

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
September 14, 2020 – 7:00 PM

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

Council Present: Acting Mayor Fuller, Council Members Como, Bailey, and Boyce
*Pursuant to G.S. 160A-70, the council has designated the Mayor Pro Tempore as Acting Mayor due to Mayor Smith's temporary incapacity.

Others Present: Clerk/Finance Officer Cheryl Bennett, Attorney George Sistrunk, Interim Planning and Zoning Administrator Vagn Hansen

1. Call to Order, Pledge of Allegiance, Invocation *Time Stamp 0:00*

The meeting was called to order. The Pledge of Allegiance was led by Acting Mayor Fuller, and Council Member Boyce gave the invocation.

2. Public Comments *Time Stamp 1:18*

Frank Capella thanked Council and the Clerk for their response to his email regarding the situation at the new County subdivision's construction site, noting the entranceway is right where we have had fatalities, the speed limit is 55 mph, and there is a blind hill curve. He sent a note to the Board of County Commissioners, contacted the Postmaster on behalf of the local carrier, and alerted Union County Public Schools for the school bus drivers. He noted while the Board of County Commissioners rejected 95 homes at New Town Road and Potter Road, a request is coming back to the County Planning Board with 80 units; since they allowed one high density subdivision, will they allow another.

Mike Termine noted the recently annexed parcel on Cuthbertson Road abuts his land and home. Five Stones came to him with the idea of a school; he lives on a blind curve, and there were four accidents there in the last year. Cuthbertson High School and Middle School have 3,000 students, and traffic backs up from the schools past his home. He was concerned about noise and light pollution and asked why a school is needed on the annexed land, they still have not built their phase 2 or phase 3. Attorney Sistrunk reminded Council this will be a CUP with a quasi-judicial decision, so you cannot consider this as evidence in your decision. Tonight we are just considering zoning on the parcel because it was recently annexed.

3. Additions, Deletions and Adoption of Agenda *Time Stamp 19:52*

Survey update was added to Planning Board report; playground update was added to Park and Rec, and the Gold Award proposal was moved up as a separate item. Council Member Como motioned to approve the amended agenda; Council Member Boyce seconded the motion.

The motion passed unanimously.

4. Consider Approval of Consent Agenda: *Time Stamp 22:05*
 - a. Approve Minutes for July 28, 2020 special Council meeting, August 10, 2020 Council Meeting and Closed Minutes for Item 9 from August 10, 2020 meeting
 - b. Approve previous month planner's and code enforcement reports
 - c. Approve previous month finance report
 - d. Reduce performance bonds for Courtyards at Wesley Chapel -Phase I bond to be reduced from \$306,142.50 to \$164,940.00 and Phase 2 bond to be reduced from \$224,812.50 to \$107,817.50
 - e. Proclamation for Constitution Week 2020
 - f. Receive Any Reports from Committees and Deputy

Village of Wesley Chapel, NC Proclamation for Constitution Week



WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2020, marks the two hundred thirty-third anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Amanda S. Fuller, by virtue of the authority vested in me as Acting Mayor of the Village of Wesley Chapel in North Carolina, do hereby proclaim the week of September 17 through 23, 2020 as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel, NC to be affixed this 14th day of September of the year of our Lord two thousand twenty.

Signed _____ SEAL Attest _____
Acting Mayor Amanda S. Fuller Clerk Cheryl Bennett

5. Sarah Bristle presents Gold Award project for approval *Time Stamp 22:24*

Park and Rec Chair John Lepke introduced Sarah Bristle, adding that Park and Rec unanimously recommended approval of her project. Sarah Bristle, from Troop 586, would like to build a butterfly haven by extending the existing garden by two rows. It would support the environment and butterflies. Her high school or the Weddington Garden Club will maintain it after it is completed. She will use native species. The target is to get supplies in September, and plant in early October. She will use Girl Scout funds for the \$700 in materials needed. Council Member Como motioned to approve the project; Council Member Boyce seconded the motion.

The motion passed unanimously.

6. Finance Officer's Report *Time Stamp 7:40*

Finance Officer Bennett reported that during August we began to receive property tax and had a payment on the playground. She requested a budget amendment for the CARES funding. Acting Mayor Fuller motioned to appropriate \$3,409 to a revenue account, CARES funding, and an expenditure account CARES expenses. Council Member Bailey seconded the motion.

The motion passed unanimously.

7. Planning Board Report; Survey Update *Time Stamp 30:36*

Planning Board Chair John Souza reported at their last meeting they recommended deleting the text in the nuisance ordinance at 91.02(B)(18), recommended the FLUP designation for the newly annexed lots, and held a long discussion on the tree ordinance with the Urban Forester. A question was asked about the Five Stones proposal; their Traffic Impact Analysis was rejected by DOT; DOT and the applicant must agree on the scope of work. The September Planning Board agenda is light, but in October there will be a CUP for a cell tower, and possibly another subdivision. Acting Mayor Fuller will have a meeting with the administrative assistant this week and see how she might be able to do some work on the Comp Plan.

8. Parks and Rec Report; Playground Update *Time Stamp 42:23*

Park and Rec Chair Lepke reported on long term planning for the park; the CUP included everything that was planned to be done at the park, and they have been working on the survey of desired amenities that was done ten years ago, this is why they are doing the playground. Some things come up that are not on the list, such as a notice board since the COVID signs are being torn down. Also volunteers sometimes propose projects. At the last meeting (which he was

unable to attend) the Committee got distracted and did not make a recommendation. Subsequently he talked with each member, and 7 to 1 they affirmed to accept the final fence line and drainage for the playground. Acting Mayor Fuller sent Council concerns on the playground to the contractor, sub-contractor, and the County building inspector. Mr. Lepke pulled the information together to get the Union County accessibility and building permits. The sidewalk was not ADA compliant upon inspection, so the contractor will need to make needed adjustments. Carolina Recreation sent a letter today responding to the concerns and described how the poured in place (PIP) surface could be verified by testing for an additional cost. Council Member Como questioned the angle of the slide base, and the level at which the main platform was set. The contractor noted final grading has not yet been done, and the slide base angle is being reset. The drainage plan will move the water from the west side of the playground, and deposit it at two locations; it is common for drain lines to pass under the PIP. Moving the fence up the hill it will follow the contour of the undisturbed grade and not require additional grading. The outer perimeter 8-10-inch drop will be beveled after the installation of drainage and covered in 4 inches of mulch and then four inches of compacted stone. Photos were sent of the footings during installation, showing compacted clay sufficient to bear the playground footings. All outer edges will be plate compacted along with the four inches of stone. The proposed fence/gate location is sufficiently far away from the equipment to be ADA compliant. A crack in the playground roof is being repaired with a plastic welding repair kit from the manufacturer and will have a full warranty and be sealed on all sides from the weather. Location of the equipment was discussed; we did not specify exact locations or have a survey done when it was bid, and the important elements are compliance with ADA and that the kids enjoy the equipment. Chair Lepke related he and Council Member Como were on site July 17th, the subcontractor left and the forms for concrete were in place. The sidewalk location was altered when Council Member Como instructed the workers to change the curve and add flared ends. This should have gone through a change order process. When the contractor arrived back, he noticed the changes. Council Member Como felt the changes were cosmetic only. Chair Lepke checked with our park designers Wirth & Associates, and they said four feet are required between the gate and equipment, and actual distance is 15 feet. Chair Lepke said original grading was based on sloping in one direction, but someone re-graded the site with their bobcat and now it slopes in two directions. The contractor will have to put in two drains, and the final plan has two pipes. Since the contractor will have to dig up the concrete to adjust the slope of the sidewalk, we could ask if he can put the drainpipe under the concrete at no additional cost. Council members did not have an issue with the location of the equipment. Council Member Boyce would like to see a photo of the cracked roof to verify that we do not need to request a new roof. The PIP rubber surface was discussed, and the attorney confirmed if there is a defect in the work there could be a claim against the contractor. Council felt that the contractor should be trusted to install it correctly as they do this all the time. A tree on the site was examined by the Urban Forester; he found damage was done to it years ago, probably when the park was created, and he recommended removing it as well as another nearby tree. There is also a tree in the dog park that needs to be removed. The Forester recommended replacing the trees with black gum shade trees, with fibrous roots that will not damage the PIP. He also gave input on transplanting and trimming back the magnolias.

Council Member Bailey motioned to remove all three trees, get quotes, and leave the stump at the dog park but remove the other roots for up to \$3,500. Council Member Boyce seconded the motion.

The motion passed unanimously.

Council Member Boyce motioned to move up to \$3,500 from the Playground to the Tree Services account (use all remaining funds in the account). Council Member Bailey seconded the motion.

The motion passed unanimously.

Council Member Boyce motioned for the Acting Mayor to respond to Carolina Recreation's letter. Council Member Bailey seconded the motion.

The motion passed unanimously.

Sanitizing of the playground was discussed; Acting Mayor Fuller said she will report back to Council when she hears from the Governor on it. Chair Lepke had concerns because the compounds used in fogging the playground are a category 4 skin hazard. A volunteer day is upcoming on September 19th.

9. Public hearing on Future Land Use Map designation for recently annexed parcels; and possible decision on Ordinance 2020-05 *Time Stamp 2:50:03*

Acting Mayor Fuller opened the public hearing. There being no speakers, she then closed the public hearing.

Council Member Bailey motioned to approve Ordinance 2020-05, included herein. Council Member Boyce seconded the motion.

The motion passed unanimously.

Village of Wesley Chapel, North Carolina

Ordinance 2020-05

TO APPLY FUTURE LAND USE DESIGNATIONS TO RECENTLY ANNEXED LOTS

WHEREAS, the Village Council annexed parcels: lot 39 parcel 06006271, and common open space parcels 06006249, 06006250, 06006281, and 06006282 in Adelaide Estates; lot 45 parcel 06048436 and lot 9 06048342 both in Estates at Wesley Oaks; and an 8 acre parcel on Chambwood Road parcel 06105012 ; into the corporate limits with an effective date of June 30, 2020; and

WHEREAS, according to the NC General Statutes, local governments have up to sixty (60) days from the effective date of an annexation to apply municipal zoning regulations on an annexed piece of property, after which time no zoning requirements apply unless so adopted by the local jurisdiction; and

WHEREAS, parcel 06105012 was zoned R-40 in the County and all the other lots are located in established single-family residential subdivisions, Adelaide Estates and the Estates at Wesley Oaks, where adjacent lots are designated as “Low-density Residential” on the Future Land Use Plan map and are zoned RUC by the Village; and

WHEREAS, a public hearing was conducted on the matter at the Village Council’s September 14, 2020 meeting; and

WHEREAS, the Village of Wesley Chapel considers amending the Village’s Future Land Use Map to specify the future land use designations to be consistent with the surrounding land use of the respective neighborhoods; to be in the public interest; and to be consistent with currently adopted plans; and

WHEREAS, it is recommended that each lot be designated as “Low-Density Residential” future land use designation, and

NOW THEREFORE BE IT RESOLVED that the Future Land Use Map of the Village of Wesley Chapel is hereby amended to apply the Low-Density Residential land use designation to all the annexed parcel.

Adopted this 14th day of September 2020.

Attest:

Acting Mayor Amanda Fuller

Cheryl Bennett, Village Clerk

10. Public hearing to apply zoning for recently annexed parcels; and possible decision on Ordinance 2020-06 *Time Stamp 2:51:24*

Acting Mayor Fuller opened the public hearing. There being no speakers, she then closed the public hearing.

Council Member Boyce motioned to approve Ordinance 2020-06, included herein. Council Member Bailey seconded the motion.

The motion passed unanimously.

Village of Wesley Chapel, North Carolina

Ordinance 2020-06

TO APPLY ZONING TO RECENTLY ANNEXED LOTS

WHEREAS, the Village Council annexed these parcels: lot 39 parcel 06006271, and common open space parcels 06006249, 06006250, 06006281, and 06006282 all in Adelaide Estates; lot 45 parcel 06048436 and lot 9 06048342 both in Estates at Wesley Oaks; and an 8 acre parcel on Chambwood Road parcel 06105012 ; into the corporate limits with an effective date of June 30, 2020; and

WHEREAS, according to the NC General Statutes, local governments have up to sixty (60) days from the effective date of an annexation to apply municipal zoning regulations on an annexed piece of property, after which time no zoning requirements apply unless so adopted by the local jurisdiction; and

WHEREAS, parcel 06105012 was zoned R-40 in the County and all the other lots are located in established single-family residential subdivisions, (Adelaide Estates and the Estates at Wesley Oaks), where adjacent lots are zoned Residential – Union County (RUC) by the Village; and

WHEREAS, a public hearing was conducted on the matter at the Village Council’s September 14, 2020 meeting; and

WHEREAS, the Village of Wesley Chapel considers amending the Village’s Zoning Map to apply zoning to be consistent with the surrounding land use of the respective neighborhoods; to be in the public interest; and to be consistent with currently adopted plans; and

WHEREAS, it is recommended that parcel 06105012 be zoned R-40, and all the other lots be zoned RUC, and

NOW THEREFORE BE IT RESOLVED that the Zoning Map of the Village of Wesley Chapel is hereby amended to apply the R-40 zoning to parcel 06105012 and RUC zoning to the other lots.

Adopted this 14th day of September 2020.

Attest:

Acting Mayor Amanda Fuller

Cheryl Bennett, Village Clerk

11. Public hearing on RA-40 text amendment; possible decision on Ordinance 2020-07 *Time Stamp 2:51:50*

Acting Mayor Fuller opened the public hearing. There being no speakers, she then closed the public hearing.

Council Member Bailey motioned to approve Ordinance 2020-07, included herein. Council Member Boyce seconded the motion.

The motion passed unanimously.

Village of Wesley Chapel, North Carolina Ordinance 2020-07

TO ADOPT ZONING ORDINANCE TEXT AMENDMENT REGARDING RA-40 ZONING DISTRICT

THAT WHEREAS, the Village of Wesley Chapel has considered amending the Village’s Zoning Ordinance regarding regulations pertaining to the RA-40 zoning district; and

WHEREAS, a public hearing was conducted on the matter at the Village Council’s September 14th, 2020 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:

§156.005 DEFINITIONS

AGRICULTURAL USES.

(a) The production, keeping or maintenance, for sale or personal use, of plants and animals useful to humans, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program; and land used as pasture or in the commercial production of fish hatcheries or aquaculture.

(b) Also included in this definition of ***AGRICULTURAL USES*** are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Uses which shall not be deemed as ***AGRICULTURAL USES*** include:

1. Zoos;
2. Kennels;
3. ~~Riding stables and academies;~~
4. Non-domesticated animals; and
5. Animals commonly perceived to be a threat to humans.

AGRIBUSINESS

Commercial activities offering goods and services which support the production of agricultural produces or processing of those products to make them marketable. Examples

include, but are not limited to, soil preparation, animal and farm management, landscaping and horticultural services, specialized commercial horticulture, specialized animal husbandry, small business retail sales of farm/garden products, greenhouse operations and sales, supplies and equipment, equipment rental and repair service, tack shop, farrier, blacksmith, welding shops, facilities for animal shows, animal sales and auctions, animal kennel and supply stores, agriculture-based clubs/meeting halls, storage of agricultural supplies and products, and processing plants for agricultural products including wineries and canneries. For the purposes of this ordinance, small-scale agribusinesses are those that have no buildings or one building no more than 5,000 square feet and require no more than 10 parking spaces. Large-scale agribusinesses are those that have a building larger than 5,000 square feet or have multiple buildings and require more than 10 parking spaces.

AGRITOURISM

Farm-related enterprises that operate for the enjoyment and education of the public and that combine tourism and agriculture. Agritourism uses include those that are for-profit and those that are provided free of charge to the public, including the following:

- (A) Agritainment – events and activities that allow for recreation, entertainment, and tourism in conjunction with agriculture support and services directly associated with ongoing agricultural activities on-site that are for-profit. Events and activities include hayrides, corn mazes, hay mazes, petting zoos (farm animals only) and agricultural festivals.
- (B) Eco-Tourism Enterprise – Tourism activities and facilities that focus on visitation and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism enterprises may include cultural activities related to conservation and safeguarding the integrity of a natural feature, habitat, or eco-system.
- (C) Farmers Markets – defined below.
- (D) Restaurant, farm-based – Restaurants on tracts occupied by a working farm that serve food and beverages primarily to customers seated at tables or counters located within a building or designated outdoor seating areas. At a minimum, 50% of the food served at this type of restaurant must be grown on-site, or on tracts that are part of the subject farm.
- (E) Participatory Farms – Farm-based, tourism-driven enterprises where individuals or groups pay to participate on a working farm.
- (F) Wine Tasting Room – A facility in which wine products grown or processed on the owner’s property may be tasted and sold. This definition may include ancillary uses such as gift/retail sales, assembly areas, and meeting rooms.
- (A) (G) Winery – A manufacturing facility or establishment engaged in the processing of grapes to produce wine or wine-like beverages.

§156.021

(F) *RA-40, Single-Family District.* The RA-40 District is established to encourage ~~the~~ perpetuation of existing agricultural uses and to accommodate low-density single-family

residential development (including most classes of manufactured homes) at low densities consistent with suitability of the land and the rural and agricultural character of the village. The minimum lot size is 40,000 square feet.

§156.060

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
Accessory uses	§ 156.133	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs
Agricultural use	§§ 156.005, 156.133	Xs	Xs	Xs	Xs	Xs					
<u>Agribusiness</u>	<u>§156.089</u>	<u>Cs</u>	<u>Cs</u>	<u>Xs</u>							
<u>Agritourism</u>	<u>§156.089</u>	<u>Cs</u>	<u>Cs</u>	<u>Xs</u>							
Animal grooming facility	<u>(See Animal Kennel)</u>										
Animal hospital (indoor)	<u>§156.089</u>			<u>Xs</u>				C	C	X	
Animal hospital (outdoor)				<u>C</u>				C	C	X	
Animal kennel	<u>§156.089</u>			<u>Xs</u>				C	C	X	
Animal obedience school (principal use)	<u>(See Animal Kennel)</u>										
Animal shelter	<u>§156.089</u>			<u>Xs</u>				C	C	C	
Animal supply store				<u>Xs</u>				X	X	X	
Bed and breakfast inn		<u>Cs</u>	<u>Cs</u>	<u>Es</u>	C						
Beer and wine store									X		
Churches, places of worship, synagogues, temples	§ 156.089	<u>Es</u>	<u>Es</u>	<u>Es</u>	Cs	Cs	Cs				X
Community centers		<u>Es</u>	<u>Es</u>	<u>Es</u>	C	C	C	X	X	X	X
<u>Fish hatchery</u>	<u>See (Agribusiness)</u>										
Golf course (except miniature and driving range) (public or private)	§ 156.089	Cs	Cs	Cs	Cs	Cs	Cs				
Golf course (driving range, par 3)	§ 156.089	Cs	Cs	Cs				Cs	Cs	Cs	
Golf course (miniature)	§156.089			<u>Xs</u>				C	C	C	
Governmental uses, village owned and operated		C	C	<u>Es</u>	C	C	C	X	X	X	X
Greenhouses as accessory residential use		X	X	X	X	X	X				
Greenhouse, nursery, commercial (no on-premises sales)	<u>§156.089</u>	C	C	<u>Xs</u>						X	
Greenhouse, nursery, commercial (sales of products grown on premises)	<u>§156.089</u>	C	C	<u>Xs</u>						X	
Lumber and saw mills <u>sawmills</u>		C	C	<u>Xs</u>						X	
Microbrewery				<u>Xs</u>				X	X	X	
Recreation facility, indoor	§ 156.089	C						C	C	C	C

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
Riding academy		C X	C X	C X	C	C	C				
Sawmill operations, portable/temporary		<u>(See "Lumber and sawmills")</u>									
School for the arts	§ 156.089	Cs	Cs	Cs Xs				X	X	X	Cs
Schools, sports instructional	§ 156.089	Cs	Cs	Cs Xs				X	X	X	
NOTES TO TABLE:											
—Note: Any permitted individual use having a gross floor area in excess of 2,000 square feet shall require a conditional use permit in the B-1, B-2 and O-I Districts.											
—X - Permitted by right											
—C - Conditional use permit required											
—s - Supplemental regulations apply (see referenced section(s))											
—CZ - Subject to conditional zoning approval											

§ 156.063 RESIDENTIAL DISTRICTS; YARD REGULATIONS.

(A) R-40 District

(1) Minimum lot area.

Agricultural uses	5 acres
Barns	3 acres
Cemeteries	5 acres
Churches	3 acres
Day care facilities	3 acres
Essential services Class IV	None
Horse stables and riding academies	5 acres
Libraries	3 acres
Public and private schools	10 acres
Single-family dwellings	40,000 square feet
All other uses	40,000 square feet

(B 2) Minimum front yard setback. (Except as provided in §§ 156.105 through 156.113 of this chapter.)

All essential services Class II	300 feet
Barns (principle use)	See § 156.089
Essential services Class IV	10 feet
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
Natural gas substation	75 feet from the edge of existing pavement to fence line
Single-family dwellings in the R-40 and RA-40 Districts; manufactured homes in the RA-40 Zoning District	50 feet
Telephone repeater stations and transmitting facilities, public utility substations	200 feet
All other uses	75 feet

(€ 3) *Minimum lot width.*

Essential services Class IV	None
All other uses	120 feet as measured at the front yard setback

(Ⓓ 4) *Minimum side yard setback.*

All essential services Class II	100 feet
Barns (principle use)	See § 156.089
Churches, schools, governmental facilities, libraries	50 feet

Essential services Class IV	10 feet
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
Natural gas substation	15 feet and 75 feet on street side of corner lots
Single-family dwellings, modular and manufactured homes in the RA-40 Zoning District	15 feet (if a buffer is provided at the side of the lot pursuant to § 155.080 of this code of ordinances, the side yard setback shall be measured to the nearest edge of the buffer area)
Telephone repeater stations, transmitting facilities and public utility substation	75 feet
All other uses	15 feet

(E 5) *Minimum rear yard setback.*

All essential services, Class III uses	100 feet
Barns (principle use)	See § 156.089
Essential services Class IV	10 feet
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
Natural gas substation	15 feet

Single-family dwellings, modular and manufactured homes in the RA-40 Zoning District	40 feet (if a buffer is provided at the rear of the lot pursuant to § 155.080 of this code of ordinances, the rear yard setback shall be measured from the nearest edge of the buffer area)
Telephone repeater stations, transmitting facilities and public utility substations	75 feet
All other uses	40 feet

~~(F 6)~~ *Maximum building height.* (Except as permitted in § 156.132 of this chapter.)

All uses	35 feet (see § 156.005 of this chapter)
Essential services Class IV	10 feet
Essential services Class V	20 feet

~~(G 7)~~ *Conservation subdivisions.* Development standards for conservation subdivisions are found in § 156.089.

(B) RA-40 District

(1) Minimum lot area.

<u>Small-scale Agribusinesses/Agritourism</u> <u>(Please see definition for further criteria §156.005)</u>	<u>1 acre</u>
<u>Large-scale Agribusinesses/Agritourism</u> <u>(Please see definition for further criteria §156.005)</u>	<u>5 acres</u>
<u>Barns</u>	<u>3 acres</u>
<u>Cemeteries</u>	<u>5 acres</u>
<u>Churches</u>	<u>3 acres</u>
<u>Day care facilities</u>	<u>3 acres</u>

<u>Essential services Class IV</u>	<u>None</u>
<u>Libraries</u>	<u>3 acres</u>
<u>Public and private schools</u>	<u>10 acres</u>
<u>Single-family dwellings</u>	<u>40,000 square feet</u>
<u>All other uses</u>	<u>40,000 square feet</u>

(2) Minimum front yard setback. (Except as provided in §§ 156.105 through 156.113 of this chapter.)

<u>All essential services Class II</u>	<u>300 feet</u>
<u>Barns (principle use)</u>	<u>See § 156.089</u>
<u>Essential services Class IV</u>	<u>10 feet</u>
<u>Essential services Class V</u>	<u>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</u>
<u>Natural gas substation</u>	<u>75 feet from the edge of existing pavement to fence line</u>
<u>Single-family dwellings and manufactured homes</u>	<u>75 feet</u>
<u>Telephone repeater stations and transmitting facilities, public utility substations</u>	<u>200 feet</u>
<u>All other uses</u>	<u>75 feet</u>

(3) Minimum lot width.

<u>Essential services Class IV</u>	<u>None</u>
<u>All other uses</u>	<u>150 feet as measured at the front yard setback</u>

(4) Minimum side yard setback.

<u>Agribusiness/Agritourism uses</u>	<u>50 feet</u>
<u>All essential services Class II</u>	<u>100 feet</u>
<u>Barns (principle use)</u>	<u>See § 156.089</u>
<u>Churches, schools, governmental facilities, libraries</u>	<u>50 feet</u>
<u>Essential services Class IV</u>	<u>10 feet</u>
<u>Essential services Class V</u>	<u>100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence</u>
<u>Natural gas substation</u>	<u>15 feet and 75 feet on street side of corner lots</u>
<u>Single-family dwellings and manufactured homes</u>	<u>25 feet (if a buffer is provided at the side of the lot pursuant to § 155.080 of this code of ordinances, the side yard setback shall be measured to the nearest edge of the buffer area)</u>
<u>Telephone repeater stations, transmitting facilities and public utility substation</u>	<u>75 feet</u>
<u>All other uses</u>	<u>25 feet</u>

(5) Minimum rear yard setback.

<u>Agribusiness/Agritourism uses (including non-residential uses, horse stables, and riding academies)</u>	<u>40 feet</u>
<u>All essential services, Class III uses</u>	<u>100 feet</u>
<u>Barns (principle use)</u>	<u>See § 156.089</u>

<u>Essential services Class IV</u>	<u>10 feet</u>
<u>Essential services Class V</u>	<u>100 feet from property line for placement of any solar power generating facility; 50 feet from property line for placement of the security fence</u>
<u>Natural gas substation</u>	<u>15 feet</u>
<u>Single-family dwellings and manufactured homes</u>	<u>60 feet (if a buffer is provided at the rear of the lot pursuant to § 155.080 of this code of ordinances, the rear yard setback shall be measured from the nearest edge of the buffer area)</u>
<u>Telephone repeater stations, transmitting facilities and public utility substations</u>	<u>75 feet</u>
<u>All other uses</u>	<u>60 feet</u>

(6) Maximum building height. (Except as permitted in § 156.132 of this chapter.)

<u>All uses</u>	<u>35 feet (see § 156.005 of this chapter)</u>
<u>Essential services Class IV</u>	<u>10 feet</u>
<u>Essential services Class V</u>	<u>20 feet</u>

§ 156.089 ADDITIONAL REVIEW CRITERIA.

The review criteria in this section apply to any use highlighted in the Table of Uses that are permitted by right with standards or conditional with standards, as designated and referenced below. The review criteria specified for each of the following conditional uses shall be addressed by the Village Council as an integral part of any applicable CUP review activity:

(M) Agribusiness/Agritourism

(1) The lot where the agribusiness/agritourism use is located must have sufficient frontage along a boulevard or thoroughfare street so that the principal means of ingress and egress for the use comes along such a street.

(2) No building or structure that houses any part of the small-scale agribusiness/agritourism use may be located within 60 feet of any existing dwelling unit (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.

(3) No building or structure that houses any part of the large-scale agribusiness/agritourism use may be located within 150 feet of any existing dwelling unit (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.

(4) Screening as provided in §156.126.

(5) Agribusiness/Agritourism uses may not have truck pick-up or delivery traffic before 7:00am or after 7:00pm.

§ 156.126 SCREENING AND LANDSCAPING.

(B) Agribusiness, agritourism, business, commercial, and light industrial, and other non-residential uses adjacent to residential ~~zoning uses~~ shall provide screening to materially screen the subject use from the view of all adjoining residential ~~zoning districts~~ areas.

(H) Uses permitted within the business districts, and non-residential, commercial or agribusinesses allowed within specific residential districts, shall provide street trees as landscaping along the front property line, along the side street property line on a corner lot and along the rear property line when the rear property line lies directly across the street from a residential district. Such trees shall be installed in accordance with the following standards.

- (1) Such trees may be evergreen or deciduous.
- (2) Such trees shall be a minimum of eight feet high at planting.
- (3) The maximum spacing between trees shall be 30 feet.

§ 156.133 ACCESSORY USES AND STRUCTURES.

Minor uses or structures which are necessary to the operation or enjoyment of a permitted principal use, and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts with certain exceptions as described herein as an accessory use, subject to the following.

(A) (1) Except as provided below, accessory uses or structures, well houses, garages and swimming pools shall be located no closer than 15 feet to any side or rear lot line and are not permitted in the front yard, unless otherwise stated herein. Well houses shall be allowed in any

yard and shall not be subject to setback requirements. Detached garages may be located in any side or rear yard.

(2) On any lot in the R-80, R-60, RA-40, R-40, RA-20 and R-40 zoning districts that is three acres or greater in area, barns (as an accessory structure) shall be allowed in a front yard provided that the barn is provided with a minimum 100-foot front setback, except 150 feet if the barn houses poultry or livestock. All other applicable side and rear yard setback requirements shall also apply.

(3) For residential, non-conforming lots that were originally approved by another jurisdiction, originally platted side and rear setbacks will be honored for accessory structures with documentation of the permitted setbacks at the time of subdivision.

(B) In the R-40 district, no accessory use or structure shall be permitted that involves or requires any construction features which are not residential in nature or character. Accessory uses shall be located on the same lot as the principal use.

(C) In the RA-40 district, accessory structures allowed in conjunction with a permitted agribusiness, agritourism, or non-residential agricultural use shall have features that are residential or agricultural in nature or character, as determined by the allowed use.

§ 156.175 OFF-STREET PARKING.

Every new use, or any enlargement, expansion or alteration of an existing use, shall require off-street parking in compliance with this subchapter, unless specifically exempt from such provisions or portions thereof.

(C) Off-street parking for residential uses shall be located as follows.

(10) For approved non-residential agricultural, agribusiness, or agritourism uses within the RA-40 district shall follow parking standards for non-residential parking areas (§156.175.(D)).

(D) Design standards for non-residential parking areas are as follows.

(1) All parking areas, including required driveways for access to public roads and off-street loading areas, if any, shall be paved. Paving requirements for parking areas for places of worship, ~~village~~ **village**-owned and operated government uses, agricultural non-residential uses, and indoor or outdoor public or private recreation facilities are to be determined via the CUP process. Non-conforming use parking areas in compliance with this section shall be clearly delineated with a gravel bed and maintained border.

(2) A parking space shall be not less than nine feet in width, nor less than 18 feet in length. All parking stalls shall be clearly marked and such markings shall be maintained so as to be easily seen.

(3) Parking bays shall be designed in accordance with accepted standard practice for parking at various angles, with aisles being of such widths as to permit the entering and leaving of a parking space with ease and safety.

(4) (a) Access to all required parking areas shall be by roads adequate in width to accommodate two-way traffic, except for parking areas designed and clearly marked for one-way traffic. Except by way of approved driveways, access from or egress to a public road from a parking area shall be expressly prohibited.

(b) Adequate provisions shall be made to ensure compliance by the use of fences, walls, wheel stops or landscaping, or a combination of those devices.

(5) Wheel stops, curbs or other devices shall be provided in such locations as to prevent any vehicle from encroaching either on a public right-of-way or an adjacent property.

(6) Parking areas shall be so designed as to retain existing trees and other plant life. Where no trees or other plant life exists, adequate landscaping shall be provided, both within the parking area and on the external boundaries of such area.

(7) Screening shall be provided as required in § 156.126 of this chapter.

(8) Signs in compliance with §§ 156.155 through 156.164 of this chapter shall be allowed.

(9) Parking spaces for handicapped individual's usage shall be provided at all parking areas intended for public use. Said spaces shall be provided in sufficient number, size and accessories (i.e., access walks between spaces, ramps at curbs, signage and the like) to satisfy all applicable federal standards for handicapped parking.

(10) Parking space minimum requirements are provided in division (H) below for uses permitted by right and/or allowable under the CUP process. Any use classification not listed in said division (H) below shall be addressed as an integral part of the CUP process that must take place to consider such additional conditional use(s).

(11) Parking areas, including parking aisles, for non-residential uses shall not be extended into the required rear yard and side yard setbacks. Parking lot access, excluding parking aisles, may be located within a side or rear yard setback. However, such access shall be located perpendicular to the setback line to the greatest extent possible.

(12) Storage of inoperable vehicles, boats, motorcycles, all-terrain vehicles, trailers requiring registration and equipment for non-residential uses shall be in conformance with the screening requirements of § 156.126 of this chapter.

(H) The following chart indicates the minimum off-street parking requirements:

<i>Use Classification</i>	<i>Parking Space Requirement</i>
<u>Agribusinesses, Agritourism, etc.</u>	<u>Requirements determined based on specific use and shall follow either golf course, horse stables, restaurants, and/or retail business requirements, whichever is most similar to specific use.</u>
Community recreation centers; country clubs; fraternal, social organizations	1 space for the largest number of employees per shift and recreational, plus 2 spaces for each 3 memberships, plus 1 space for each vehicle used in the operation
Golf courses	1 space for the largest number of employees per shift, plus 4 spaces per hole, plus 1 space for each vehicle used in the operation (excluding golf carts)
Horse stables and riding academies, commercial	1 space for each employee during the shift of greatest employment, plus 2 spaces for each 3 stalls, plus 1 space for each vehicle used in the operation
Restaurants	1 space for each employee during the shift of greatest employment, plus 1 space for each 3 seats
Retail business and consumer service outlets (except as noted)	1 space for each 200 square feet of gross floor area
Shopping centers	1 space per 200 square feet of gross floor area excluding uses whose off-street parking requirements are listed separately

Adopted this 14th day of September, 2020.

Acting Mayor Amanda S. Fuller

Attest: _____
Cheryl Bennett, Village Clerk

12. Discussion and consider approval of NC DOT agreement re Project U-6087 *Time Stamp*
2:54:06

Acting Mayor Fuller received a letter from NC DOT that we had requested back the funds we had sent to NC DOT in 2018 for our contribution to the roundabout project at Potter and Potter Roads. We do not know who requested that. Council Member Bailey noted Wesley Chapel was included on the short list for prioritization at the recent CRTPO meeting only because we had committed those funds. Council Member Como motioned to not request the funds be returned and to investigate why and who requested them. Acting Mayor Fuller seconded the motion. The Clerk will send NC DOT a letter and ask about the request.

The motion passed unanimously.

13. Consider approval of Union County Coronavirus Relief Fund Intergovernmental and Subrecipient Agreement *Time Stamp 2:56:40*

The CARES funding, need for a conflict of interest policy due to it being Federal Funds and process to purchase the items was discussed. A couple of the items budgeted we may be able to purchase at a lower price, and if an amendment is approved by CARES, we could purchase more of the items. The hand sanitizer units for the park need to be sturdy and lasting.

Council Member Como motioned to buy as many as possible sturdy hand sanitizer dispensers for the park as the budgeted funds allow. Council Member Boyce seconded the motion. Acting Mayor Fuller can select the items to purchase.

The motion passed unanimously.

The drop box does not seem to be needed by staff. Council Member Como motioned to not purchase the drop box and re-budget the funds for hand sanitizer. Council Member Boyce seconded the motion.

The motion passed unanimously.

Council Member Boyce motioned to approve the Union County Coronavirus Relief Fund Intergovernmental and Subrecipient Agreement. Council Member Fuller seconded the motion.

The motion passed unanimously.

Council Member Boyce motioned to adopt the policy for conflict of interest, incorporated herein. Council Member Como seconded the motion.

The motion passed unanimously.

Conflict of Interest Policy

No employee, officer, or agent of the Village may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. No officers, employees, or agents of the Village shall directly or indirectly solicit any gift or accept or receive having a value of more than \$50.00 from contractors or parties to subcontracts, whether in the form of money, services, loan, travel, entertainment, thing, or promise, or any other form, under circumstances in which it could reasonable be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her duties as an employee, officer or agent of the Village, or was intended as a reward for any action on his or her part taken in this capacity. Legitimate political contributions shall not be considered as gifts under this provision. Any violation of this provision and the standards set forth herein by a Village employee, officer, or agent will subject such individual to disciplinary action.

14. Discussion and possible decisions on contract administration *Time Stamp 3:06:48*

Council Member Bailey noted our Park and Rec discussion tonight reinforces the need for this. She asked for input from Council Members and she will draft a policy Council Member Como

asked where is the line, and what's worth it. Council Member Boyce noted it is only fair to contractors for us to designate who is our point of contact, and we need systematic checks to stay within the contract.

15. Update on Process to Hire Planning and Zoning Administrator *Time Stamp 3:19:06*

Acting Mayor Fuller noted two resumes were received, but both did not seem a good fit, and were also out of town. Our interim planner is doing a great job, and we will continue the search.

A short break was taken.

16. Discuss any Changes to Operating Procedures Due to Pandemic *Time Stamp 3:23:51*

No changes were made tonight.

17. Council Comments *Time Stamp 3:24:01*

Council Member Como asked if he could speak for the Village at the County Commission meeting regarding the proposals from Epcon and the commercial at Beulah Church Road and Waxhaw-Indian Trail Road. Council Member Bailey said to reference the Resolution we passed against the projects, that is how Wesley Chapel feels regarding them.

Council Member Boyce attended the Western Union County Municipal Alliance (WUMA) meeting August 20th, and they discussed the challenges, ETJ, and the Union County 2050 Plan spheres of influence.

Council Member Bailey will attend the quarterly CRTPO meeting Wednesday night; NC DOT revenues are down, projects are increasing in cost, and the policy of towns spending money for a project and then getting reimbursed later by NC DOT circumvents the prioritization process.

Acting Mayor Fuller reported we are continuing work on the personnel policy with MAPS. She noted our deputy was involved in a foot race where he caught the offender. WUMA offered to pass resolutions to support ours opposing the developments in the County. She noted code enforcement is not a normal duty of council; the administrative assistant is doing the sign sweeps now. A proclamation was issued for Domestic Violence Awareness month.

18. Adjournment *Time Stamp 3:45:20*

Council Member Boyce motioned to adjourn; Acting Mayor Fuller seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 10:55 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Amanda Fuller, Acting Mayor Per G.S. 160A-70