar panels with associated substation, battery storage, transmission and distribution system for electricity generation.

Under “Essential Services”

Essential Services Class V. Solar power generation facility including associated substation, transmission and distribution systems, battery/energy storage containers, for connection to the electric grid system. The designation would apply to a facility generating electric power in excess of 500kw or 0.5mw.

2. Changes to the “Table of Uses” Section 156.060 of the Zoning Ordinance is amended as follows:

Insert new in matrix

USE	SUPPLEMENTAL REGULATION SECTION NUMBER	R-80	R-60	RA -40	R- 40	RA- 20	R- 20	B- 1	B- 2	L- 1	O- I
Essential Services Class V	156.089	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs

3. Article 156.061, R-80 Single-Family District; Yard Regulations, is hereby amended by **adding** the following:

- (A) Minimum front yard setback (Except as provided in §156.105 through 156.113 of this chapter)
Essential Services Class V – 100 feet from the edge of the existing pavement for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.

- (D) Minimum side yard setback
Essential Services Class V – 100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (E) Minimum rear yard setback
Essential Services Class V – 100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (F) Maximum Building Height
Essential Services Class V – 20 feet

4. Article 156.062, R-60 Single-Family District; Yard Regulations, is hereby amended by **adding** the following:

- (A) Minimum front yard setback (Except as provided in §156.105 through 156.113 of this chapter)
Essential Services Class V – 100 feet from the edge of the existing pavement for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (D) Minimum side yard setback
Essential Services Class V – 100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (E) Minimum rear yard setback
Essential Services Class V – 100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (F) Maximum Building Height
Essential Services Class V – 20 feet

5. Article 156.063, R-40, RA-40 Single-Family Districts; Yard Regulations, is hereby amended by **adding** the following:

- (A) Minimum front yard setback (Except as provided in §156.105 through 156.113 of this chapter)
Essential Services Class V – 100 feet from the edge of the existing pavement for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (D) Minimum side yard setback
Essential Services Class V – 100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.

- (E) Minimum rear yard setback
Essential Services Class V – 100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (F) Maximum Building Height
Essential Services Class V – 20 feet

6. Article 156.064 R-20, RA-20 Single-Family Districts; Yard Regulations, is hereby amended by **adding** the following:

- (A) Minimum front yard setback (Except as provided in §156.105 through 156.113 of this chapter)
Essential Services Class V – 100 feet from the edge of the existing pavement for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (D) Minimum side yard setback
Essential Services Class V – 100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (E) Minimum rear yard setback
Essential Services Class V – 100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.
- (F) Maximum Building Height
Essential Services Class V – 20 feet

7. Article 156.065 (A) General Business District B-1; Yard Regulations, is hereby amended by **adding** the following:

Maximum building height

Essential Services Class V – 20 feet

Minimum front yard setback

Essential Services Class V – 100 feet from the edge of the existing pavement for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.

Minimum rear yard setback

Essential Services Class V – 100 feet from the property line for placement of any solar power generating facility and 50 feet from the property line for placement of the security fences.

Minimum side yard setback

Essential Services Class V – 100 feet from the property line for placement of any solar power generating facility and 50 feet from the property line for placement of the security fences.

8. Article 156.066 (B) Shopping Center District B-2; Yard Regulations, is hereby amended by **adding** the following:

Maximum building height

Essential Services Class V – 20 feet

Minimum front yard setback

Essential Services Class V – 100 feet from the edge of the existing pavement for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.

Minimum rear yard setback

Essential Services Class V – 100 feet from the property line for placement of any solar power generating facility and 50 feet from the property line for placement of the security fences.

Minimum side yard setback

Essential Services Class V – 100 feet from the property line for placement of any solar power generating facility and 50 feet from the property line for placement of the security fences.

9. Article 156.067 (A) Light Industrial District L-1; Yard Regulations, is hereby amended by **adding** the following:

Maximum building height

Essential Services Class V – 20 feet

Minimum front yard setback

Essential Services Class V – 100 feet from the edge of the existing pavement for placement of any solar power generating facility; 50 feet from property line for placement of the security fences.

Minimum rear yard setback

Essential Services Class V – 100 feet from the property line for placement of any solar power generating facility and 50 feet from the property line for placement of the security fences.

Minimum side yard setback

Essential Services Class V – 100 feet from the property line for placement of any solar power generating facility and 50 feet from the property line for placement of the security fences.

10. Article 156.0688 (A) Office-Institutional District O-I; Yard Regulations, is hereby amended by **adding** the following:

Maximum building height

Essential Services Class V – 20 feet

Minimum front yard setback

Essential Services Class V – 100 feet from the edge of the existing pavement for placement of any solar power generating facility; 50 feet from property line for placement of the security fence.

Minimum rear yard setback

Essential Services Class V – 100 feet from the property line for placement of any solar power generating facility and 50 feet from the property line for placement of the security fences.

Minimum side yard setback

Essential Services Class V – 100 feet from the property line for placement of any solar power generating facility and 50 feet from the property line for placement of the security fences.

11. Article 156.089, Additional Review Criteria, is hereby amended by **adding** the following:

(M) *Essential services - Class V*

- (1) All structures, related facilities and storage shall be screened from all abutting properties in accordance with Section 156.126.
- (2) Structures, related facilities and storage shall be reasonably located on the property so as to reasonably mitigate any visual or noise impact on/to abutting properties.
- (3) Dedicated access and service road to facilities as well as use by emergency services, from a public street.
- (4) Documented Safety and disaster mitigation plan and training for public safety services.
- (5) Existing vegetation should remain in the required setbacks to the greatest extent possible on all property sides.
- (6) Submit a description of the route to be utilized for the transmission and distribution system to connect the facility to the electric grid.
- (7) Submit a written maintenance plan and a process plan to decommission and remove the solar power generating facility from the property. Property must be restored to pre-installation conditions within twelve (12) months after facility cession of operation.
- (8) Noise levels shall be compatible with the existing area noise background levels. The applicant/developer is to provide existing decibel noise levels for property and

proposed decibel noise levels result from the project. Project shall not generate an excess of ten db(A) beyond daytime existing noise levels and shall not in any case generate more than 70 db(A), as measured from adjacent property lines.

12. Article 156.126, Screening and Landscaping, is hereby amended by **adding Class V** to the following:

156.126 (A) (7) (c) If a berm is used as a screen for an essential services, Class II or V use, the backside of the berm can be up to a two to one (2:1) slope.

156.126 (K) (2) Class II, III, and V: minimum buffer width 30 feet, to be increased according to the table above for properties greater than five (5) acres, plus seven (7) medium maturing trees per 100 feet and seven (7) small maturing trees or 20 shrubs per 100 feet, in two (2) staggered rows, as measured from essential service facilities and associated parking, or an acceptable landscaping plan as part of the conditional use process.

Adopted this 17th day of December, 2018.

Mayor Brad S. Horvath

Attest:

Cheryl Bennett, Village Clerk

3. Adjournment

Council Member Como motioned to adjourn; Council Member Rodriguez seconded the motion. The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath