

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>€Xs</u>	<u>€Xs</u>	<u>€Xs</u>	C						
Beer and wine store									X		
Churches, places of worship, synagogues, temples	§ 156.089	<u>€Xs</u>	<u>€Xs</u>	<u>€Xs</u>	Cs	Cs	Cs				X
Community centers		<u>€Xs</u>	<u>€Xs</u>	<u>€Xs</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>€Xs</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	

<i>Use</i>	<i>Supplemental Regulation Section Number</i>	<i>R-80</i>	<i>R-60</i>	<i>RA-40</i>	<i>R-40</i>	<i>RA-20</i>	<i>R-20</i>	<i>B-1</i>	<i>B-2</i>	<i>L-1</i>	<i>O-1</i>
Recreation facility, indoor	§ 156.089	C						C	C	C	c
Riding academy		C X	C X	C X	C	C	C				
Sawmill operations, portable/temporary		<i>(See "Lumber and sawmills")</i>									
School for the arts	§ 156.089	Cs	Cs	C Xs				X	X	X	Cs
Schools, sports instructional	§ 156.089	Cs	Cs	C 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>

<i>Use Classification</i>	<i>Parking Space Requirement</i>
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