

VILLAGE OF WESLEY CHAPEL  
COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
May 13, 2019 – 7:00 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, Attorney George Sistrunk, Planning and Zoning Administrator Robyn Byers Ph.D.

**Standing Items**

1. Call to Order, Pledge of Allegiance, Invocation *Time Stamp 0:18*

Mayor Horvath led the Pledge of Allegiance and the invocation was given.

2. Public Comments; - none *Time Stamp: 1:09*

3. Additions, Deletions and Adoption of Agenda *Time Stamp 1:51*

Two items were added to the agenda: to consider purchase of a computer, and to consider approval of removal of a tree. The Scout projects were moved up to right after the Park and Rec report, and the Youth Council was moved up to item 5. Council Member Como motioned to adopt the amended agenda; Council Member Rodriguez seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda *Time Stamp 4:22*
  - a. Approve minutes for March 29-30<sup>th</sup> Advance, April 8, 2019 council meeting, and closed minutes for item 11 of April 8, 2019 Council Meeting
  - b. Approve previous month planner's and code enforcement reports
  - c. Approve previous month finance report
  - d. Approve Temporary Use permit for Stonegate firework display on June 29, 2019 at 9:15 pm subject to approval of Union County Fire Marshall
  - e. Approve release of Wesley Manor Bonds in amount of \$142,800 and \$8,214
  - f. Call for Public Hearing on June 10, 2019 at 7 pm at town hall on Subdivision Ordinance amendment to disallow tree retention areas to be included in minimum lot areas for new subdivisions
  - g. Call for Public Hearing on June 10, 2019 at 7 pm at town hall on Subdivision Ordinance amendment to require multiple exit lanes from all new subdivisions
  - h. Consider adding a lock to the dumpster at the park, additional cost is \$5 monthly
  - i. Recognize Proclamation for Peace Officers Memorial Day and Police Week

Council Member Rodriguez motioned to approve the consent agenda; Mayor Pro-tem Kaperonis seconded the motion.

The motion passed unanimously.

**April 30, 2019 Balance Sheet**

	<u>April 30, 2019</u>
<b>ASSETS</b>	
<b>Checking/Savings</b>	
Fifth Third Bank checking	117,389.14
Fifth Third Maxsaver	184,939.68
NCCMT Government Portfolio	308,740.19
BB&T Money Market	508,769.70
Cash Change Fund	50.00
<b>Total Checking/Savings</b>	<u>1,119,888.71</u>
<b>Total Accounts Receivable</b>	788.10
<b>Other Current Assets</b>	
Property Tax Rec.	691.00
Allow. for Doubtful Accounts	-490.00
Prepaid Exp.	282.00
<b>Total Sales Taxes to be Received</b>	<u>2,182.80</u>
<b>Total Other Current Assets</b>	<u>2,665.80</u>
<b>Total Current Assets</b>	1,123,342.61
<b>Fixed Assets</b>	
Land	813,423.00
<b>Dogwood Park</b>	
Dogwood Park Improvements	722,271.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvement	8,440.00
Dogwood Park Gate	7,076.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Signs	3,803.00
<b>Total Dogwood Park</b>	<u>757,750.00</u>
Town Hall	1,361,869.00
Furniture & Equipment	40,008.00
Town Hall Driveway/Irrigation	64,192.00
Accumulated Deprec.	-518,210.98
<b>Total Fixed Assets</b>	<u>2,519,031.02</u>
<b>Other Assets</b>	
Def Outflow Contr to PenPlan CY	11,815.00
<b>Total Other Assets</b>	<u>11,815.00</u>
<b>TOTAL ASSETS</b>	<u><u>3,654,188.63</u></u>

**LIABILITIES & Fund Balance**

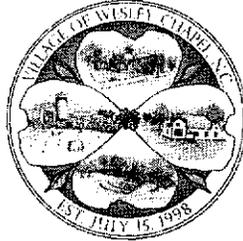
<b>Other Current Liabilities</b>	
Due to Union County Schools	35.53
Deposits To Refund	22,000.00
Escrow from Developers	45,076.00
Deferred Revenue	201.20
Retainage Pay. Dogwood Park	5,092.30
<b>Total Other Current Liabilities</b>	<b>72,405.03</b>
<b>Long Term Liabilities</b>	
Net pension liability	6,113.00
Unearned Rev(Priv licenses)	270.00
Deferred inflows Pension	3,405.00
<b>Total Long Term Liabilities</b>	<b>9,788.00</b>
<b>Total Liabilities</b>	<b>82,193.03</b>
<b>Fund Balance</b>	
Fund Bal. inv. in Fixed Assets	2,519,031.02
Fund Bal. Assigned for Sidewalk	24,000.00
Fund Balance Assigned for NNO	313.40
Fund Bal Assign future park imp	90,550.00
FB Restrict for P&R fee in lieu	56,466.47
Fund Bal. non-spendable	104,045.00
Fund Balance	936,598.30
Excess of Rev. over Exp.	-159,008.59
<b>Total Fund Balance</b>	<b>3,571,995.60</b>
<b>TOTAL LIABILITIES &amp; Fund Balance</b>	<b>3,654,188.63</b>

**April 2019 Budget Report**

Ordinary Income/Expense	Apr 19	Jul '18 - Apr 19	YTD Budget	% of Budget
<b>Income</b>				
Appropriated FB for Amphitheater	0.00	0.00	3,664.00	0%
Appropriated from Fee In Lieu	0.00	0.00	118,555.00	0%
Appropriated Fund Balance	0.00	0.00	100,381.00	0%
<b>Property Tax Income</b>				
Current Year Property Tax	645.18	151,722.08	151,081.00	100%
Utility Ad Valorem	0.00	2,221.71	2,236.00	99%
Vehicle Registration	1,689.80	13,518.29	15,669.00	86%
Delinquent Property Tax	31.58	171.30	300.00	57%
Interest/Ad Fee on Taxes	38.37	237.30	250.00	95%
<b>Total Property Tax Income</b>	<b>2,404.93</b>	<b>167,870.68</b>	<b>169,536.00</b>	<b>99%</b>
<b>Fees and Licenses</b>				

Privilege Licenses - ABC	0.00	285.00	300.00	95%
Zoning Permit	2,875.00	19,575.00	25,000.00	78%
Engineering Fees Reimbursement	787.50	15,988.05	50,000.00	32%
Misc. Fees	10.00	1,008.00	1,500.00	67%
Fee in lieu -Open Space Land	0.00	5,141.53		
<b>Total Fees and Licenses</b>	<b>3,672.50</b>	<b>41,997.58</b>	<b>76,800.00</b>	<b>55%</b>
Interest Earned	60.67	5,900.41	2,400.00	246%
<b>Shared Revenues</b>				
Sales & Use Taxes	3,867.98	30,837.81	52,000.00	59%
Sales Tax on Telecom. Services	0.00	3,628.03	7,900.00	46%
Sales Tax on Video Programming	0.00	45,450.44	95,000.00	48%
Sales Tax on Electricity	0.00	102,497.95	203,000.00	50%
Sales Tax on Piped Natural Gas	0.00	7,036.90	14,500.00	49%
Alcoholic Beverage Tax	0.00	0.00	36,300.00	0%
<b>Total Shared Revenues</b>	<b>3,867.98</b>	<b>189,451.13</b>	<b>408,700.00</b>	<b>46%</b>
<b>Total Income</b>	<b>10,006.08</b>	<b>405,219.80</b>	<b>880,036.00</b>	<b>46%</b>
<b>Expense</b>				
Transportation	0.00	0.00	0.00	0%
<b>Total Town Hall Operating Expense</b>	<b>2,127.68</b>	<b>21,359.88</b>	<b>27,865.00</b>	<b>77%</b>
<b>Total Operating Expenditures</b>	<b>400.00</b>	<b>34,733.90</b>	<b>77,389.00</b>	<b>45%</b>
<b>Total Planning &amp; Zoning</b>	<b>9,196.99</b>	<b>76,033.70</b>	<b>106,066.00</b>	<b>72%</b>
<b>Total Gen. Govt. Salaries</b>	<b>16,631.86</b>	<b>120,238.35</b>	<b>152,122.00</b>	<b>79%</b>
<b>Total Professional Fees</b>	<b>4,992.39</b>	<b>40,293.82</b>	<b>81,200.00</b>	<b>50%</b>
<b>Total Capital Outlay</b>	<b>0.00</b>	<b>6,828.75</b>	<b>30,535.00</b>	<b>22%</b>
<b>Total Public Services / Safety</b>	<b>24,049.80</b>	<b>96,449.20</b>	<b>99,785.00</b>	<b>97%</b>
<b>Parks &amp; Recreation</b>				
<b>Total Recreation Events</b>	<b>0.00</b>	<b>1,741.00</b>	<b>8,260.00</b>	<b>21%</b>
<b>Total Park Maint. Supplies&amp; Mat.</b>	<b>119.05</b>	<b>1,115.69</b>	<b>6,000.00</b>	<b>19%</b>
<b>Total Park Maint. Services</b>	<b>5,473.74</b>	<b>49,974.70</b>	<b>80,640.00</b>	<b>62%</b>
<b>Total P&amp;R Capital Outlay</b>	<b>22,288.78</b>	<b>115,459.40</b>	<b>210,174.00</b>	<b>55%</b>
<b>Total Parks &amp; Recreation</b>	<b>27,881.57</b>	<b>168,290.79</b>	<b>305,074.00</b>	<b>55%</b>
<b>Total Expense</b>	<b>85,280.29</b>	<b>564,228.39</b>	<b>880,036.00</b>	<b>64%</b>
<b>Net Income</b>	<b>-75,274.21</b>	<b>-159,008.59</b>	<b>0.00</b>	<b>100%</b>

Village of Wesley Chapel, NC  
Proclamation for Peace Officers Memorial Day and Police Week



**WHEREAS:** The Congress and President of the United States in 1962 designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

**WHEREAS:** the members of the Union County Sheriff's Office play an essential role in safeguarding the rights and freedoms of the citizens of Wesley Chapel; and

**WHEREAS:** It is important that all citizens understand the challenges, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, the innocent against deception and the weak against oppression; and

**WHEREAS:** we must never take for granted the selfless service of our members of law enforcement and the contributions they make to our community, and must honor those who have lost their lives or have become disabled in the performance of duty;

**NOW, THEREFORE I,** Mayor Brad Horvath, by virtue of the authority vested in me as Mayor of the Village of Wesley Chapel in North Carolina, do hereby proclaim the week of May 12-18, 2019 as Police Week, and May 15, 2019 as Peace Officers' Memorial Day.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel, NC to be affixed this 13<sup>th</sup> day of May, 2019.

Signed \_\_\_\_\_ SEAL Attest \_\_\_\_\_  
Mayor Brad Horvath Clerk Cheryl Bennett

5. Youth Council Committee Report; Mayor appoint new members Brice Jasper Yoshiro Niimi and Autumn Weitzel as regular members, and Sarah Maupin as alternate member *Time Stamp 4:48*

Mayor Pro Tem Kaperonis reported the Youth Council are bringing on new members and getting resignations from graduating seniors. Mayor Horvath appointed new members Brice Jasper Yoshiro Niimi and Autumn Weitzel as regular members, and Sarah Maupin as alternate member.

6. Allow Mayor to sign off on amendment to Phase I final plat of Addington Crossing *Time Stamp 6:44*

Planner Robyn Byers Ph.D. reported four lots have tree save in their rear yards, and they need to connect to water and sewer in the same areas. She presented four options. Council Member Como motioned to allow the Mayor to sign off on the amendment to Phase I of final plat of Addington Crossing with option 3 – allowing removal of 9,970 square feet of tree retention from lots 8-11, while approving mitigation in the total of 10,029 square feet of tree retention area on lots 46 and 48 in Phase II, noting it is not perfect, but the lesser of all evils. Mayor Pro Tem Kaperonis seconded the motion.

The motion passed unanimously.

7. Deputy Report *Time Stamp 12:19*

Deputy Wicker reported on incidents in the Village from January through April, noting April was the busiest month. Crimes included eight car break-ins (all unlocked), buses ransacked at New Town Elementary School, larceny at the ATT store, a car break in at Dogwood Park (the car window was broken), and a stolen car. He suggested putting up a sign at the park stating the Village is not responsible for items stolen.

8. Planning Board Report *Time Stamp 17:33*

Planning Board Chair John Souza reported at their last meeting they approved the monument sign for The Pinnacle, discussed the Advance and recommended an amendment so that tree save area cannot be included in the minimum lot size calculation. They also recommended an amendment to require two subdivision exit lanes by a vote of 3-1. Planning Board attendance policies were discussed, and letters sent out. Next month they have a light agenda which includes review of the table of uses for residential uses, Land Use Plan updates discussion, and re-visiting the tree ordinance re-write. They asked the applicant for RZ 19-2 to come and work with the Board on a conditional request, but that has not happened.

9. Communications Committee Report *Time Stamp 21:50*

Chair Deb Bledsoe reported boosting a Facebook post resulted in reaching 2,477 people, and they gained 24 followers, which brings them to 290. Council Member Rodriguez' profile is up now, and next is Council Member Como. The history video is still the most watched post on their Facebook page. She received a draft contract from the Tri-W news, and there are still some questions outstanding.

10. A. Parks and Rec Committee Report *Time Stamp 26:08*

Chair John Lepke reported they focused on the budget and PARTF application last month. An application was submitted before the deadline, and we will know who is awarded grants in August or September. The band shell is near completion, then they can plan their inaugural event - a music and car show. The sound and light equipment is on order, and training for use of the equipment will include himself, Council Member Como, the Southbrook Church sound guy,

and possibly some Park and Rec members. He is also requesting a written manual, and color coded plug-ins. During training, they will have a soft event, and some musicians on hand.

10.B. Consider approval of Girl Scout project at park to plant flowers spelling out "Wesley Chapel" Time *Stamp 32:00*

Troop 938 with fourth graders presented a proposal to spell out "Wesley Chapel" with variegated grasses on the hill on the side of the path near the dog park. Each square will represent a one square foot plant. The area now has pine straw. Due to weather, the work may be postponed to the fall.

Council Member Como motioned to approve the Girl Scout project at the park. Council Member Rodriguez seconded the motion.

The motion passed unanimously.

10.C. Consider approval of Boy Scout project at park to install 200 feet of split rail fencing supplied by town Time *Stamp 36:40*

Boy Scout Trent Reshetar from Troop 415 noted the existing fence does not extend to the end of the neighborhood next to the park, and he proposed putting up about 180 feet of fence. The materials are at the park. Gravel and use of a bobcat will be needed. He can get donations for 3-4 tons of gravel, and will cover the \$80 delivery cost. Council Member Como had told him he can rent a bobcat two weekends. Council Member Como said he will bring a list of small projects to do with the bobcat during the week between those weekends to Council in June. The Scout said he can get labor help, he has found the markers, and contacted the neighboring property owners and they are okay with the fence. He plans to start in early July, and finish in late August.

Mayor Pro Tem Kaperonis motioned to approve the Boy Scout project, Council Member Como seconded the motion.

The motion passed unanimously.

11. Finance Officer's Report Time *Stamp 43:20*

Finance Officer Bennett reported during April we paid for a repair to the HVAC system at town hall, Planning Board salaries, and the fourth quarter of deputy services. Council Member Como spent \$12.35 at Lowe's to purchase tape to fix a hole in the ceiling of the storage container. Another payment was made on the amphitheater and to the architect.

The 2019-20 proposed budget was presented, it maintains the current tax rate and totals \$734,851. Council Member Fuller called for a public hearing on June 10, 2019 at 7 pm at town hall on the proposed 2019-20 budget. Council Member Como seconded the motion.

The motion passed unanimously.

The budget will be available on the website.

11B. Purchase of computer for planner *Time Stamp 46:33*

During the budget meeting the need for a new computer for the planner was brought up. The proposed computer and monitor costs about \$2,200. Council Member Como motioned to move \$900 from Contingency to Capital Outlay – Computer and to purchase a new computer for \$2,200. Council Member Fuller seconded the motion.

The motion passed unanimously.

A short break was held.

**Public Hearings / Old Business**

12. Public hearing on RZ19-2 request to re-zone 13.521 acres from R-40 to Office-Institutional on NW corner of Potter Road and NC 84 *Time Stamp 50:08*

Mayor Horvath opened the public hearing. Planner Robyn Byers, Ph.D. reported the applicant is Downtown Wesley Chapel, LLC, and they are requesting re-zoning of several parcels at the NW corner of Potter Road and NC 84 totaling 13.521 acres, from R-40 to Office-Institutional. In comparison, the 201 Central complex is about 15 acres. Her staff report details the uses in each zone. The future Land Use Map shows an approximately two acre parcel designated for Office-Institutional. She also reviewed the Future Land Use Plan goals:

**Goal 1:** *To maintain the strong single family low-density residential character of the Village.*

**Goal 2:** *To prevent strip development from occurring anywhere in Wesley Chapel by limiting new non-residential development to designated strategic locations.*

***Policies:***

1. *The Village's commercial, governmental and institutional hub, located at the intersection of NC 84 and Waxhaw-Indian Trail Road, should be supported and encouraged to finish build-out.*
3. *Office/institutional clusters, including medical offices and/or continuing care residential facilities, should only occur at areas designated on the Land Use Plan map. Such development should generate low traffic volumes and occur in a condensed area in the vicinity of major intersections. Uses that generate high traffic volumes shall not be encouraged outside the Village's commercial hub. Driveway access onto NC 84 shall be limited. Traffic Impact Analysis shall be required for all such new uses.*

**Goal 3:** *To encourage that new non-residential development be attractively designed, pedestrian friendly and in harmony with surrounding development.*

There are two upcoming NCDOT transportation projects nearby: at the corner of Potter Road and Wesley Chapel Road, roundabout construction is planned for 2020, and at the corner of NC 84 and Potter Road, right turn lanes will be added in 2020. The parcels are directly north of Wesley Chapel Elementary School and will likely affect the school, and may require the school to move its entrance to another location. There is a natural gas substation within the immediate

area, and they have criteria to establish a High Consequence Area, some uses allowed in O-I would create a High Consequence Area if located within 1,000 feet of the natural gas pipeline.

The staff recommendation is to not support rezoning from R-40 to O-I as the application currently stands, with staff finding it inconsistent with the intent of the Future Land Use Plan. The Future Land Use Map highlights a hub for O-I at the NC 84 and Potter Road intersection, though the exact boundary of that hub is open to interpretation. While the proposed rezoning is partially in a future designated Office-Institutional node, the language implies a temporal component to future development not occurring until the Village's commercial, governmental and institutional hub is finished building. Goal 2, Policy 3 states Office/Institutional clusters occur in a *condensed* area in the vicinity of major intersections, such as NC 84 and Potter Road, again this allows for interpretation by the village at the time of rezoning as to what the condensed boundary looks like. Staff is also concerned about the possible negative, unintended consequences on Wesley Chapel Elementary School. Given that some of the uses in O-I could negatively impact the school, and not be compatible with the natural gas substation, rezoning of this site to a conditional O-I district where potential uses are known and traffic impact analysis can be reviewed would be preferred.

Cody Turner, representing the applicant stated he felt this location meets Goal 2, Policy 3 and would be beneficial to the school, with daycare and doctor office uses. He felt all uses in O-I are suitable to being adjacent to the school, and felt the re-zoning is a reasonable request.

Speakers were then heard.

Jan Smith spoke and reminded Council that the people have spoken time and time again, and she urged them to vote against the proposal. It was denied by Planning Board and the Zoning Administrator. In the last election two people were elected to support the Land Use Plan, and the majority at the Advance wanted to maintain current zoning. We have a downtown and it is here by town hall.

Bob Smith spoke noting the property is part of a residential subdivision, Foxfire Estates. He added that we have plenty of land here in the downtown, and noted land across from Sun Valley has empty office buildings.

Rebecca Maupin spoke noting if this is re-zoned, this would be the only elementary school in the County surrounded by office space, she feared the other two corners will follow, and it will be a turn off to our elementary school. The school already has a thriving after school program, and we have a new large medical building here near town hall.

Lori Bailey asked Council to adhere to the Future Land Use Plan and Map, and noted the prior proposal to go to commercial was denied, now they want to go O-I. The applicant did not come back with a conditional application as requested. The applicant does not want to work with the Village on what is best for the Village. Re-zoning to O-I does not mean the applicant will not come back with another request to go to commercial and may also pave the way to re-zoning the other corners. As Planning Board noted the road infrastructure is inadequate, and future enhancements timing is undecided and will impact the school. Last weekend's severe weather rain, and the loss of vegetation increases runoff. Assuming the pond can handle more runoff is

short sighted at best, any failure of the pond would impact other parcels and should be considered. She encouraged a holistic consideration of impacts, and not on a parcel by parcel basis. She encouraged Council to deny this request.

Sherry Killion voiced concern over the re-zoning request; our Land Use Plan clearly states we should say no to additional development until our current commercial development is built out; there is commercial sprawl not a half mile from our borders. None of our commercial property tax dollars help to correct school crowding, or provide road improvements. We should be concerned over the safety of our children, and concerned this may make it harder to say no the next time. Please stay true to our Land Use Plan and say no to this re-zoning request.

Stan Schwartz noted the property is currently being marketed for sale, so if granted a re-zoning there is no guarantee on what will happen with it. He urged Council to vote no and ask for a conditional re-zoning.

Chris Donadio also asked Council to vote no on the zoning change. He noted eventually something will be developed, and he wanted to hear dialog from Council on what would be beneficial.

The public hearing was closed.

13. Public hearing on Zoning Ordinance Table of Uses to change Continuing Care Facilities from use by right to conditional in the Office-Institutional District *Time Stamp 1:12:00*

The public hearing was opened. There were no speakers. Planner Robyn Byers, Ph.D., noted continuing care facilities is a conditional use in B1 and B2, but a use by right in O-I, so the proposed change will bring it more in line.

The public hearing was closed.

14. Public hearing on changes to the Zoning Ordinance – Signs *Time Stamp 1:13:26*

The public hearing was opened. There were no speakers. Planner Robyn Byers, Ph.D. reported that based on the Supreme Court decision, the sign ordinance has been changed to base the rules on sign type, not the content of the sign. The attorney has reviewed the proposed changes.

The public hearing was closed.

15. Public hearing on question of annexation pursuant to G.S. 160A-58.1 *Time Stamp 1:15:12*

The public hearing was opened. The Clerk explained that this is for voluntary annexations from almost all of the lots in Adelaide Estates and one lot in the Estates at Wesley Oaks. The public hearing was closed.

16. Decision on RZ19-2 request to re-zone 13.521 acres from R-40 to Office-Institutional on NW corner of Potter Road and NC 84 *Time Stamp 1:16:06*

Council Member Como motioned to deny the re-zoning change for a various number of reasons. Council Member Fuller seconded the motion. The planner reminded that we need a statement of reasonableness and consistency. The second was withdrawn. Council Member Como amended his motion to deny the change and include a statement of consistency that the re-zoning is inconsistent with the intent of the Land Use Plan based on the Future Land Use map, the language of the Land Use Plan that commercial should be focused on the area at Waxhaw Indian Trail Road and Hwy. 84 until built out there should be no additional, and a statement of reasonableness that there is no current Office-Institutional in the area. Council Member Fuller seconded the motion. Council Member Como noted there are several reasons, the Piedmont Natural Gas substation, the road will eventually be widened, and either the substation or the front of the neighborhood will have to be moved; we should plan now for a future roundabout, water run-off with the high risk dam, the signs showing the property is up for sale, and input by citizens, noting he has received calls, emails, and stopped on the street, and he wants to represent the people.

Council Member Rodriguez stated there is over 8,500 residents in the Village and the majority of the people have no opinion or don't know about the re-zoning, the village engineer will evaluate stormwater, and he likes how Waxhaw has a downtown road, he asked the applicant if we could do something like that and he was for it, and offered putting piers in the dam, and a farmer's market. He added he was against a gas station. He asked how many times we say no, he did not think houses will go there, and he thought in ten years the school won't be there. He added the applicant can de-annex and then we can't say anything about it. Council Member Rodriguez added he lived in Brooklyn and had thousands of cars going by on his way to kindergarten. He moved here because he wanted to get out of New York. He does not understand why the shopping center is not building out.

Council Member Fuller noted she has been on council two years, and she was elected to represent residents and we have heard from them loud and clear, her platform was to support the Land Use Plan and that does not include almost 14 acres of O-I at that corner. She added Wesley Chapel Elementary School is one of our most valuable assets and we should do whatever we can to protect it at all costs, and there are no plans to close it. She stated she supported our planner, Planning Board, village residents and thought the straight re-zoning would be irresponsible and an injustice to the residents who live near the corner. She asked residents to pay attention; an election is coming up.

Mayor Pro Tem Kaperonis stated he liked the plan the applicant proposed before, we had 1,800 signatures not to do the prior plan and to finish the Aston development, and he had yet to see one petition to take to Aston to ask them to sit down and talk. He added there was a long history and no clear foresight or timetable to complete the shopping center.

Council Member Como stated he does not think the school is going anywhere, it is a landmark. He asked why not conditional zoning, where we have control on what comes in. De-annexation

is no longer an option. He added we should do what residents want, that is why we were elected, and that is our job.

Council Member Rodriguez replied that all of his kids went to that school, but in his experience growth is inevitable and things change and evolve. As far as conditional zoning, he felt it was unfair to do that now.

Council Member Fuller noted Planning Board did ask the applicant to come back with conditional zoning when the petition was withdrawn recently.

Mayor Horvath said this has been a difficult one to deal with, it is not black and white. When the applicant originally made a pitch for commercial, it did not fit the vision for the corner. The arc on the corner doesn't indicate a parcel, just an area, it is on all three corners. The commentary around that (there were public hearings), was let the market determine what that means. The language under Policy 1, is that the hub at Waxhaw-Indian Trail Road and Hwy. 84 should be supported for buildout, and he met with them three times. We got a medical center, but there is still a lot to be built. If we didn't want O-I it should not be on the map. He noted the Future Land Use Plan and Map is just a guideline, and you can vary from it. We did stick to staying away from commercial. There is a benefit to Office-Institutional, it will have potential jobs, less traffic impact than residential. One thing that has been mentioned is a day care center; that would create rush hour traffic. Mayor Horvath said he met with the Planning and Zoning Administrator more than once, he listened to Planning Board comments, and the idea that ideally any future re-zonings would be conditional, but it is not in place yet. We had a hearing on the commercial proposal, we turned it down, and said it should be Office-Institutional. He said this is a difficult decision. The natural gas substation is a concern; it was put in after the elementary school was there. School traffic and traffic for Price Mill is difficult. Will traffic improve, maybe, do we wait?

Council Member Como asked the Mayor how he would see the other two corners developed if this is approved. Mayor Horvath said there already have been conversations with the owners, they will come in for something similar. Every application stands on its own legs, although there is a degree of precedence. Attorney Sistrunk agreed.

Mayor Pro Tem Kaperonis noted this job is not easy. We are looking for things to improve. Between last year and this year's budget, park spending approached \$300,000. He likes to be pro-active and support things to enhance the community and pro-actively engage with developers. We had a candidates' meeting here before the election, and there were only about 20 people here. Council Member Como stated he hoped he would vote to represent the people. Mayor Pro Tem Kaperonis said he doesn't get the volume of e-mail and communication with constituents that you get.

Council Member Fuller said you can be proactive without a straight re-zoning. Our job is to be pro-active, but in a responsible way.

Council Member Rodriguez said maybe whatever happens here tonight will get more people out, to get more input on what they want. It is a hard job to make decisions based on what people want, and what he feels.

Planning and Zoning Administrator outlined the options: grant the re-zoning, grant the re-zoning to a smaller area, grant the re-zoning to a more restrictive district which doesn't really apply in this case, or deny the re-zoning. You can make the recommendation because it is consistent with the Land Use Plan, deny because it is inconsistent, or approve and amend the Land Use Plan.

The motion to deny was voted on; with two yeas (Como and Fuller) and two nays (Kaperonis and Rodriguez); Mayor Horvath broke the tie by voting nay. The motion failed 2-3.

Council Member Como asked to make a follow-up motion to ask the applicant to come back with conditional zoning as Planning Board asked. That was not one of the options.

Council Member Rodriguez motioned to accept the RZ19-2 proposal to re-zone 13.521 acres from R-40 to Office-Institutional on the NW corner of Potter Road and NC 84; his statement of reasonableness was that he believed the corner is already partially set up for that and he feels it will eventually happen, and he felt it was consistent with the Land Use Plan. Mayor Pro Tem Kaperonis seconded the motion. Council Member Fuller reminded citizens to be at the polls in November. Council Member Como said council is forgetting why they are here, to represent the people.

The vote was two yeas (Kaperonis and Rodriguez), and two nays (Como and Fuller); Mayor Horvath broke the tie by voting yea, so the motion passed 3-2 to approve the re-zoning.

17. Consider approval of Ordinance 2019-02 to adopt Zoning Ordinance Amendment regarding Continuing Care Facilities *Time Stamp 1:56:45*

Council Member Fuller motioned to approve Ordinance 2019-02, incorporated herein, regarding continuing care facilities, with the statement of reasonableness that the text amendment is reasonable since it creates consistency between similar uses within the Table of Uses, and the statement of consistency that it is consistent with the Future Land Use Plan as it established a process that regulates new non-residential zoned development, ensuring it is in harmony with the surrounding neighborhoods. Council Member Como seconded the motion.

Planner Byers read the definition of continuing care facilities, and noted the Planning Board is continuing to review the Table of Uses starting with residential.

The motion passed unanimously.

**Village of Wesley Chapel, North Carolina Ordinance 2019-02**

**TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING CONTINUING CARE FACILITIES**

**THAT WHEREAS**, the Village of Wesley Chapel has considered amending the Village's Zoning Ordinance regarding regulations pertaining to continuing care facilities; and

**WHEREAS**, a public hearing was conducted on the matter at the Village Council's May 13<sup>th</sup>, 2019 meeting; and

**WHEREAS**, the Village Council considered and adopted the proposed text amendment as provided herein:

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

1. Section 156.060 of the Zoning Ordinance *Table of Uses* is hereby amended as follows:

Use	Supplemental Regulation Section Number	R-80	R-60	RA-40	R-40	RA-20	R-20	B-1	B-2	L-1	O-1
Continuing care facilities								C	C		<del>X-C</del>

Adopted this 13<sup>th</sup> day of May, 2019.

Attest:

\_\_\_\_\_  
Mayor Brad S. Horvath

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

18. Consider approval of Ordinance 2019-01 to adopt Zoning Ordinance Text Amendment regarding Signs *Time Stamp 2:00:43*

Council Member Como Fuller motioned to approve Ordinance 2019-01 to adopt zoning ordinance text amendment regarding signs, incorporated herein, with the statement of reasonableness that it is reasonable since it removes confusing language and updates the Village's code to be consistent with a 2015 Supreme Court ruling on sign regulations, and the statement of consistency that it is consistent with the Future Land Use Plan as it addresses signs in every zoning district and seeks to maintain the strong single family low-density residential character of the Village, while also ensuring non-residential signs are attractive and in harmony with the surrounding neighborhood. Council Member Como seconded the motion. Planner Byers noted on the temporary signs table, it says they must be on-premises, but currently we do allow them off-premises as well. The second was withdrawn. The motion was amended by Council Member Fuller to allow temporary signs to be off-premises. Council Member Como seconded the amended motion.

The motion passed unanimously.

**Village of Wesley Chapel, North Carolina Ordinance 2019-01**

**TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING SIGNS**

**THAT WHEREAS**, the Village of Wesley Chapel has considered amending the Village's Zoning Ordinance regarding regulations pertaining to signs; and

**WHEREAS**, a public hearing was conducted on the matter at the Village Council's May 13<sup>th</sup>, 2019 meeting; and

WHEREAS, the Village Council considered and adopted the proposed text amendment as provided herein:

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

2. §156.155-156.165 of the Zoning Ordinance *Signs* is hereby amended as follows:

**SIGNS**

§156.155 ~~COMPLIANCE~~ **GENERAL PURPOSE AND INTENT**

**(A) Compliance**

**These sign regulations are adopted under the zoning authority of the Village of Wesley Chapel and Signs are permitted in accordance with regulations listed below and in accordance with other applicable regulations of this chapter.**

**(B) Purpose**

~~§156.156 INTENT~~

~~The purpose of this Article is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and general welfare; protect and enhance property values and community appearance as part of the Village's concerted effort to enhance the aesthetic quality of the Village; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in the Future Land Use plan.~~

**The purpose of this Chapter is to permit signs that by their reason, size, location, or manner of display are compatible with their surroundings and the general character of the Village of Wesley Chapel.**

**Specifically:**

1. **To ensure signs will not endanger the public safety of individuals;**
2. **To ensure signs will not confuse, mislead, or obstruct the visibility necessary for traffic safety or otherwise endanger public health, safety, and general welfare;**
3. **To protect and enhance property values and community appearance as part of the Village's effort to enrich the aesthetic quality of the Village; and**
4. **To support and complement land use objectives set forth in the Future Land Use plan.**

§156.157 ~~GENERAL REGULATIONS~~

- ~~A. — Applicability. The provisions of this Section are applicable to all signs, both off-premises and on-premises, unless otherwise provided for in this Ordinance. Any sign, in the districts where it is permitted, shall hereafter be in compliance with the provisions of this Section and shall meet all other regulations applicable to signs, including those found in the Code of Ordinances of the Village of Wesley Chapel for signs erected in those jurisdictions, and in the North Carolina Building Code and National Electric Code.~~
- ~~B. — Required Permits and Approvals. A zoning permit shall be secured from the Zoning Administrator prior to the construction, reconstruction, erection, enlargement, relocation, or structural alteration of a sign. A complete application must be submitted to and approved by the Zoning Administrator in order to obtain a zoning permit. A single application and fee, if applicable, may be submitted for multiple signs, provided those signs are to be constructed or posted at the same time and for the same property or event. (Rev. 01.09.2012)~~
- ~~C. — Maintenance. Any sign in the Village of Wesley Chapel that is found to be in need of repair shall be renovated or removed within thirty (30) days by the owner upon receipt of written notification, or said sign may then be removed by the Zoning Administrator, and the reasonable cost of such removal, including associated attorney's fees, shall be the owner's responsibility.~~

- D. ~~Any lighted sign or lighting device shall be so oriented as not to cast light upon a public right of way so as to cause glare, intensity or reflection that may constitute a traffic hazard or a nuisance, or cast light upon adjacent property that may constitute a nuisance.~~
- E. ~~Illuminated signs shall employ only devices emitting a light of constant intensity, and no signs shall be illuminated by a flashing, intermittent, rotating or moving light.~~
- F. ~~All free standing sign structures shall be self supporting structures clad with any masonry material except cinder block and be erected on or set into and permanently attached to concrete foundations. Such structures shall comply with the building codes of Union County, North Carolina.~~
- G. ~~No portion of a free standing sign, including projections, may extend into or over an existing public right of way.~~
- H. ~~All signs shall be located in a manner that does not impair traffic visibility.~~

**§156.156      APPLICABILITY**

**The provisions of §156.155-156.165 are applicable to all signs, both off- and on-premises, unless otherwise provided for in this Ordinance. A sign may be constructed, placed, established, painted, created, displayed, altered, or maintained in the Village only in conformance with the provisions of these sections and shall meet all other regulations applicable to signs, including those found in the North Carolina Building Code and National Electric Code.** Any sign, in the districts where it is permitted, shall hereafter be in compliance with the provisions of this Section and shall meet all other regulations applicable to signs, including those found in the Code of Ordinances of the Village of Wesley Chapel for signs erected in those jurisdictions, and in the North Carolina Building Code and National Electric Code.

**§156.157      SIGN PERMITS**

**Prior to the construction, placement, establishment, creation, display, or modification of a sign, a completed permit application, consisting of an application form and appropriate fees, shall be submitted to the Village for approval, unless otherwise expressly exempted from these requirements. A sign permit will be issued if the Village's Planning and Zoning Administrator deems that the proposed sign(s) is in compliance with these ordinances. A single application and fee may be submitted for multiple signs at one location, provided those signs are to be constructed or displayed at the same time and for the same property or event.**

**For new construction, a sign permit application cannot be submitted prior to the submittal for construction plan review. For new subdivisions, monument entrance signs are reviewed by the Planning Board as part of the Preliminary Plat approval, unless otherwise noted.**

**§156.158      SIGN AREA COMPUTATION**

**(A) Sign Area**

1. **The total area of a sign face entirely within the smallest polygon that will encompass the limits of the writing, representation, emblem, or other information on the sign that can be reasonably calculated. This includes any material or color forming an integral part of the background of the display, but does not include any supporting framework, bracing, or decorative fencing or wall that is clearly incidental to the sign.**

2. Multi-sided signs shall include all sides in the computation of total sign area. If the sign is a two-sided, back-to-back sign, the sign area shall be measured as the area of only one of the sides.

(B) Sign Height

1. Attached Signs

The sign height for attached signs shall be measured as the distance from the finished grade at the base of the building to the top of the highest component of the sign.

2. Free-standing signs

The height of a sign shall be measured as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is established at the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of the sign.

§156.159 GENERAL REQUIREMENTS

(A) Maintenance

Ongoing maintenance of the sign, including replacement of sign faces, lettering, or other features of a sign, shall be considered maintenance and shall not require a permit. No alteration which modifies the area, height, or illumination of a sign, or alters its location, shall be permitted under this provision. Any sign in the Village of Wesley Chapel that is found to be in need of repair shall be renovated or removed within thirty (30) days by the owner upon receipt of written notification, or said sign may then be removed by the Planning and Zoning Administrator. The reasonable cost of such removal, including associated attorney's fees, shall be the owner's responsibility.

(B) Materials and Structure

1. All signs shall be constructed to retain sound structural condition, shall be mounted and attached to a building or the ground in a secure manner, and shall comply with the building codes of Union County, North Carolina.
2. All free-standing sign structures shall be self-supporting structures clad with any masonry material except cinder-block and be erected on or set into and permanently attached to concrete foundations. Such structures shall comply with the building codes of Union County, North Carolina.
3. Except for flag, certain temporary signs, and window signs conforming to this code, all signs shall be constructed of rigid all-weather materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(C) Illuminated Signs

1. Illuminated signs shall employ only devices emitting a light of constant intensity, and no signs shall be illuminated by a flashing, intermittent, rotating or moving light.
2. Any lighted sign or lighting device shall be so oriented as not to cast light upon a public right-of-way so as to cause glare, intensity or reflection that may constitute a traffic hazard or a nuisance, or cast light upon adjacent property that may constitute a nuisance.

(D) Public Right-of-Way

1. Permitted signs shall be located outside of public right-of-way and behind sidewalk areas, except where encroachments are specifically permitted by the provisions of these sections, §156.155-156.165.
2. No portion of a free-standing sign, including projections, may extend into or over an existing public right-of-way.
3. Any unauthorized signs placed on public property or within a public right-of-way may be taken down and destroyed without prior notification to the sign owner. In addition to other remedies hereunder, the Administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

(E) Visibility

All signs shall be located outside of required site triangles and in a manner that does not impair traffic visibility.

§156.158 SIGNS PERMITTED WITHOUT PERMIT

§156.160 EXEMPT SIGNS

The following signs shall not require a permit:

- A. ~~Official Government, Emergency, Safety and signs required to be posted by law. Signs established by governmental agencies. "Warning" signs, "No" Trespassing", "Private Property" and signs indicating directions, entrances, or exits are limited to two (2) square feet.~~
- B. ~~Identification, Name and/or Address signs, not to exceed one and one half (1 1/2) square feet in area.~~
- C. ~~Temporary signs for candidates seeking public office. All such political signs shall be posted in accordance with State of North Carolina law. (Rev. 01.09.2012)~~
- D. ~~One Real Estate sign advertising real estate "for sale", "for rent", or "for lease", not greater than six (6) square feet in area located upon property so advertised. Such signs shall be removed within seven (7) days after the property has been sold, (upon closing) rented or leased. Any signs erected pursuant to this provision must not violate Section 8.4 of this Ordinance. Any signs advertising real estate subdivisions shall be limited to one (1) sign, per entrance, no greater than twelve (12) square feet in area.~~
- E. ~~One (1) sign, no more than six (6) square feet in area, advertising the sale of produce out of a home garden on the premises where the produce is being sold.~~
- F. ~~Signs advertising yard sales, the sale of two (2) or fewer personal vehicles, or for the recovery of lost pets, or the like. All yard sale signs shall be removed twenty four (24) hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right of way.~~
- G. ~~On premises incidental signs, as defined by Article 2. Outdoor product storage enclosure signs shall be no larger than four (4) square feet and may display commercial content for items stored. All other incidental signs shall be no larger than two (2) square feet in area.~~
- H. ~~Window signs covering no more than fifty percent (50%) of total window square footage.~~
- I. ~~Permanent Historical plaques, tablets or markers placed by a federal or state governmental agency.~~
- J. ~~Vehicular signs in accordance with Article 2.~~

- K. ~~Internal signs, not readable from a public roadway, limited to B1 and B2 zoned property on an exclusive parcel and not permanently affixed ground signs, are allowed, provided they measure less than four (4) square feet in area. Internal signs are not considered Banner signs. All Banner signs require temporary sign permits and must comply with Section 8.5.A.~~
- L. ~~Free-standing Sandwich Board signs, as defined in Article 2, limited to one (1) sign per entrance facing parking area or associated drive per establishment. For B-2 and O-1 zoning districts, such signs shall be located within the segment of paved sidewalk adjacent to the façade(s) of the principal entrance(s). The adjacent segment shall be measured by extending two perpendicular lines from the edges of the façade to the back of the curb bordering the sidewalk and designating the paved sidewalk space within as allowable for sign placement. However, Sandwich Board signs shall not be placed where they would impede a clear path for pedestrian movement or handicap accessibility and sidewalks separated by natural or unpaved areas from the façade shall be not designated as eligible space. For B-1 and L-1 zoning districts, such signs shall be located within thirty five (35) feet of the principal entrance(s). (Rev. 01.09.2012, 07.08.2013)~~

<u>Type:</u>	<u>District Allowed:</u>	<u>Sign Face Area Max:</u>	<u>Temporary/ Permanent:</u>	<u>Notes:</u>
<u>Official Government, Emergency, Safety and signs required to be posted by law. Signs established by governmental agencies.</u>	<u>All</u>	<u>N/A</u>	<u>Both</u>	
<u>Posted signs (i.e. warning, no trespassing, private property, directional)</u>	<u>All</u>	<u>2 sq. ft.</u>	<u>Both</u>	
<u>Signs for candidates seeking public office.</u>	<u>All</u>	<u>N/A</u>	<u>Temporary</u>	<u>All political type signs shall be posted in accordance with the NCGS §136.32</u>
<u>Small wall signs (i.e. identification, name, or address signs)</u>	<u>All</u>	<u>1½ sq. ft.</u>	<u>Both</u>	
<u>Yard Signs (i.e. signs typically used for sale, rent, lease, of residence, produce, yard sale, lost pet, etc.).</u>	<u>All</u>	<u>6 sq. ft.</u>	<u>Temporary</u>	<u>Shall be removed within seven (7) days after event, sale, recovery, etc. is completed.</u>
<u>Incidental Signs</u>	<u>All</u>	<u>2 sq. ft.</u>	<u>Both</u>	
<u>Window Coverings</u>	<u>B-1, B-2, O-1, L-1</u>	<u>&lt;50% of total window area</u>	<u>Both</u>	

<u>Type:</u>	<u>District Allowed:</u>	<u>Sign Face Area Max:</u>	<u>Temporary/Permanent:</u>	<u>Notes:</u>
<u>Historical Plaques, Tablets, or Markers placed by a federal or state government agency.</u>	<u>All</u>	<u>N/A</u>	<u>Permanent</u>	
<u>Vehicular Signs</u>	<u>All</u>	<u>N/A</u>	<u>Both</u>	
<u>Internal Signs</u>	<u>B-1, B-2</u>	<u>4 sq. ft.</u>	<u>Both</u>	<u>Does not include banner signs.</u>
<u>Sandwich Board signs*</u>	<u>B-1, B-2, O-1, L-1</u>		<u>Temporary</u>	<u>One (1) sign per entrance facing the parking area/driveway.</u>

*\* For B-1 and L-1, signs shall be located within 35 feet of the principal entrance. For B-2, and O-1, the signs shall be placed within the segment of paved sidewalk adjacent to the principle structure's facade; providing it does not impede a clear path for pedestrian movement or handicap accessibility. The adjacent area is measured by extending two perpendicular lines from the edges of the facade to the back of the curb bordering the sidewalk. Sidewalks separated by natural or unpaved areas from the facade shall not be designated as eligible space.*

§156.159 §156.161 PROHIBITED SIGNS

Any unauthorized signs placed in a public right-of-way may be taken down and destroyed without prior notification to the sign owner.

The following signs are expressly prohibited within all zoning districts, unless as otherwise specified in this Chapter.

- (A) All off-premise signs, including billboards, except where expressly allowed.
- (B) All portable signs, except those authorized by §156.162 of this chapter elsewhere in this Chapter.
- (C) Flashing signs. Electronic Message Board signs are not considered Flashing signs.
- (D) Any sign which the Zoning Administrator determines obstructs the view of pedestrians, bicyclists or motorists 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; visibility.
- (E) Exposed neon, incandescent, or non-changing light emitting diode (LED) signs (except for interior window signs or non-changing light emitting diode (LED), in compliance with window signage regulations, and exterior neon or non-changing light emitting diode (LED) open/closed signs) exceeding two (2) square feet.
- (F) Any sign placed upon a traffic control sign, tree, or utility pole, for any reason except as provided in §156.158(A) of this Chapter.
- (G) Any permanent sign that is an inflatable device.
- (H) Pole or post-mounted signs; excepting incidental or temporary signs.
- (I) Animated signs.
- (J) Signs temporarily attached to vehicles, defined in §156.005 of this chapter.

- (K) Awning Signs
- (L) Handwritten signs, including temporary signs and window signs. Signs advertising temporary uses, as permitted in §156.131(A) of this Chapter, and signs permitted in §156.158(D), (E), (F), (G), and (L) of this chapter are excluded.
- (M) Roof signs.
- (N) Window signs covering more than fifty percent (50%) of window area.

~~§156.160 TEMPORARY SIGNS~~

~~[MOVED TO A NEW LOCATION AFTER PERMANENT SIGNS]~~

~~A. Banners, Pennants and Temporary Signs:~~

~~The following temporary signs are allowable after the Zoning Administrator has issued a temporary sign permit, for a total period not to exceed thirty (30) days, four (4) times per calendar year per tenant. Consecutive applications are permissible. Unlighted on premise portable signs, banners, and windblown signs such as pennants, spinners, flags, directional and feather/blade signs and streamers for special events and grand openings. For in-line tenant spaces, banners shall be limited to portion of building being occupied or used by tenant. Banner signs affixed to buildings shall be limited to one (1) sign per business or tenant space and twenty-four (24) square feet in area. Banner and other temporary signs affixed to the ground shall be limited to one (1) sign per adjacent public roadway and limited to ten (10) square feet in area.~~

~~B. Inflatable Signs:~~

~~Temporary inflatable signs and mechanical advertising devices are allowable after the Zoning Administrator has issued a temporary sign permit, for a total period not to exceed ten (10) days, once per calendar year.~~

~~C. Construction Announcement Signs:~~

~~Announcement signs are signs that indicate the names, address, etc. of firms making improvements on property. One sign per project shall be permitted and shall require a Sign Permit, good for one (1) year and renewable, one time, for one (1) additional year and shall be single faced of a maximum area of twenty (20) square feet. Announcement signs are not to be used to advertise real estate or subdivisions. No illumination of announcement signs shall be permitted.~~

~~D. Off Premise Directional Signs:~~

~~A permit for temporary off premise signage may be approved by the Zoning Administrator in the event of temporary road closures. The signs shall be allowed only while the relevant extenuating circumstance persists. Permits shall be valid for six (6) months or until termination of the road closure, whichever comes first. Consecutive applications are permissible. All requirements of Section 8.7 shall also be met, excepting off premises prohibition. A letter from the property owner of the proposed location of the off premise sign granting permission for the installation of the sign shall be required.~~

~~E. Fund Raising and General Community Interest Signs:~~

~~A permit for temporary signage for the purposes of Fund Raising and General Community Interest and support, conducted under the auspices of one or more charitable organizations, such as churches, emergency service providers, community service organizations, religious, charitable, civic, fraternal, or~~

~~similarly non-profit or not-for-profit organizations located within the Village requires approval by the Zoning Administrator. Such signs may be posted no earlier than thirty (30) days before the advertised date of planned activity, and must be removed no later than five (5) days thereafter. All such signs shall be no larger than twenty four (24) square feet in area and may be off-premises signs with permission of the property owner. No signs shall be located in public right-of-way (ROW) or be prohibited as specified in Section 8.4.~~

~~§156.161 SIGNS ALLOWED IN ALL RESIDENTIAL DISTRICTS BY PERMIT  
[ALL PERMANENT SIGNS HAVE BEEN GROUPED TOGETHER IN THE FOLLOWING TABLES]~~

- ~~A. Signs on premises of single-family dwellings and on the premises of manufactured or modular homes shall be regulated as follows:
  - ~~1. Types of sign permitted:
    - ~~Professional Name Plate~~~~
  - ~~2. Permitted number of signs:
    - ~~One (1) per dwelling unit~~~~
  - ~~3. Maximum area of signs:
    - ~~Three (3) square feet~~~~~~
- ~~B. Signs on premises of small group day care homes shall be regulated as follows:
  - ~~1. Types of sign permitted:
    - ~~Professional Name Plate~~~~
  - ~~2. Permitted number of signs:
    - ~~One (1) per dwelling unit~~~~
  - ~~3. Maximum area of signs:
    - ~~Three (3) square feet~~~~~~
- ~~C. Signs on residential subdivision community property shall be allowed by permit or shall be approved through preliminary plat review and shall be regulated as follows:
  - ~~1. Types of sign permitted:
    - ~~a. Permanent Residential Subdivision Monument Identification signs shall be approved as part of the preliminary plat approval process or shall require issuance of a permit and shall follow the following guidelines:
      - ~~i. No part of the sign shall be located closer than ten (10) feet to any adjacent side lot line.~~
      - ~~ii. Sign structures, including sign face(s), shall be limited to ten (10) feet in height and one hundred (100) square feet in area.~~
      - ~~iii. Signs shall be single or double faced with each sign face being no greater than thirty (30) square feet in area.~~
      - ~~iv. Sign faces shall be surfaced with stucco, painted wood, or masonry material other than cinder block.~~
      - ~~v. Incorporation of gate houses and walls attached to Subdivision Monument signs may be considered for approval by the Planning Board during preliminary plat review.~~
      - ~~vi. Monument sign structures shall be constructed of masonry material other than cinder block.~~~~
    - ~~b. Permanent Residential Subdivision Changeable Copy signs shall be approved as part of the preliminary plat approval process or~~~~~~

shall require issuance of a permit and shall follow the following guidelines;

- i. No part of the sign shall be located closer than ten (10) feet to any adjacent side lot line.
- ii. Sign structures, including sign face(s), shall be limited to five (5) feet in height and twenty five (25) square feet in area.
- iii. Signs shall be single or double faced with each sign face being no greater than fifteen (15) square feet in area.
- iv. Sign faces shall not be surfaced with cinder block.
- v. Residential Changeable Copy signs shall not be visible from non-subdivision roads.
- vi. Changeable Copy signs shall be Monument signs constructed of masonry material other than cinder block.

2. Permitted number of signs: \_\_\_\_\_

- a. Two (2) Monument Identification signs per subdivision entrance
- b. One (1) Changeable Copy sign per subdivision.

D. Signs for all other non-residential uses in a Residential R district shall require issuance of a permit and shall be regulated as follows:

1. Types of sign permitted: \_\_\_\_\_

a. Monument signs shall be approved as part of a conditional use process or shall require issuance of a permit and shall follow the following guidelines;

- i. No part of the sign shall be located closer than ten (10) feet to any adjacent side lot line.
- ii. Sign structures, including sign face(s), shall be limited to five (5) feet in height and twenty five (25) square feet in area.
- iii. Signs shall be single or double faced with each sign face being no greater than twenty (20) square feet in area.
- iv. Sign faces shall be surfaced with stucco, painted wood, or masonry material other than cinder block.
- v. Monument sign structures shall be constructed of masonry material other than cinder block.

b. Changeable Copy signs are restricted to Church and School Uses and shall be approved as part of the conditional use approval process, or shall require issuance of a permit, and shall follow the following guidelines;

- i. No part of the sign shall be located closer than ten (10) feet to any adjacent side lot line.
- ii. Sign structures, including sign face(s), shall be limited to five (5) feet in height and twenty five (25) square feet in area.
- iii. Signs shall be single or double faced with each sign face being no greater than twenty (20) square feet in area.
- iv. Sign faces shall not be surfaced with cinder block.
- v. Changeable Copy signs shall be Monument signs constructed of masonry material other than cinder block.

c. Permanent Local Historical signs from a recognized historical

~~society shall be allowed by permit and shall be limited to six (6) square feet in area.~~

2. ~~Permitted number of signs:~~
  - a. ~~One (1) Monument sign per property~~
  - b. ~~One (1) Changeable Copy sign per Church/School property~~
  - c. ~~One (1) Local Historical sign per building structure~~

~~§156.162 SIGNS ALLOWED IN THE B-1, B-2, O-1, AND L-1 ZONING DISTRICTS BY PERMIT~~

A. ~~Signs on premises of permitted B-1, B-2, O-1 and L-1 uses conducted in buildings or with buildings associated shall require issuance of a permit, or be approved as part of a conditional use permit process, and shall be regulated as follows:~~

1. ~~Types of sign permitted:~~
  - a. ~~Attached (On Structure or Canopy) signs for any free-standing structure or in-line tenant space shall be allowed, shall require a permit and must comply with the following guidelines:~~
    - i. ~~Signs shall be fastened by permanent mount or mechanism, or painted, as defined in Article 2. (Rev. 01.09.2012)~~
    - ii. ~~For B-1 and L-1 Zoning Districts, no attached sign or combination of signs, shall exceed twenty percent (20%) of each wall façade area for externally lit signs, or five percent (5%) for internally lit signs. (Rev. 01.09.2012)~~
    - iii. ~~For B-2 and O-1 Zoning Districts, no attached sign or combination of signs, shall exceed ten percent (10%) of each wall façade area for externally lit signs, or five percent (5%) for internally lit signs. (Rev. 01.09.2012)~~
    - iv. ~~No sign shall be located on the roof of any structure or extended above the parapet or eave line of any structure. (Renumbered 01.09.2012)~~
  - b. ~~Under Canopy signs, as defined in Article 2, shall be allowed, by permit, and shall be limited to eight (8) square feet in area.~~
  - c. ~~Free Standing Individual Non-Residential Monument signs shall be allowed by permit and shall conform to the following guidelines:~~
    - i. ~~Sign structures, including sign face(s), shall be limited to five (5) feet in height and twenty five (25) square feet in area.~~
    - ii. ~~No part of the sign shall be located closer than ten (10) feet to any adjacent side lot line.~~
    - iii. ~~Signs may be single or double faced. Sign faces shall be limited to twenty (20) square feet.~~
  - d. ~~Electronic Message Board signs incorporated into approved monument signs.~~
  - e. ~~Permanent Local Historical signs from a recognized historical society shall be allowed by permit and shall be limited to six (6) square feet in area.~~
  - f. ~~Projecting signs, provided they are made of non-flexible material, are a maximum of three (3) sq. feet in area and have at least ten (10) feet of ground clearance.~~

- 2. ~~Permitted number of signs~~
  - a. ~~Attached signs are restricted by combined total square footage as indicated~~
  - b. ~~Unlimited under canopy signs are allowed~~
  - c. ~~One (1) Sandwich Board sign per tenant~~
  - d. ~~One (1) Non-Residential monument sign per property~~
  - e. ~~One (1) Local Historical sign per structure~~
  - f. ~~One (1) projecting sign per tenant~~

B. ~~Signs on premises of permitted B-2 uses conducted in buildings or with buildings associated shall require issuance of a permit, or be approved as part of a conditional use permit process, and shall be regulated as follows:~~

- 1. ~~Types of sign permitted:~~
  - a. ~~Permanent shopping center Monument signs shall be allowed as part of a CUP B-2 Shopping Center conditional use approval process and shall conform to the following regulations, unless altered during the conditional use process;~~
    - i. ~~No shopping center Monument sign shall be greater than twenty (20) feet in height.~~
    - ii. ~~No part of the sign shall be located closer than ten (10) feet to any adjacent side lot line.~~
    - iii. ~~The maximum area of the sign structure, including sign face(s), shall be two hundred (200) square feet.~~
    - iv. ~~Signs shall be single or double faced with each sign face being no greater than seventy five (75) square feet in area.~~

2. ~~Permitted number of signs~~

- a. ~~One (1) shopping center Monument sign per shopping center~~

~~§156.163 MENU BOARD FOR DRIVE THROUGH RESTAURANT~~

- A. ~~The exterior maximum height is sixty (60) inches (curb side height) or seventy two (72) inches (from drive surface). The maximum width is eighty (80) inches. The internal portion for the menu is a maximum of forty eight (48) inches high by seventy two (72) inches wide, and can only be used for the sign panel.~~
- B. ~~The maximum number of signs is two (2) per drive through lane for Fast Food or Drive-In/Drive Through Restaurants.~~
- C. ~~If a second sign is utilized, the exterior maximum height is sixty (60) inches (curb side height) or seventy two (72) inches (from drive surface.) The maximum width is eighty (80) inches. The internal portion for the menu is a maximum of forty eight (48) inches high by seventy two (72) inches wide, and can only be used for the sign panel.~~
- D. ~~Menu board signs shall be located on the side of the building opposite the main thoroughfare and ultimately left to the discretion of the Zoning Administrator.~~
- E. ~~If two signs are erected, they must be at least twelve (12) feet apart.~~
- F. ~~No additional signage may be placed on the menu board for drive through restaurant signs.~~
- G. ~~Any sign must be located at least fifteen (15) feet from any property line.~~
- H. ~~The predominant color and material of the exterior of such signs should be the predominant color and material of the principal building.~~
- I. ~~If a speaker post is used, it must be of the same material used for the exterior of the sign.~~

**§156.162 PERMANENT SIGNS**

*Permitted Signs shall be regulated as follows:*

<b>Type:</b>	<b>District Allowed:</b>	<b>Sign Face Area Max:</b>	<b>No.</b>	<b>Notes:</b>
<b>Professional Name Plat</b>	<b>Residential</b>	<b>3 sq. ft.</b>	<b>1</b>	
<b>Monument</b>	<b>Residential</b>	<b>30 sq. ft.</b>	<b>2</b>	<b>Approved as part of a preliminary plat or conditional use process; must be 10 feet from adjacent lot line; no more than 10 feet in height; 100 sq. ft. in total area; materials include stucco, painted wood, or masonry; structures shall be masonry material other than cinderblock.</b>
<b>Changeable Copy</b>	<b>Residential</b>	<b>20 sq. ft.</b>	<b>1</b>	<b>Approved as part of a preliminary plat or conditional use process; must be 10 feet from adjacent lot line; no more than 5 feet in height; 25 sq. ft. in total area; materials include stucco, painted wood, or masonry; structures shall be masonry material other than cinderblock.</b>
<b>Permanent Local Historic sign</b>	<b>Residential; B-1; B-2; O-I; L-I</b>	<b>6 sq. ft.</b>	<b>1</b>	<b>From a recognized historical society.</b>
<b>Wall Sign, Type 1</b>	<b>B-1, L-I</b>	<b>Not to exceed 20% of each wall facade if externally light; 5% if internally lit.</b>	<b>N/A</b>	<b>Fastened by permanent mount or mechanism, or painted; no sign shall be located on the roof or extended above the parapet or eave line of any structure.</b>
<b>Wall Sign, Type 2</b>	<b>B-2, O-I</b>	<b>Not to exceed 10% of each wall facade if externally light; 5% if internally lit.</b>	<b>N/A</b>	<b>Fastened by permanent mount or mechanism, or painted; no sign shall be located on the roof or extended above the parapet or eave line of any structure.</b>
<b>Under Canopy Signs</b>	<b>B-1, B-2, O-I, L-I</b>	<b>8 sq. ft.</b>	<b>N/A</b>	

<u>Type:</u>	<u>District Allowed:</u>	<u>Sign Face Area Max:</u>	<u>No.</u>	<u>Notes:</u>
<u>Free-standing Monument Signs, including Electronic Message Boards</u>	<u>B-1; B-2; O-I; L-I</u>	<u>20 sq. ft.</u>	<u>1</u>	<u>Sign structures must be 10 feet from adjacent lot line; no more than 5 feet in height; 25 sq. ft. in total area.</u>
<u>Projecting Signs</u>	<u>B-1; B-2; O-I; L-I</u>	<u>3 sq. ft.</u>	<u>1</u>	<u>At least 10 feet of ground clearance.</u>
<u>Monument Signs</u>	<u>B-2</u>	<u>75 sq. ft.</u>	<u>1</u>	<u>Approved as part of conditional use process; must be 10 feet from adjacent lot line; no more than 20 feet in height; 200 sq. ft. in total area.</u>
<u>Drive-Thru</u>	<u>B-2</u>	<u>4'x6'</u>	<u>2 per lane – 12' feet apart</u>	<u>Approved as part of conditional use process; must be 15 feet from adjacent lot line; no more than 6 feet from drive surface or 5 feet curb side in height; internal position; no more than 6.6 feet (80 inches) in width for sign panel; located on the side of the building opposite the main thoroughfare; predominant color and material of sign and speaker post should be that of the principal building.</u>

**§156.163 TEMPORARY SIGNS**

*Permitted Temporary Signs shall be regulated as follows:*

<u>Type:</u>	<u>District Allowed:</u>	<u>Sign Area Max:</u>	<u>No.</u>	<u>Notes:</u>
<u>Portable signs (i.e. banners, pennants, spinners, flags, directional, and feather/blade signs).</u>	<u>All</u>	<u>24 sq. ft.</u>	<u>1</u>	<u>All temporary signs shall be unlit and may be on- or off-premise (with permission of property owner). For in-line tenant spaces, banners shall be limited to the portion of the building being occupied or used by tenant.</u>
<u>Pole- or Post-mounted signs</u>	<u>All</u>	<u>35 sq. ft.</u>	<u>1 per business or parcel</u>	<u>Good for one year; renewable for one year; no illumination</u>

<u>Type:</u>	<u>District Allowed:</u>	<u>Sign Area Max:</u>	<u>No.</u>	<u>Notes:</u>
<u>Posted Sign (i.e. directional signs in event of road closures, etc.)</u>	<u>All</u>	<u>N/A</u>	<u>N/A</u>	<u>Signs shall be allowed only while extenuating circumstances exist. A letter from the property owner of the proposed location of the off-premise sign granting permission for the installation of the sign shall be required with permit application.</u>

§156.164 NON-CONFORMING SIGNS

The following requirements are established to regulate non-conforming signs:

- A. ~~Conformance Required~~
  - ~~Any sign legally in use prior to the effective date of this ordinance or any amendments hereto which does not satisfy the requirements of this ordinance is declared to be nonconforming and may be continued, provided, however, that prohibited signs, as specified in Section 8.4, and any associated components or equipment, be brought into compliance with the requirements of this Article or be removed entirely. The eventual elimination, as expeditiously and fairly as possible, of nonconforming signs is as much a subject of health, safety and welfare as is the regulation of new signs.~~
- B. ~~Regulations of Non-Conforming Signs~~
  - ~~A nonconforming sign may be continued but it shall not be:~~
    - ~~1. Changed or replaced with another nonconforming sign, except that context may be changed.~~
    - ~~2. Expanded or modified in any way which increases the sign's nonconformity. Nor may illumination be added.~~
    - ~~3. Moved except to bring the sign into complete conformity with this Article.~~
    - ~~4. Re-established once the sign structure has been removed, if not already present.~~
- C. ~~Maintenance of Non-Conforming Signs~~

~~Nonconforming signs shall be subject to all requirements of this Article regarding safety, maintenance, and repair. Nonconforming signs shall be maintained in good condition including necessary non-structural repairs, incidental alterations, or copy alterations, such as repainting and electrical repairs, which do not extend or intensify the nonconforming features of the sign.~~

Non-conforming signs shall be governed by the provisions in §156.110.

§156.165 ENFORCEMENT

A violation of this article is a violation of the Zoning Ordinance and is subject to the enforcement procedures and penalties of §156.240 and §156.999.

Adopted this 13<sup>th</sup> day of May, 2019.

Attest:

\_\_\_\_\_  
Mayor Brad S. Horvath

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

19. Consider approval of Ordinance 2019-03 to Extend the Corporate Limits of the Village of Wesley Chapel, North Carolina *Time Stamp 2:03:53*

Council Member Fuller motioned to approve Ordinance 2019-03, incorporated herein, to extend the corporate limits of the Village of Wesley Chapel, North Carolina. Council Member Como seconded the motion.

The motion passed unanimously.

The annexation is effective June 30, 2019.

**Ordinance 2019-03**  
**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL, NORTH CAROLINA**

WHEREAS, the Village of Wesley Chapel has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Village of Wesley Chapel Council has directed the Village Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Village Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Wesley Chapel Town Hall at 7:00 PM on May 13, 2019 after due notice by publication on April 23 and April 30, 2019; and

WHEREAS, the Village of Wesley Chapel Council finds that the petition meets the requirements of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than two (2) miles from the primary corporate limits of the Village or is contiguous to the satellite corporate limits of the Village;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the primary corporate limits of the Village, except that this subdivision does not apply if the area proposed for annexation is contiguous to the satellite corporate limits;
- c. The area described is so situated that the Village will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed twenty percent (20%) of the area within the primary corporate limits of the Village; and

WHEREAS, the Village of Wesley Chapel Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Village of Wesley Chapel Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Village and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Wesley Chapel, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.1, the following described non-contiguous territory is hereby annexed and made part of the Village of Wesley Chapel as of June 30, 2019:

Adelaide Estates, Lots 1-6, 8-38, 40-54, 56-58, 60-68 and Estates at Wesley Oaks Lot 43

Section 2. Upon and after June 30, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Village of Wesley Chapel and shall be entitled to the same privileges and benefits as other parts of the Village of Wesley Chapel. Said territory shall be subject to municipal taxes according to G.S. 160A-58.1.

Section 3. The Mayor of the Village of Wesley Chapel shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 13th day of May, 2019.

\_\_\_\_\_  
Mayor Brad S. Horvath

ATTEST:

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

20. Discuss policies around tying Council pay to attendance *Time Stamp 2:05:41*

Council Member Como stated residents expect us to be here at the meetings, and currently if Planning Board members don't show up, they don't get paid. Perhaps we should have a policy that council members might miss one or two meetings, and then if they don't show up, they don't get paid. Council Member Rodriguez said this is probably targeted at me; sitting up here is the easiest part, the real time is put in behind the scenes. We also have special meetings, which would have to be considered in the policy. Three years ago I did a lot of work on the park getting prices on the shelters etc., and now there is free reign at the park. Mayor Pro Tem Kaperonis said it is hard enough to get people to run for office, we certainly don't make a living

off this. Looking at the hours researching and time spent representing Wesley Chapel as a whole is a consideration.

Council Member Rodriguez asked about a policy to allow members to remote in. This had been brought up previously. Council Member Fuller said she gets lots of calls and contacts from people, and she gets questions on why Council Member Rodriguez misses six out of twelve meetings. We make a commitment when we are sworn in and we have a calendar of meetings.

The attorney and the clerk will look into a policy and what other councils do. Mayor Horvath added that language should also consider both regular and special meetings, and a policy to remote in. Council Member Como said Council Member Rodriguez missed 14 meetings in the last twelve months, Council Member Rodriguez asked the Clerk to check that.

### New Business

21. Consider approval of purchase of 5 or 6 picnic tables for park; budget amendment needed; approximate cost \$6,700 *Time Stamp 2:16:37*

Council Member Como noted many of our park tables are broken and we have funds available in the budget. Last year we purchased three sturdy handicapped access tables. The Finance Officer said there are funds available in the Capital Outlay item, Phase 2 Park Planning. Parks and Rec Chairman Lepke agreed those funds are available. Council Member Fuller motioned to purchase the tables with a budget amendment to move \$6,700 from Phase 2 Park Planning to Tables. Council Member Como seconded the motion.

The motion passed unanimously.

With this purchase, and if we are awarded a PARTF grant, all of the old tables will be replaced.

22. Consider amending park rental policy to ban staples, nails, and screws on wood pillars of band shell during events *Time Stamp 2:20:50*

Council Member Rodriguez motioned to amend the park rental policy to ban staples, nails, and screws on wood pillars of band shell during events. Council Member Como seconded the motion. The second and motion were rescinded. Council asked Parks and Rec come back with language and look at other items in the park also, such as the information boards and park shelters.

23. Consider approval of tree removal at park for \$850 *Time Stamp 2:24:23*

Council Member Fuller motioned to approve Unity Lawn & Landscape's price of \$850 to remove the tree that is damaged at the park. Council Member Como seconded the motion.

The motion passed unanimously.

### Ending Items

24. Council Comments *Time Stamp 2:26:22*

Council Member Como noted there is a Regional Storm Water Partnership meeting May 21, 2019, the planner is attending, and he will try to attend. He sent out a quote from a painter to do

some work at town hall, and asked if we want to do this this year if the bidder could do it before the end of June.

Mayor Pro Tem Kaperonis reported the community lost a significant Rotary member in Waxhaw, and he appreciated everyone coming out tonight.

Council Member Rodriguez had no comments.

Council Member Fuller had no comments.

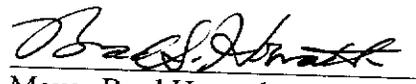
Mayor Horvath noted the CRTPO Board meeting is May 30<sup>th</sup> and 31<sup>st</sup>, he will try to see if he can attend. We don't have any intersections on the critical intersection list as most of ours have been addressed.

25. Adjournment *Time Stamp 2:32:50*

Council Member Como motioned to adjourn; Mayor Pro Tem Kaperonis seconded the motion. The motion passed unanimously.

Respectfully submitted,

  
Cheryl Bennett, Clerk

  
Mayor Brad Horvath