



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY JANUARY 27, 2025 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
AGENDA**

1. Call to Order
2. Determination of Quorum
3. Conflict of Interest Statement: *In accordance with state law, it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*
4. Approval of Minutes
 - A. November 25, 2024 Planning Board Regular Meeting
 - B. December 18, 2024 Planning Board Regular Meeting
5. Public Comments: *Individuals are allowed 3 minutes to speak and must only comment on current agenda items. A maximum of 30 minutes is allocated to the Public Comment Period. The time limit may be extended at the discretion of the Chairman.*
6. New Business
 - A. Discussion and Possible Recommendation of Text Amendment 2025-XX Section D-917A.I. Street Design and Standards
 - B. Discussion regarding Appendix 2.B. (Buildable Area.)
7. Old Business
 - A. Discussion and Possible Recommendation of Text Amendment 2025-XX Section D-917A.Q Tree Requirements (New Tree Ordinance)
 - B. Discussion and Possible Recommendation of Text Amendment 2025-XX Section D-917A.J. Cul-de-sacs
8. Update from Town Planner and Report from January Town Council Meeting
9. Board member Comments
10. Adjournment



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY NOVEMBER 25, 2024 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
PAGE 1 OF 6**

1. Call to Order

Chairman Manning called the meeting to order at 7:00 p.m.

2. Determination of Quorum

Quorum was determined with all Board members present: Chairman Travis Manning, Vice Chair Amanda Jarrell, Board members Chris Faulk, Manish Mittal, Nancy Anderson, Rusty Setzer and Bill Deter.

Staff: Planner Greg Gordos, Admin Assistant/Deputy Clerk Debbie Coram

Visitors: Mark Kime, John Schick, Larry Burton, Brian Hall, Mason Grisson, Jessica Lundgren, Eileen Fellmeth, Steve Fellmeth, CA Plyler, Wanda Mobray, Chad Emerine, Melissa Emerine, Renee Stene, Barbara Schick, Jim Vivian, Jim Bell

3. Conflict of Interest Statement: *In accordance with state law, it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*

Chairman Manning read the Conflict of Interest Statement. Nancy Anderson stated she didn't have a personal conflict but wanted the Planning Board to know that she does have a family member who owns property within 1,000 ft of the proposed Classica development. No other board member had a conflict of interest.

4. Approval of Minutes

A. October 28, 2024 Planning Board Regular Meeting

Board member Anderson requested to amend typographical errors and made note to identify the visitor present at that meeting was Basil Polivka Jr.

- Motion:*** Board member Deter made a motion to approve the October 28, 2024 Planning Board Regular meeting minutes, as amended.
- Second:*** Board member Jarrell
- Vote:*** The motion passed with a unanimous vote.

5. Public Comments: *Individuals are allowed 3 minutes to speak and must only comment on current agenda items. A maximum of 30 minutes is allocated to the Public Comment Period. The time limit may be extended at the discretion of the Chairman.*

John and Barbara Schick- 205 Dornoch Drive: Mr. Schick stated their home is located behind Weddington Glen and which is next to the project Classica. He asked the Classica team, to take a special look at the drainage coming the farmland Had a question for Classica commented on the Classica project. Expressed concerns about stormwater runoff and the development of the Classica project.

Jim Vivian - 3324 Michelle Drive: Mr. Vivian expressed support for the Classica development. He's worked with Classica and stated that the quality and products will make this the best development in Weddington.

Chad Emerine – 953 Eagle Road: Mr. Emerine commented on the Classica development and raised questions about the pending conditional sewer approval from Union County and gave examples of other projects that were tabled for not having the approval. He noted the packet was missing stormwater plans the Neighborhood Green didn't show trees on 40-foot intervals as required and that pedestrian pathways are missing He suggested that the rest of the conservation area be offered as additional space for residents to utilize, especially in the back half of neighborhood.

6. Old Business – None

7. New Business

A. Discussion and Possible Recommendation of an application by Classica Homes requesting Conditional Zoning Approval for the development of a 27-lot Conservation subdivision located at 5215 Hemby Road.

Mr. Gordos presented the staff report: Classica Homes, is proposing the development of a new conservation subdivision of 27 homes on 20,000 square foot or greater lots, a new standard for R-CD Conservation subdivisions adopted by the town in 2024. It is located on a narrow strip of land along Hemby Road next to the fire station owned by the Town of Weddington and the water tower. Another new subdivision (Weddington Glen) is located immediately to the south and the two would connect as proposed. One entrance is located on Hemby while the other ingress/egress as required for developments over 15 units would connect to roads in Weddington Glen: this community is new but has petitioned to not connect to the Classica Development. Just over 50% of the property would be preserved as open Conservation land, primarily the creek to the rear of the parcel and in creating a buffer between private lots and other communities around the perimeter. At a density of 0.75 units per acre, there is less than one home proposed for every acre of land on site.

The subdivision does not have a name or brand at this time: it is known internally as Classica-Hemby and by the developer as Mobray Development, named after the current property owner. The development proposal does not include any changes to the Development Standards already set forth in the Unified Development Ordinance (UDO). The development shall be governed by this Plan and all applicable requirements of the UDO.

Staff recommends that the request for Conditional Zoning to allow for the development of a 27-Lot Conservation Subdivision located on Hemby Road, tentatively known as Mobray Development, be recommended for **approval with the following conditions:**

- A pedestrian pathway shall be provided connecting cul-de-sacs of “Road A” and “Road C”, or an alternative pedestrian plan be provided by the developer, in accordance with *UDO Section D-917B(L)(8)*.
- A landscape/buffer plan shall be submitted in compliance with UDO requirements including a specific planting plan detailing the 100’ thoroughfare buffer. This plan must be reviewed prior to any subsequent plan submittals.

Brian Hall, President of Classica Homes presented the project. He gave a background on the company. It is a small, privately owned local company that develops and builds their own neighborhoods. The homes will be between 3500 and 5000 square feet with different architectural designs with 3-car side load garages. They are focused on architectural design of homes and overall neighborhood design as well.

Larry Burton, Land Manager for Classica Homes presented. There will be curb-gutter and sidewalks. Mason Greeson, an engineer with CEC, Inc. responded that there is capacity in the six-mile plant sewer plant. The County doesn’t give approval until the project is approved by the municipality. Classica has received comments from Union County and submitted responses back. Approval doesn’t come until construction documents are approved. Stormwater is approved by the state and Classica will have to provide a drainage plan.

Board member Anderson asked about future connection on the lower right cul de sac. Mr. Gordos explained that will remain a cul-de-sac, as the connecting property is common open space for the Bromley Subdivision.

Board member Mittal asked if the absence of a sidewalk on the plan make the development out of compliance. The Town doesn’t require sidewalks. However, with conservation subdivision, the code requires provision of some sort of pedestrian amenity.

Board member Deter asked if there was conditional approval from the county for the sewer. The applicant will answer that as part of their presentation. Board member Deter asked for the Erosion and Sediment Control Plan and Stormwater plan as those are required by Appendix 2B. He questioned if the applicant was prepared to present their project for recommendation.

The Board and Applicant held an in-depth discussion of the application and the approval dates in the future.

Board member Deter addressed the current tree ordinance and asked if the applicant would consider taking the existing trees into consideration for preserving. Mark Kime, landscape architect with the Applicant reported that only one heritage tree was found, and it is in the stream buffer.

Chairman Manning asked about the fall zone of the cell tower and the water tower and what is required. The applicant 200-foot fall zone required of the cell tower and he found no regulation for the water tower. There is a radius of 200 feet from the cell tower, it did not encroach into individual parcels.

The Board discussed water and sewer connections with the Applicant.

Board member Setzer asked if the stormwater will improve the runoff from the field. The Applicant confirmed the storm water will be captured.

Board member Faulk asked if BMP part of the conservation calculations. Yes it is part of the 50% of required conservation land.

Mr. Gordos responded that the intent of conservation land is to not have structures. Natural and preserved. Open space can have stormwater. Conservation – land not to be engineered. Over 18 acres of conservation land.

Board discussed conservation land and requirements.

Board member Faulk asked if the sidewalk throughout the neighborhood meet the connection requirements. Mr. Gordos responded that the pedestrian area be provided in the neighborhood meets the requirement.

Board member Faulk asked if the connected road can be a stub and not an entrance.

Board member Deter responded that the UDO requires connectivity between parcels and within the subdivision. He believes it should be a connection for public safety reasons.

Board member Setzer expressed the residents' concerns for cut through and if the applicant can do speed bumps. Mr. Gordos stated that the town cannot govern that as roads are NCDOT jurisdiction.

- Motion:** Nancy Anderson made a motion to forward the application by Classica Homes requesting Conditional Zoning Approval for the development of a 27-lot Conservation subdivision to the Town Council with a recommendation for approval with following conditions:
- Approval of water and sewer by Union County;
 - Approval of stormwater plan;
 - A landscape/buffer plan with a tree save plan shall be submitted in compliance with UDO requirements including a specific planting plan detailing the 100' thoroughfare buffer. This plan must be reviewed prior to any subsequent plan submittals.
 - A pedestrian pathway shall be provided connecting cul-de-sacs of "Road A" and "Road C", or an alternative pedestrian plan be provided by the developer, in accordance with UDO Section D-917B(L)(8).
 - connectivity to Weddington Glen.

Second: Manish Mittal

Vote: The motion passed with a unanimous vote.

B. Discussion and Possible Recommendation of text amendments to the Town of Weddington Unified Development Ordinance

i. Amendment to the Town of Weddington Unified Ordinance Section D-917A.D. Lots in Floodplains.

Mr. Gordos presented: These items were remanded back to the Board and/or the Subcommittee. The Council is requesting that in this section be amended to read that " Where only a portion of the proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than ~~40,000~~ 40,000 square feet. The useable lot area shall be determined by deducting from the total lot area, the area of all yard

setbacks required by the applicable zoning regulations and any remaining area of the lot lying within the area of the base flood (100-year flood) as shown on the flood boundary and floodway map described in Appendix 7 Floodplain Regulations.

Board members discussed the proposed text and what the intention is.

Board member Deter suggested recommendation that this text be forwarded with a recommendation for rejection by Council and becomes next project for the sub-committee to work out.

Motion: Board member Setzer made a motion to table the discussion and send to the Planning Board Sub-committee for further review and comment.

Second: Board member Faulk

Vote: The motion passed with a unanimous vote.

ii. **Amendment to the Town of Weddington Unified Ordinance Section D-917A.J. Cul-de-sacs.**

Mr. Gordos presented: recommended by the planning board last month, sent back by Council to add language to meet intentions of the council. The subcommittee made recommendations as portions of the code that pertain to closes and street designs could be tweaked to better serve the community. The recommendations of the sub-committee are:

Amend the closes and street designs to “private roads”;

Amend the cul de sac length to not exceed 500 feet

Remove “shall generally” to “shall”

Add signage announcing intention for future connection with development

Board members discussed additional language around connected roads and gates.

Motion: Board member Jarrell made a motion to table the discussion until the next meeting.

Second: Board member Mittal

Vote: The motion to table passed with a unanimous vote.

iii. **Amendment to the Town of Weddington Unified Ordinance Section D-917A.Q. Tree Requirements.**

Mr. Gordos presented: The town doesn't have an effective tree ordinance for preserving trees or heritage trees. Board agreed that code needs to be improved to preserve natural environment. Board discussed neighboring municipality tree ordinances and requirements to include in the tree ordinance: define deciduous, penalties, street tree requirements, arborists. The subcommittee will meet to get the amendment to the point to bring before the whole board.

8. Update from Town Planner and Report from November Town Council Meeting

Mr. Gordos gave the update: Council approved the text for minimum open space requirements that the board did not recommend for approval.

Future development: Classica will go to the council in a couple months. Rahma Center and Deal Lake Applications will be before the Planning Board in the next couple months. Planning Board discussed changing the meeting calendar for the December meeting to the week before Christmas. They agreed to meet on Wednesday, December 18th.

9. Board member Comments

Board member Anderson: I'd like to wish everyone a Happy Thanksgiving. We have a lot to be thankful for.

Board member Jarrell: Happy Thanksgiving as well.

Board member Faulk: Yes, Happy Thanksgiving. Thanks everybody for attending and hope everybody has a happy holiday weekend.

Board member Setzer: Thanks to everyone for coming out tonight. Also, thanks to Greg and staff. We're glad to have you on board, especially this time of year.

Chairman Manning: Happy Thanksgiving everybody. Stay safe. Thanks to Deputy Wrenn for attending and everything you do.

10. Adjournment

- Motion:** Board member Jarrell made a motion to adjourn the November 25, 2024 Regular Planning Board meeting at 8:43 p.m.
- Second:** Board member Deter
- Vote:** The motion passed with a unanimous vote.

Approved: _____



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDNESDAY DECEMBER 18, 2024 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
PAGE 1 OF 13**

1. Call to Order

Chairman Manning called the meeting to order at 7:00 p.m.

2. Determination of Quorum

Quorum was determined with all Board members present: Chairman Travis Manning, Vice Chair Amanda Jarrell, Board members Manish Mittal, Chris Faulk, Nancy Anderson, Rusty Setzer, and Bill Deter. Manish arrived at 7:02.

Staff present: Town Planner Greg Gordos, Town Administrator/Clerk Karen Dewey, Town Attorney Karen Wolter, Deputy Grant Wrenn,

Visitors: Chad Emerine, John Amon, Gayle Butler, Debbie Moffat, Jamie Pratt, Steve Pratt, Stephen Siegfried, Jack Braman, Leah Braman, David Cusumano, Erin Cusumano, Bob Williams, Kim Topalian, Jami Bartolucci, Alan Bartolucci, Chris Huysman, Perry Isner, Melissa Emerine, Joyce Plyler, Curtis McDonald, Stephen Houser, Bridget O'Brien, Eileen Fellmeth, Steve Fellmeth, Barb Schick, John Drazhal, Houghton Lewis, Joanna Lewis, Christopher Neve, Orla Sydlowski, Vic Sydlowski, Peter Balletta, Michael Moffat, Jac Joubert

3. Conflict of Interest Statement: *In accordance with state law, it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*

Chairman Manning read the Conflict of Interest Statement and polled the board members. No Board member had a conflict of interest.

4. Approval of Minutes

A. November 25, 2024 Planning Board Regular Meeting

Motion: Board member Anderson made a motion to table approval of November 25, 2024 Planning Board Regular Meeting Minutes until the January Planning Board Regular Meeting

Second: Board member Setzer

Vote: The motion passed with a unanimous vote.

5. Public Comments: *Individuals are allowed 3 minutes to speak and must only comment on current agenda items. A maximum of 30 minutes is allocated to the Public Comment Period. The time limit may be extended at the discretion of the Chairman.*

Chad Emerine 953 Eagle Road: Mr. Emerine commented that application is incomplete, and the plan has changed since the last community meeting. Mr. Emerine expressed that the area is the most environmentally sensitive in town. He asked that the open space be placed in a land conservancy. He commented on concerns in the Bromley, Enclave, and Luna subdivisions storm run-off and tree save.

John Ammon 744 Skytop: Mr. Ammon commented on the grinder pump use around lakes and how it is not for septic. He commented on septic plans and possible changes and figuring out total lots with septic. Mr. Ammon asked how wastewater is moved to septic off site.

Janie Pratt 916 Woods Loop – Ms. Pratt stated her opposition to the Deal Lake Development. She distributed a position statement submitted for record. Ms. Pratt commented on the traffic analysis being done while Weddington Christian Academy was on a holiday and how it undermines the conclusions for level of service. She asked for an accurate and comprehensive traffic impact analysis.

Steven Siegfried 1037 Baron Road: Mr. Siegfried commented on perc tests and believes the septic plan is complicated. He stated his fear that Toll Brothers will come back with a different wastewater plan.

Charlie Bondurant 646 Brandy Court: Mr. Bondurant expressed his concern about the exposure of lakes and Twelve Mile Creek focusing on the septic plan and stormwater.

Jack Braman- 963 Woods Loop: Mr. Braman expressed his concerns regarding the stormwater and wastewater jeopardizing lake and natural surroundings and the night sky pollution. He commented on Chairman Manning's reply to his wife's email and he believes it showed clear bias. Mr. Braman respectfully requested that Chairman Manning recuse himself from the process.

Debbie Moffat 936 Baron Road: Ms. Moffat commented on previous versions of the project and current plan being too vague. She stated that this will have severe impacts on her family. Ms. Moffat expressed that the beauty in the area will be changed. She commented on trees being vital to the viewshed and wildlife and to protect the ecosystem. Ms. Moffat stated her belief that the application is incomplete.

Erin Cusumano 1431 Weddington Hills Drive: Ms. Cusumano stated that she had attended the community meetings and they were held for a different plan than what is being presented tonight. She stated that she has questions about septic, trees, traffic, and the Rea Road extension.

Bob Williams 1440 Weddington Hills Drive: Mr. Williams commented on future homeowner hidden maintenance costs with the panel block septic. He stated environmental concerns.

Kim Topalian 130 Bluebird Lane: Ms. Topalian commented on the Rules of Procedure and the completeness of the application from Toll Brothers.

Joyce Plyler 1046 Bromley Drive: Ms. Plyler commented on corporate incentives and the developer caring more about the bottom line than the environment and future of the community. She stated that her HOA

dealing with mess that Toll Brothers left behind. Ms. Plyler stated that HOAs are undercapitalized and when major capital expenses are due, they are not able to fund them. She stated her concern with the HOA changing the covenants.

Barbara Schick 205 Dornoch: Ms. Schick commented on recent experience with a developer and the aggressive pace of residential construction. She stated her concerns that the Town is not holding Labella or Beechwood accountable and that town has limited resources to answer concerns.

6. New Business

A. Discussion and Possible Recommendation of an application by Toll Brothers requesting Conditional Zoning Approval for the development of a 62-lot Conventional Subdivision located at/near 610 Weddington Road.

The applicant presented the project: Bridget Grant, Land Use Consultant with Moore and VanAllen. Collaborating with Kimley Horn, McKim and Creed, ESE Consultants, and Wetland & Waters, Inc. Anna Deal Morgan, representing the current property owner gave a background on the Deal family history in the Weddington community (submitted for the record).

Ms. Grant presented the plan: 167 acres zoned as RCD. December 2023 first submittal. Reviewed iterations of plan. Septic will be on lots with additional fields for maintenance. There is no encroachment on the eagle protection radius. Buffer, greenspace.

Ryan Switzer with Toll Brothers. Gave overview of the project. Ms. Grant summarized the changes made since 2023.

Mr. Gordos reviewed the staff report.

The applicant, Toll Brothers, is proposing the development of a new residential subdivision of 62 homes on approximately one acre lots. It is located on two sides of Weddington Road (NC-84) with the majority of homes located to the south of the street. Aero Plantation subdivision is located to the south (zoned R-80). Stratford on Providence and Lochaven is west and Weddington Hills is east of the subject property. Three entrances onto Weddington Road are provided: all right-in, right-out as reflected in an approved TIA. The subdivision was previously proposed as a conservation subdivision with greater than 50% open space. After receiving feedback in community meetings, this was abandoned for the current proposal with larger lots and fewer homes. The southwest corner of the site is adjacent to a lake and is environmentally sensitive with a noted eagle's nest located there. From application, there have been three significant revisions with lot count reduced from 93 to 82 to 70, and with a 4th and final revision down to 62. This last change lies outside the 660' buffer around the eagles. The site plan as submitted meets all requirements for cul-de-sac length, lot size, thoroughfare buffer, open space requirements, and maximum density. Wastewater systems are under the jurisdiction of N.C. Department of Environmental Quality and Union County, but that does preclude ensuring they are approved by all regulating agencies as demonstration of due diligence and as a condition for approval. It is the recommendation of staff that the request for Conditional Zoning to allow for the development of a 62-Lot Conventional Subdivision located on Weddington Road, known as Deal Lake, be recommended for approval with conditions: Union County Environmental Health approval of the proposed lots for septic tanks and wells.

Mr. Gordos listed concerns: the long cul de sac, environmentally sensitive areas, recommendation of a landscaped earthen berm in the buffer, the applicant provide approved septic plan from Union County Environmental Health, a tree survey/save plan completed before clearing on site.

Board member Anderson asked that the email received from the Town Attorney to the Council and forwarded to the Planning Board be read into the record:

Good morning everyone -

I understand there has been some concern regarding whether Toll Brothers application is "complete" for purposes of proceeding with the Planning Board meeting on Wednesday. Below are my comments:

- 1. The planning administrator has the discretion to determine if an application is "complete" for purposes of moving that application forward through the development process. Greg has determined that the application is complete.*
- 2. At this phase of the conditional zoning process, the developer is required to provide the town with a "sketch plan" for the project. This plan does not include - nor is it intended to include - the in-depth engineering/technical detail that will be required if the project is approved and built.*
- 3. Greg has determined that all information was timely provided.*
- 4. While there have been general statements that the application is incomplete, Greg has only received comments from a citizen that points out 2 areas:*
 - a. Drainage, Stormwater management and wetland protection plan: The sketch plan includes the storm water ponds, the drainage easements (showing the direction of flow) and the high points on the property. This information satisfies the application requirement for a sketch plan. Additionally, the applicant has received preliminary information from the Army Corp related to wetlands. All of this information will be more thoroughly engineered and put through a rigorous review process should the development be approved. However, the information provided is sufficiently complete for the CZ process.*
 - b. Union County Environmental Health approval of septic/wells. The information submitted by the developer indicates they are going to use the Engineer Option Permit process - which by law does not require approval by Union County. Along with identifying that option, they have provided soils report and identified the types of systems/lot they intend to use. As we have discussed, state law prohibits us from enforcing ordinances related to waste water systems that have been approved by the state. In this instance, requiring approval from the County is no longer legally required by the developer if it chooses to proceed under the EOP process - They are required to provide notice to the county before and after construction - which happens much further into the construction/design process. While we may have some legal arguments on this one, Greg has managed to gather sufficient information from the developer to thread the needle between the Town obtaining detail on the septic plan prior to planning board and the developer "consenting" to a condition that they obtain approval from the county as the process moves forward.*

Finally, I believe there is quite a bit of confusion about the difference in required detail between a preliminary plat and a sketch plan. Bill Deiter (sic) called me yesterday to ask me these same questions and I was able to walk him through the difference between the two and why the sketch

*plan is intentionally less detailed than a preliminary plat. So you all understand, if the sketch plan is approved, every developer STILL needs to submit and have reviewed and approved the much more detailed engineered and construction plans and preliminary and final plats, all of which must comply with the UDO and all state and local building codes.
I hope this helps - I'm happy to answer any questions or discuss this further.*

Board member Faulk commented he would like to see the TIA done during an active school day. Stream buffers on jurisdictional waters, eagle radius recommendation at 330 feet, the project gives a 660-foot radius.

Board member Mittal commented the 660-foot radius takes care of the fish and wildlife requirements.

Board member Setzer commented this project has met UDO requirements, recommends TIA done during peak hours on a school day and tree survey.

Board member Jarrell asked if homes would be all custom or spec. Mr. Price responded there will be a few spec and some upscale

Board member Mittal commented: the plan meets the UDO, agreed that the TIA should be redone. He asked if the soil perc had been done.

Mr. Price responded that there has been a preliminary soil analysis. The plan shows designated fields that will support each lot.

Board members commented on the septic plans: the engineer option permit for onsite and offsite systems.

Laura Reed with Kimley Horn commented on the TIA: they looked at how does road operate without the site and with the site in the future and what is needed to mitigate impacts. The March 7th provided the existing analysis only. The future year analysis used NCDOT traffic forecasts around NCDOT projects planned. Based on forecast volumes from NCDOT. The TIA was approved through LaBella in initial format and revised format.

Board member Deter commented on the history of working with Toll Brothers and that a completed tree survey should be a condition to be brought back and shown to PB. He asked about the septic plan. Board and applicant discussed septic plans and soil disturbance in depth.

Board member Faulk asked about hidden costs for future homeowners and if Toll is open to setting funds aside to protect homeowners for first few years. Applicant commented that they are amenable through bylaws and CCRs. Applicant affirmed that the septic systems are individual. Mr. Price commented that Toll Brothers waits for 100% homeownership in a development to turn HOA over. Ms. Wolter commented that the town can ask that document be provided prior to final plat approval. Board member Anderson expressed her concern for the contamination of the lake and asked if the current HOA monitors the water quality. A resident responded that they do.

Board members discussed turbidity testing of the existing ponds, a required tree survey, and the road stub to the north. Staff will review conditions with Ms. Wolter.

Chairman Manning asked about grading and phasing the build. Mr. Price responded that they approach the project with select clearing and grading, not mass grading. Chairman Manning asked about streetlights and the lighting ordinance. Mr. Gordos responded that the town doesn't require streetlights. Mr. Price stated that Toll will adhere to the town policies and ordinance.

- Motion:** Board member Faulk made a motion to forward an application by Toll Brothers requesting Conditional Zoning Approval for the development of a 62-lot Conventional Subdivision located at/near 610 Weddington Road to the Town Council with a recommendation for approval with the following conditions:
- Applicant shall provide a landscape plan that includes an earthen berm in the roadway buffer.
 - Applicant shall conduct a tree survey and create a tree mitigation plan to be approved by Town staff prior to obtaining grading permit.
 - Applicant shall obtain approval of septic system from the County by either 1) confirmation that notice of EOP submittal was approved/acknowledged by the County; or 2) County approval septic system/plan.
 - Applicant shall construct internal streets with curb, gutter, and sidewalk with planting strips.
 - Applicant will ensure that neighborhood CCRs gives HOA authority to require/enforce performance and maintenance of privately-owned septic systems.
 - Applicant will monitor lakes downstream of project throughout construction and until post-construction obligations are completed. Applicant will conduct testing for turbidity, take all action necessary to maintain lakes in their current condition and to repair/mitigate any damage caused by applicant.

Second: Board member Setzer

Board member Setzer commented that he is not happy with this moving through. The board is bound with what they have to work with in the UDO. Until it is revised the board is limited.

Motion: Board member Deter made a motion to amend the motion on the table to suspend the rules to allow the residents to state their additions to the development conditions.

Second: None. The amendment to the motion dies.

Vote: The original motion passes with 5 votes in favor, one opposed. Board members Faulk, Anderson, Jarrell, Setzer, and Mittal in favor. Board member Deter opposed.

Chairman Manning called for brief recess at 9:33 p.m.

Chairman Manning called the meeting back to order at 9:40 p.m.

B. Discussion and Possible Recommendation of Text Amendment 2024-10 Section D-917A.Q Tree Requirements (New Tree Ordinance)

Motion: Board member Anderson made a motion to table Discussion and Recommend Text Amendment 2024-10 Section D-917A.Q. Tree Requirements to the next regular meeting.

Second: Board member Jarrell

Vote: The motion passed with a 5-1 vote: Board members Faulk, Setzer, Anderson, Mittal, and Jarrell in favor. Board member Deter opposed.

C. Approval of 2025 Meeting Calendar

The Board members discussed moving the November and December regular meetings to the week before the regular schedule to avoid holiday interruptions.

Motion: Board member Mittal made a motion to approve the amended 2025 Regular Meeting Calendar moving the November and December meetings to the week before the regular meeting schedule.

Second: Board member Anderson

Vote: The motion passed with a unanimous vote.

7. Old Business

A. Discussion and Possible Recommendation of Text Amendment Section D-917A.D(2)(c). Lots in Floodplains

Mr. Gordos explained that he met with Mayor Bell and Councilmember Smith to discuss the standards for development on lots in floodplains. Mr. Gordos will provide three options to cover what is wanted without infringing on property rights.

The board members briefly discussed SB382 that was approved by the General Assembly last week with Ms. Wolter.

Motion: Board member Setzer made a motion to table text amendment to section D-917A.D(2)(c) Lots in Floodplains until staff drafts options.

Second: Board member Jarrell

Vote: The motion passed with a unanimous vote.

B. Discussion and Possible Recommendation of Text Amendment 2024-09 Section D-917A.J. Cul-de-sacs

Mr. Gordos introduced the subcommittee drafted language. It was proposed to eliminate change length from 1200 feet or 16 units to shall not exceed 500 feet. Dead end streets designed to be permanently closed is prohibited. A sign is required if stubbed road is for future possible extensions. Closes are permitted on private streets. However, that may not solve issue as private roads are required to be built to public standards. The text includes language around monitoring gates and yearly updates. That isn't a priority so that language is removed. Board member Deter stated that Knox locks were included in discussion for gates.

Board member Anderson asked what the concern with cul-de-sac length is and who is responsible for monitoring maintenance of. The Board discussed maintenance of the gated connections and requirements to keep it accessible. The Board discussed cul-de-sac length. Board member Faulk stated that with conditional zoning, applicants can ask for something different, but this puts the standard in the UDO. Board member Deter explained that nearby towns prohibit cul-de-sacs except in specific instances. Board members continued discussion of cul-de-sac length and safety concerns.

- Motion:** Board member Deter moved to recommend approval of UDO text amendment to section 917A.J. Cul de sacs to the Town Council.
- Second:** Board member Faulk
- Vote:** The motion passed with a 5-1 vote. Board members Faulk, Deter, Mittal, Jarrell, and Setzer voted in favor. Board member Anderson opposed the motion.

8. Update from Town Planner and Report from November Town Council Meeting

Report from December Town Council meeting. Council approved the 2025 Regular Meeting calendar and the 2025 Holiday calendar. They heard a presentation from the Rahma Center for a conditional zoning application for religious use at 7112 New Town Road and directed staff to enter into contract negotiations with LaBella for site planning for the park property. The January Council meeting will include a public hearing for the conditional zoning application for 13700 Providence Road for the two additional office buildings

9. Board member Comments

Board member Deter: We're just commenting to each other. The crowds left. I thought obviously this was a very hot topic that we covered. We had some people get nasty. Nancy understands people do that and it doesn't help their cause (Board member Anderson: But that does not excuse their behavior) No it doesn't, and I agree 100%. I thought there were some very thoughtful comments and then there were the usual cut and paste comments. I throw those out and take the thoughtful ones. Looking forward to addressing the tree ordinance at the next meeting.

Board member Mittal: I think it was good plan- it took a year to come to this board. When I look at the UDO, this checks all the boxes. They heard concerns from the community and those concerns were answered. It should be a good plan. I appreciate everybody coming-it was hard for me to get in because I was late.

Board member Jarrell: I agree with everything everyone said. It was heated in here a little bit. I hated it for the property owners. It's got to be tough to be them. I hope people on the outside watching realize that's not what Weddington is like. I think Toll has been working on this over a year and has done a lot to tweak and come to an agreement to bring something we like. I appreciate them doing that work for us. I'm excited to do the tree ordinance. I think it is important but not at 10 o'clock. Merry Christmas. Town Hall looks amazing.

Board member Setzer: I appreciate staff and council being here tonight. Appreciate all you do and thank you Jim for sticking around. I like the fact that this board is functioning, and discourse is civil with each other. Nothing should be unanimous. Happy Holidays. Safe Holidays

Board member Faulk: I'll echo the same. I do not condone representation of Weddington like that to anybody that comes forth just because there's disagreement. I feel bad for the landowners.. Something else said that Rusty touched on. The lady Kim thinks our boards are split. I don't believe that to be true. I would love to see if there's a way we can have a retreat where we can talk about what the goals are. There's a better way to get what Weddington wants and what Council wants and what planning board wants. I'm looking for something to bridge that gap. I thank Karen for coming with her elegant words. Happy Holidays.

Board member Anderson: I do not have too much to add. I appreciate the Board's patience with me because there are a lot of things here that I am not a subject matter expert. I get frustrated with some residents that think they are subject matter experts. But they are not, and they think that we can somehow change the legal and we can just on a whim go by feelings and not facts. As we have all seen there are some people that show up at every meeting. That I just want to say to them are they ever in favor of anything, Is there anything they're happy about? I just get frustrated with constant negative stuff directed at century old landowners. Our families have been friends for generations and for people to treat them like that.

Chairman Manning: It's always a hassle to go last on these comments because you all steal my thunder. I thank Karen Wolter for being here. That was a huge help. I was nervous this afternoon. Mayor Bell has goodies for everybody in the back, don't forget them. On public comments. I hope I did a decent job trying to keep the crowd in check. The Deal family - I feel bad for them. I don't know why I would need to recuse myself as one of the public commented. I read Mr. Nesbit's book. I wasn't trying to be confrontational; I was just giving some history of the land. Merry Christmas and Happy New Year. I will end it and I will say this and mean it with everything I have. I don't think Weddington deserves you, Greg. You are a stand-up planner You take heat like nobody I've ever seen.

Board member Anderson: I have one more comment Mr. Chairman I know your term is supposed to be coming up and I am personally asking you to reapply. You've done a great job since I've been here. Board members Jarrell and Faulk agreed.

10. Adjournment

- Motion:** Board member Deter made a motion to adjourn the December 18, 2024 Regular Planning Board Meeting at 10:16 p.m.
- Second:** Board member Jarrell
- Vote:** The motion passed with a unanimous vote.

Approved: _____

Hello, my name is Anna Deal Morgan. I am here on behalf of the Deal family, specifically my 90-year-old father and 86-year-old aunt, who due to health issues with their respective spouses are unable to be here tonight.

I would like to share a little of our family history in the Weddington community. Our family has farmed and been teachers, church and civic leaders in Weddington for over 100 years. We have loved the land, worked the land and been good stewards of it. At one point my grandfather and great uncles owned over 2000 acres.

These 2000 acres are where many of you now live, Lake Forest, Hunting Creek, Weddington Hills, Skycroft and others. It is where the 3, A rated Weddington schools and the Optimist Park are located.

After all these years of continuing to try and farm our remaining land – which is at issue this evening the reality is the community has evolved to the point that it is not feasible to farm the land for multiple reasons such as the difficulty of moving the necessary farm equipment on suburban roads, the proliferation of deer who eat and destroy crops, and our family's own personal reasons. . .

The family has come to the realization that transitioning our 175 acres into a neighborhood for 62 families is the best course for us, the land, and the community. We will retain our historic farmhouse and 20 surrounding acres. In no way would we agree to a neighborhood, contiguous to our historic home place (where my father and aunt were born) that was not ecologically and aesthetically acceptable. The exclusive Deal Lake community being presented this evening exceeds all ordinances applied to existing neighborhoods and we believe will raise the value of all property.

It is unfortunate that our family name has been misrepresented in social media and print with vulgar emojis and misleading information has been shared about wildlife protection and state of the art septic solutions. Regarding the eagles, their nest is on our private property. It is documented in the wildlife study that the Aero Plantation airstrip is a greater threat to the eagles than residential homes. Further, new, state of the art septic systems are far less of a risk to the eagles and the lake than the 50-year-old systems on lots adjoining the lake.

We have been perplexed at the viciousness of the misinformation campaign directed at Toll and our family. I'm sure that flagrant disrespect for private citizens' good names and the fundamental American right to own and sell private property is not a true reflection of this family-oriented community. We can only assume this campaign is due to a handful of citizens

expecting that our family maintain our property, which is adjacent to theirs, to standards of their choosing and their interpretation at our expense. Their use of eagles and fictitious septic issues to attempt to derail the legal sale of private property for the development of 62 \$1.3M homes on 175 acres with significant protection of wildlife and woodlands raises this question.

In closing I ask this thoughtful community to listen to the facts from the professionals vs. slanted social media posts full of misinformation. I reiterate the careful evaluation our family has made. We believe our Deal ancestors would be happy to see the thriving family community Weddington is today. We are proud of our contributions to that community and believe that the future Deal Lake neighborhood will be a contributing part of that community

Thank you for your attention and time this evening.

The Aero Plantation community adjoins the proposed Deal Farm development on the east and south property lines of the subject. In addition, about 80% of the lakeshore on the southwest side of the subject property abuts Aero Plantation's lake, which is used by Aero residents for recreational canoeing, paddleboarding and fishing.

The Aero Home Owners Association's Board of Directors represents 102 families on 475 acres, of which 90 acres (20%) is common property. All would be adversely impacted by the subject development. The Board of Directors, on behalf of these owners, expresses opposition to the proposed Deal Farm concept plan for the following reasons:

1. Septic system pollution. From the first community meeting, Aero residents have voiced strong concerns about groundwater pollution from community wastewater treatment plants or shared septic systems in close proximity to our lake and to the wells of adjoining homeowners. The current plan shows some lots with panel block, an engineered system that concentrates effluent in a series of connected chambers and then into the dirt. These systems are typically employed (a) on small lots because they use less area and (b) where soils do not drain adequately. The site plan shows remote drain fields will collect waste from multiple lots, thereby concentrating the effluent. In contrast, traditional drain fields filter waste through gravel beds over a larger area so the effluent can be dispersed, rendering it less noxious. Aero strongly opposes all alternative septic treatments and urges the Town to permit only proven, conventional, on-site septic and drain field systems serving individual lots. The risk of failure is too great, and the consequences of failure too dire to allow unprecedented technologies so close to our lake. Should a failure occur, allowing raw sewage to flow or seep into our lake, Aero's first remedy would be to sue the Deal Farm HOA. Litigation would be expensive for Aero homeowners and the cost of a remedy could easily run into hundreds of thousands of dollars. No HOA, certainly not Aero or Deal Farm, is likely to have the financial wherewithal to address a catastrophic failure, either in the near term or decades into the future. If not the HOA, then whom? Even if the Deal Farm HOA could and would pay it, the situation would pit neighbors against neighbors. Prevention is the far better course.
2. The CZ application is incomplete. After a year in the application process, the requirements of the Unified Development Ordinance Appendix 2 have not been delivered, including but not limited to the Union County septic approval, the stormwater management plan and the wetland protection plan.
3. The R-CD Conventional Sketch Revised for Eagle Boundary & Septic dated May 2024 contains inconsistencies. The Site Assumptions state first an assumption that on-lot septic will be utilized on the west side of Weddington

Road (see Site Assumption #1.) Then, up to 15 lots may share septic fields and up to three lots may share one common septic field (see Site Assumption #3.)

4. The site plan itself is conceptual and subject to change during final design, and includes numerous caveats. Soil testing and feasibility hasn't been provided. Data obtained from Union County and NCDOT is considered preliminary and subject to field verification and survey. Wetland identification is preliminary and may change. The required Alta survey and perk tests have not been performed. The developer hasn't performed much of the normal due diligence for a project of this scope, presumably because it is expensive. If site development begins and subsequent discrepancies arise, it will be incumbent on the Town, and possibly adjoining neighbors, to compromise to allow development to proceed. The alternative would be a failed or abandoned development -- a material economic drag on the entire Weddington Road corridor from our Town Business District to Wesley Chapel. Again, prevention, through normal approval channels with all required deliverables in advance of commencement of construction, is the prudent course.
5. Environmental/Wildlife. Our shared lake is the centerpiece of Aero's common property. The lake is fed by Mundy's Run from the west via the Lockhaven community, and flows through two privately owned and maintained dams, exiting into Mundy's Run as a stream flowing southeasterly out of Aero. This watershed, and specifically the lake, has provided a home to a reproducing pair of **eagles** with two **eaglets** hatched in the spring of 2024. Eagles have been roosting here for as long as some of our oldest residents can recall. In addition, a **blue heron** and **osprey** fish here daily. A pair of **peacocks** nest on the Aero side within site of the Deal Farm property. **Swans** have graced our lake for many years, and **geese** migrate through Aero each spring and fall. Residents and invited guests enjoy fishing often, but our policy is catch-and-release. Boating is restricted to small electric trolling motors under three horsepower. Aero residents, at their own expense, carefully protect Aero's heritage as a wildlife sanctuary; hunting or killing all animals, including birds, is forbidden. This legacy is now threatened by the development of the northwestern shore of our primary lake without adequate protections. Given the delicate balance of the ecosystem near the lake and above it along Mundy's Run, we ask for an environmental survey. The survey should assess the planned Rea Road extension impacts on Mundy's Run. As well, the study should evaluate the 218 acres adjacent to the Deal Farm and the 60 acres where Empire Homes proposes a residential development, as these will both will affect Mundy's Run. Aero's lake is highly vulnerable to upstream developments on Mundy's Run because construction silt and stormwater will flow into our lake.
6. Stormwater pollution. Stormwater runoff and overflows will unquestionably migrate into our lake. The concept plan shows five stormwater control ponds on the south side of Weddington Road, all positioned along the outside boundaries where the water will drain or overflow into Aero's lake. Other than the existing pond at the northwest corner of the subject, there are no interior stormwater control mitigations.
7. Light/viewshed pollution and destruction of tree canopy. Aero does not utilize street lighting and opposes it at the Deal Farm project to protect our night skies and wildlife. If constructed, the Deal Farm project should add a buffer of natural plantings to preserve our view. The destruction of the tree canopy should be replaced as required by the new standards currently under consideration, if adopted and in place at completion of build-out. Pine trees should be saved wherever possible, including outside the federally protected 660' zone for the bald eagle's nest. In addition, rare tri-colored bats were discovered near the lake. Their habitat must also be protected. The Town should require evidence of the requisite permits from the U.S. Fish and Wildlife allowing work near the eagles and tri-colored bats.
8. Traffic. A traffic impact analysis (TIA) dated April 2024 contains several omissions and numerous unsupported assumptions rendering it unreliable. The LaBella scoping document from January 2024 stipulates that if project build-out occurs before completion of (1) the Rea Road extension from Providence to Weddington Road, and (2)

widening of Weddington Road from Providence Road to Wesley Chapel, then a new TIA is required. Build-out is expected in 2029, and the current NCDOT estimate of completion of these roads is 2032-3 (per their website).

9. Burden on schools. Can our schools continue to absorb growth from new communities that are under construction, planned and in the pipeline?

Given the many wonderful attributes of life in Weddington, Aero expects continued growth and development in our Town. We welcome such growth under conditions that balance available services and existing infrastructure without sacrificing quality of life. For the reasons above, Aero opposes the progression of development of the Deal Farm concept plan until adequate assurances are available that our natural environment and lake health are protected and the adverse traffic and school impacts will not jeopardize our quality of life.

The McLeod family supports the Deal family in their right to sell their property in the town of Weddington , for the best use, that benefits their family and our community.. This family has for generations been pillars of the community even before the town existed.

Respectfully, I request my comments be read and placed in the public record.

Best Regards,
Carole McLeod

Please READ the following statement into the public record as a citizen comment regarding the DEAL LAKE - Toll Brothers project, Wednesday December 18, 2024 as we will not be able to attend.

We Don and Barbara Sinclair reside at 1000 Heritage Acres Drive, Weddington NC.

The Propst family has a long history in Weddington as they have been here since the 1800s and have a legal right to dispose of their property.

We support the Propst family's right to sell their property which will be developed into a beautiful neighborhood that will only enhance the beauty of Weddington

public street) is impractical due to the disproportionate costs of required improvements as compared to the relative value of lots created and is within the spirit and intent of this UDO. These lots shall be created as follows:

- a. The applicant shall submit an application with a sketch plat showing the proposed easement lots for approval to proceed further as specified in this section.
- b. All access easements shall be at least 45 feet in width and shall meet or exceed the state department of transportation minimum standards for subdivision road width where possible. The travel surface of said easement shall be at least 16 feet in width. The travel surface need not be paved. The easement shall be maintained at all times in a condition that is passable for service and emergency vehicles.
- c. The creation of easement lots shall follow the procedures of a minor subdivision as outlined in Article 8. In addition, a statement shall be placed on the subdivision plat acknowledging that said lots were being created upon a privately maintained and recorded easement, and a statement indicating the parties responsible for maintaining the easement.
- d. Creation of such easement lots and access easements shall not impair future extension of an adequate system of public streets to serve such lots.
- e. Easement lots shall not be further subdivided unless the newly created lots abut a public road. Any additional subdivision of easement lots shall be a major subdivision and shall be reviewed using the major subdivision plat approval process.
- f. If public road access becomes available to easement lots, all affected lot owners shall have the easement terminated of record.

G. Private Roads and Gatehouses. New residential neighborhoods may be developed with private roads and gatehouses are permitted in accordance with the following standards:

1. With the exception of the placement of the gate and/or guardhouse in a private street, any private road shall be built to state standards and shall meet all applicable minimum right-of-way, pavement, and construction standards for public roads as established by the state department of transportation.
 - a. A certified engineer shall verify that all private roads within residential neighborhood conform to all required state department of transportation standards for roadway and storm drainage design.
 - b. The NCDOT Built-To Standards Checklist (available at Town Hall upon request) will be required to be submitted to the Town zoning staff for review and approval.
 - c. The Town reserves the right to have streets inspected during the construction phase to ensure that they are being built in accordance with all applicable state DOT standards.
 - d. The developer shall bear all costs borne by the Town in association with such inspections.
2. Before the approval of a final plat, the developer shall submit to the Town the design and layout of any gatehouse, external fence, and walls. Berms shall be located outside any public street right-of-way and shall be designed to blend in, to the greatest degree feasible, with the proposed development and shall be attractive to motorists and pedestrians from adjoining public streets.
3. Neighborhoods which have an entrance gate are subject to the following regulations:
 - a. The homeowner's association will provide the access code to the gate and an emergency contact number to the fire department, the Union County Sheriff and other emergency services and will be responsible for maintenance, testing and repairs of all functions of the gate.
 - b. An annual inspection and test of the gate system shall be performed, and the results submitted to Town hall during the renewal window prescribed in the Town of Weddington Annual Enforcement Manual.
 - c. Should there be a problem with the operation of the entrance gate, the gate shall remain open and accessible until the gate is repaired and tested.
 - d. Any homeowners' association that is found to be in violation shall be required to maintain a service agreement with a qualified contractor to ensure year-round maintenance and to submit a copy of the service agreement to Town Hall.

- e. The maintenance and upkeep of any guardhouses or entry structures, and subdivision walls, fences, or berms located at the external periphery of the development, shall be the sole responsibility of the developer and/or any duly incorporated and active homeowners' association.

4. Prior to the approval of a final plat, the developer shall provide written evidence that the developer has created a homeowners' association whose responsibility it will be to maintain common areas and private streets within the development. Such evidence shall include filed copies of the articles of incorporation, declarations and homeowners' association bylaws, and maintenance agreements. See Article 8 for additional details.

H. Marginal Access Drive. Where a tract of land to be subdivided adjoins a thoroughfare as designated on the adopted LARTP or the comprehensive transportation plan maps, and the lots front the thoroughfare, the subdivider shall be required to provide a marginal access drive parallel to the thoroughfare. A marginal access drive shall meet the following requirements:

1. The marginal access drive shall be a minimum of 18 feet wide and located on a shared access easement that is a minimum 25 feet wide.
2. The access easement shall be a minimum of 50 feet from the thoroughfare right-of-way.
3. Existing screening shall be kept and/or supplemented between the thoroughfare and access easement.
4. The marginal access drive shall be built to NCDOT specifications.
5. A recorded shared access agreement shall be provided prior to approving the final plat.

I. Street Design and Standards. Minimum street right-of-way and pavement widths, as well as other engineering design standards shall be in accordance with the minimum design criteria for subdivision roads as established from time to time, by the division of highways, state department of transportation publication entitled "Subdivision Roads: Minimum Construction Standards," except where modified by the Town Roadway Standards.

J. Cul-de-sacs.

1. Permanent dead-end streets shall not provide sole access to more than 16 dwelling units or 1,200 linear feet, whichever is less. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround.
2. When cul-de-sacs end in the vicinity of an adjacent undeveloped property capable of being developed in the future, a right-of-way or easement shall be shown on the final plan to enable the street to be extended when the adjoining property is developed. Cul-de-sacs in conservation residential developments shall generally include a pedestrian connection to the open space behind the lots they serve, preferably at the end of the cul-de-sac.
3. Cul-de-sacs shall generally be designed with central islands (preferably teardrop shaped) where trees are retained or planted. Cul-de-sac pavement and right-of-way diameters shall be in accordance with NCDOT design standards. Designs other than the "bulb" end design with a circular right-of-way will be subject to the approval of the Division Engineer of the Division of Highways, North Carolina Department of Transportation and the Town Council after review on an individual basis.
4. Cul-de-sacs less than 600 feet long shall generally be designed as "closes," with two one-way streets bounding a central "boulevard island" not less than 35 feet across. This can be easily accomplished by extending the outer edges of the turning half-circle perpendicularly to the street from which the cul-de-sac springs. The central open space offers opportunities for tree planting and "rain garden" infiltration areas for stormwater (particularly when the street pavement is sloped inward toward the central open space).

K. Street Layout.

1. *Conformity to Existing Maps or Plans.* Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets. Streets shall be designed and laid out in a manner that minimizes adverse impacts on the Conservation Lands. To the greatest extent practicable, wetland crossings and new streets or driveways traversing steep slopes shall be avoided.

APPENDIX 2B.

Information to be contained in or depicted on a site plan (sketch plan) preliminary and final plats.

An "X" indicates that the information is required.

Information	Sketch Plan	Preliminary Plat	Final Plat
Title block containing the subdivision name		X	X
Location (including township, county and state)		X	X
Date or dates survey was conducted and plat prepared		X	X
A scale (not less than 100 feet per inch) listed in words and figures (Except for requirements at the sketch plan phase)	X	X	X
North arrow	X	X	X
A vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area	X	X	X
The names, addresses and telephone numbers of all owners, subdivider, mortgagees, registered land surveyors, land planners, architects, landscape architects and professional engineers responsible for the subdivision	X	X	X
The registration numbers and seals of the professional engineers and land surveyors		X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented shown	X		
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X	X
Streets and Lots of adjoining developed properties within 300'	X		
The names of owners of adjoining properties		X	X
The names of any adjoining subdivisions of record or proposed and under review		X	X
Required Buffers	X	X	X
Minimum building setback lines		X	X

The zoning classifications of the tract to be subdivided and on adjoining properties	X	X	
Existing property lines on the tract to be subdivided and on adjoining properties	X	X	X
Existing buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X	X
Proposed lot lines, lot sizes, block numbers, and approximate dimensions	X	X	X
Percentage of Open Space Required and Provided	X	X	
The lots numbered consecutively throughout the subdivision		X	X
Marshes, swamps, rock outcrops, wetlands, ponds or lakes, streams or stream beds and any other natural features affecting the site	X	X	X
The exact location of the flood hazard, floodway and floodway fringe areas from the town's FEMA maps	X	X	X
Septic tank suitability data furnished by the appropriate county health department	X	X	
The proposed street layout with approximate pavement and right-of-way width, terminal vistas and street end "closes"	X		
A yield plan with a 40,000 sq ft minimum and showing 9,000 sq ft of buildable area.	X		
Proposed roads with horizontal and vertical alignment		X	X
Existing and platted roads on adjoining properties and in the proposed subdivision		X	X
Rights-of-way, location and dimensions		X	X
Pavement widths		X	X
Proposed grades (re: Roads)		X	X
Design engineering data for all corners and curves		X	X
Typical road cross-sections		X	X

Definitions

Diameter at Breast Height (DBH) – measurement in inches of a tree trunk at 4.5 feet above the ground. For multi-stemmed trees which fork below 4.5 feet above the ground, the DBH is determined by measuring all the trunks, and then adding the total diameter of the largest trunk to one-half the diameter of each additional trunk.

Critical Root Zone (CRZ) – An area originating from the trunk of the tree with a radius of 1 foot for every 1-inch DBH measured on that same tree. For example, if a tree has a DBH of 12 inches, its CRZ will have a radius of 12 feet.

Heritage Tree – ~~A deciduous noninvasive native tree 20 inches DBH or larger.~~

- Oaks (*Quercus*) and Tulip Trees (*Liriodendron*) 20 inches DBH or larger
- Hickory and Pecans (*Carya*) 18 inches DBH or larger
- Southern Magnolias (*Magnolia grandiflora*) and other magnolias (*Magnolia*) 18 inches DBH or larger
- Red Maples (*Acer Rubrum*), Sugar Maples (*Acer Saccharum*), and Elms (*Ulmus*) 16 inches DBH or larger
- Dogwoods (*Cornus Florida*) 5 inches DBH or larger.

Planting Season – The period of time appropriate to plant material beginning October 1st each year and terminating May 1st the following year, seven months in total length.

Chapter XYZ – Tree Ordinance

1. Heritage Trees – It Shall be unlawful for any person to remove or damage any Heritage tree prior to issuance by the Town of Weddington of a Tree Removal Permit therefor. Tree Removal Permits authorizing the removal of a Heritage tree may be issued for the following reasons:
 - a. The Heritage tree is dead or dying;
 - b. The Heritage tree is diseased;
 - c. The Heritage tree is damaged or injured to the extent that it is likely to die or become diseased, or that it constitutes an immediate hazard to persons or property;
 - d. Removal of the Heritage tree is consistent with good forestry practices as determined by the Union County Urban Forester;
 - e. Removal of the Heritage tree will avoid or alleviate an economic hardship on the lot or parcel.
2. The Town shall not issue a Tree Removal Permit except upon 1) receipt of a completed application and 2) determination that issuance of the request Tree Removal Permit is authorized pursuant to Section 1 of this Chapter.
3. ~~The tree permit cost twenty-five dollars (\$25.00).~~

approved for fire flow only. The developer shall be responsible for proving to the Town that capacity is not available. A determination of what capacity is available and whether to allow the use of individual domestic wells shall lie within the sole discretion of the Town.

3. The proposed water lines must still meet all the requirements of the Union County Water and Sewer Extension Policy, including providing fire flow protection to the development and taps and meter boxes for each developable lot. If the County and Town approve these plans, then the use of wells may be approved as an interim measure until such time as water capacity becomes available. The developer will be required to provide written proof that Union County will charge the lines for fire hydrant use.
4. As a condition of approval of the proposed development, the developer or property owner shall require these lots with domestic use wells connect to the county system at such time as the county indicates water capacity is available. Individual wells may be converted to irrigation use at the property owners expense provided such conversion is in conformance with the Union County Building Code and Union County Water and Sewer Specifications. The developer and/or property owner shall be responsible for any fees and charges from the county as a condition of connection to the county water system.
5. The use of community wells for domestic needs is discouraged and will only be allowed if the water system is built to Union County Water and Sewer Specifications. The system must be capable of meeting the water needs of the community including domestic, irrigation, and fire flow requirements and an agreement exists with the county for: 1) the conditions under which the system becomes part of the county system; and 2) an arrangement is made with the county to tap into the county system for working fire hydrants according to the county specifications.

O. Buffering.

1. *Buffering Thoroughfares.*

- a) Residential developments shall be designed so that lots face toward either internal subdivision streets or toward existing state roads across Conservation Land such as "foreground meadows."
- b) Where the side or rear yards of lots may be oriented toward existing thoroughfare roads, a buffer at least 100 feet wide of existing woodland providing adequate visual screening throughout the year is required. The buffer width may be reduced to 50 feet if plantings are installed to include year-round screening.
- c) Earthen berms are not a permitted design approach as they are inherently nonrural and would inappropriately alter the rural character, even if landscaped.
- d) If the required buffer exceeds 15 percent of the total acreage of the parcel, the Administrator may reduce the required buffer to an amount equal to 15 percent, provided that sufficient evergreens are planted to create an effective visual buffer, as described above.

2. *Buffering Other Uses.* The buffer requirement is 50 feet between homes in the proposed subdivision and any nonresidential use. Section D-918.I (Screening and Landscaping) lists the required plantings of trees and shrubs within buffers and the standards for planting.

- P. Open Space.** Any major subdivision shall be required to provide that a minimum of ten percent of the gross area of the subdivision, exclusive of any required minimum buffers along thoroughfares, consists of common open space. Minor subdivisions are exempt from open space. Fifty percent of any rights-of-way for existing overhead utilities may be counted toward the minimum required open space land. Open space may be used for the limited purposes set forth in Section D-917B..1, below. [Note, this subsection R. is not applicable to conservation residential developments which have a significantly higher open space requirement (Section D-917B, below)].

Q. Tree Requirements.

1. *Tree Survey requirements.* To establish standards for the identification, documentation, and preservation of significant trees and vegetation during the development process, ensuring ecological integrity, community aesthetics, and compliance with the UDO. The tree survey must be prepared and certified by a qualified arborist, landscape architect, or land surveyor. The survey must include the following elements:

A. General Information:

- i. Project name, address, and parcel number(s)
- ii. Date of survey and preparer's name and credentials

- iii. Scale and north arrow of the plan
 - B. Tree Inventory: Location of all existing trees with a diameter at breast height (DBH) of 6-inches or greater, measured at 4.5 feet above the ground.
 - i. Species: common names of each tree.
 - ii. DBH measurements: Diameter of each tree.
 - C. Site Features:
 - i. Property boundaries and lot lines.
 - i. Existing and proposed structures, utilities, and infrastructure.
 - ii. Protected areas (e.g. wetlands, streams, buffers)
 - D. Tree Preservation Plan:
 - i. Identification of trees to be preserved, transplanted, or removed.
 - ii. Proposed measures for tree protection during construction, including fencing, signage, and limits of disturbance.
 - iii. Replanting plan for removed trees, if applicable, meeting replacement ratios of the town's UDO.
- 2. *Tree Save and Tree Replenish Requirements.* In order to maintain or replenish the Town tree canopy in any new ~~major~~ residential development the following shall apply:
 - a) The ~~tree~~ removal of trees greater than or equal to 8-inches DBH is not permitted within areas that have naturally occurring trees located outside the buildable area of a lot or development. For the purpose of these provisions "buildable area" means all areas located outside of:
 - i. Required zoning district setbacks;
 - ii. Existing and proposed street rights-of-way and easements;
 - iii. Utility and drainage easements.
 - iv. Existing, ponds, lakes, streams and their buffers.
 - b) Tree Canopy shall be preserved in order to stabilize soil, control water pollution by preventing soil erosion and reducing flooding, reduce air pollution, mitigate the urban heat island effect, reduce noise pollution, provide natural habitat for wildlife, and contribute to the unique aesthetic value of the town. The amount of tree canopy on a proposed development's site shall be calculated prior to commencement of land disturbing activities. Tree preservation shall be provided according to the following standards.
 - i. Development sites that are calculated to have less than 20% tree canopy in the buildable area prior to development shall preserve a minimum of 10% of the buildable area as a contiguous tree save.
 - ii. Development sites that are calculated to have more than 20% but less than 40% tree canopy in the buildable area prior to development shall preserve a minimum of 20% of the buildable area as a contiguous tree save.
 - iii. Development sites that are calculated to have more than 40% tree canopy in the buildable area prior to development shall preserve a minimum of 30% of the buildable area as a contiguous tree save.
 - iv. The baseline canopy measurement on a proposed development site shall be provided by the property owner or applicant and submitted as part of a landscape plan. The percent canopy cover may be calculated using aerial photographs and verified, if necessary, by ground measurement. The method of canopy calculation must be approved by the Union County Urban Forester.
 - v. If the tree save requirement does not meet the required percentage of the total site area, additional native noninvasive deciduous trees must be planted. Trees planted shall be a minimum of 2-inches in caliper and shall have a spread of 25' at maturity.
 - vi. If root disturbance or construction activities occur within the CRZ of any tree designated as protected, only that area that is not affected by construction shall be included in the calculated tree preservation areas.
 - vii. Tree preservation areas shall be no less than 2,500 square feet in area, no less than 10 feet in width, and contain not less than one tree 8-inches DBH or larger. Where existing trees are insufficient to meet this

standard, new deciduous trees shall be planted in order to meet this minimum requirement.

- viii. Portions of development sites that are designated as tree preservation areas shall be protected during construction and shall remain undisturbed. The property owner or applicant shall be responsible for the erection of any and all tree fence necessary to protect any existing or installed trees from damage both during and after construction. These tree protection zones shall be clearly labeled on development plans and subject to inspection by town officials.
 - ix. Where removal of existing trees is approved within tree preservation areas, new trees shall be installed in the general vicinity of the trees removed. The replacement trees shall be approved by the Administrator and shall cover the same or greater canopy at the time of maturity.
 - 1. A payment in lieu of tree replacement may be allowed, subject to approval of the Zoning Administrator in cases where site area is insufficient or otherwise impractical to replant trees on the site.
 - 2. The payment shall be based on the total replacement costs of the trees. The applicant is responsible for providing price quotes and such quotes shall be certified by a North Carolina registered forester, registered Landscape Architect, or an ISA certified arborist.
 - c) Each lot created shall contain one existing or planted canopy tree for every 40 feet of street frontage or fraction thereof. Alternatively, the canopy trees can be placed at 40-foot intervals along a street front, irrespective of lot line locations. Street trees shall be a minimum of four feet and a maximum of 12 feet from the edge of right-of-way on private property.
 - d) Each lot less than one acre in area shall have a minimum of four canopy trees. Each lot that is one acre or more in area shall have a minimum of six canopy trees. At least two trees shall be located within the front yard and back yard of each lot. Required street trees may be counted towards the fulfillment of this requirement. Existing canopy trees, outside required zoning setbacks that are 8-inches DBH or larger diameter, may be counted towards fulfilling this requirement **if they are properly preserved during construction by installing tree fence around the CRZ.** All canopy shade trees planted within the lot must be spaced to accommodate mature growth. New tree planting for each single-family lot shall be done on a lot-by-lot basis, prior to the issuance of a certificate of occupancy for each lot.
 - e) Areas not falling under the on-lot or perimeter landscaping requirements including detention areas and open space areas shall be landscaped with **ten (10) shade trees**, ten (10) understory **trees**, ~~fifteen (15) evergreens~~, and thirty-five (35) shrubs per acre.
3. **Heritage Trees**
- a) Heritage trees are defined as those deciduous noninvasive native trees 20-inches DBH or larger.
 - b) All buildings, building additions, and other structures (including but not limited to driveways) shall be located upon a lot or parcel of land in such a way as to minimize damage to or removal of Heritage trees.
 - c) No impacts to the CRZ of a Heritage tree or removal of a Heritage tree shall be approved unless the Administrator finds that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development in accordance with the following:
 - i. Building placement, driveway, walkway, and parking areas shall be designed in such a way as to avoid unnecessary removal of or damage to Heritage trees.
 - ii. Drainage and grading shall be developed in such a way as to avoid removal of or damage to Heritage trees, and to protect remaining Heritage trees from risk of damage through change in grade or moisture, or from root loss as a result of grading and earth moving.
 - iii. Landscape plans shall reflect Heritage trees being retained.
 - iv. The CRZ of Heritage trees on lots adjacent to the lot in question on which construction activity will take place shall be carefully considered, and must be given the same considerations as Heritage trees on the lot in question.

4. *Tree Protection.*

- a) Property owners are responsible for ensuring that all existing trees shown on approved plans as being retained to meet the requirements of this article are protected during the construction process from removal, destruction, or injury.
 - b) Before any ~~excavation~~ **land clearing, vegetation removal, or earth moving** takes place on the subject site, a ~~barrier tree fence~~ must be erected around the ~~drip line~~ **CRZ** of all ~~such trees being retained~~ sufficient to put on notice all construction personnel that any disturbance of the area within the ~~drip line~~ **CRZ** of such trees is prohibited, except as expressly approved by the administrator. Required tree ~~barriers fence~~ must be shown on construction plans including the demolition, ~~and~~ grading, ~~and wet utilities (water & Sewer)~~ plans.
 - c) **If tree fence must protect less than the entirety of the CRZ, this must be shown on approved plans and approved by the Administrator.**
 - d) **All required tree fence must be in place around the CRZ and approved by the Administrator prior to beginning construction. The tree fence must remain in place during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the CRZ. All fencing must be secured to capped metal posts driven into the ground, spaced no further than eight feet (8') apart.**
 - e) **No soil disturbance, filling, compacting, or material storage shall occur within tree protection areas. Operating heavy equipment within the CRZ is prohibited. Landscaping within the CRZ of retained trees must be shown on approved plans and must not utilize heavy equipment, or must mitigate for the impacts of heavy equipment.**
 - f) ~~In association with the approval of any permit herein required or any site plan or subdivision plat, the Zoning Administrator and/or Town Council may require additional tree preservation measures above and beyond those listed herein that are deemed to support the tree preservation objectives of this UDO.~~
5. *Maintenance.*
- a) The property owner is responsible for the maintenance and protection of all required landscaping and screening, in accordance with American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen
 - b) Failure to maintain landscaping is a violation of this ordinance.
6. *Planting Size and Specifications*
- a) Ornamental and understory tree species planted to satisfy the tree planting requirements of this UDO must have a 2-inch minimum caliper size and a minimum height of 6 feet at the time of planting.
 - b) Conifers or evergreen tree species planted to satisfy the tree planting requirements of this article must have a minimum height of 6 feet at the time of planting.
 - c) Canopy tree species planted to satisfy the tree planting requirements of this article must have a 2.5-inch minimum caliper size and a minimum height of 8 feet at the time of planting.
 - d) ~~Tree and Plant Species~~ Tree and plant species listed in the North Carolina Department of Transportation's Invasive Exotic Plants of North Carolina may not be credited toward satisfying the landscaping and screening requirements of this article.
 - e) All new trees planted shall be selected from the ~~suggested species list, which is provided as Appendix 3 (approved plant list);~~ **Union County Urban Forester's species list**, provided that additional species may be used subject to specific approval of the Administrator. All trees must comply with the American Standard for Nursery Stock published by the American Association of Nurserymen. **The Administrator has ultimate authority over species selection, even if that species is not listed on the species list.**
 - f) **The Administrator may require broad diversity of tree and shrub species be selected and planted consistent with urban forestry best practices.**
 - g) **The Administrator may wave material size (caliper and height) requirements, especially in the interest of securing a more desirable species selection choice.**
 - h) All plant material shall be free from disease when planted and shall be maintained in a healthy condition. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth. ~~All trees shall be properly guyed and staked at the time of planting.~~ All plant materials shall be planted in a manner which is not intrusive to utilities or pavement. **The Administrator will maintain tree and shrub planting standards and specifications all plant material shall comply with these standard**

specifications.

7. *Time for Installation.* All perimeter and open space landscaping for single-family ~~major~~ residential developments shall be completed in accordance with the approved site plan at the time that seventy (70) percent of the development is completed or within the next planting season following occupancy, whichever comes first. If the development is built in phases, then the landscaping shall be completed as seventy (70) percent of each phase is completed or within the next planting season following occupancy, whichever comes first. If plantings cannot be installed, the Administrator may issue a temporary permit and take surety until the landscaping is completed equal to **one hundred twenty-five (125) percent** ~~one hundred ten (110) percent~~ of the estimated total cost for landscaping improvements.
8. *Replacement.* All landscaping shall be guaranteed for two (2) years from the date of acceptance and shall be replaced by the applicant at no charge to the Town should they die or be in a declining condition in the opinion of the ~~Arborist~~ **Union County Urban Forester**. The replacement tree shall be the same size, species and quality, unless said species is no longer on the approved species list and shall carry the same two (2) year guarantee. The Town may use the bond or surety to replace plants if the developer fails to perform adequately. After the initial two (2) year period, the landowner or, in the case of plant material in common open space, the homeowners' or property owners' association shall be responsible for maintaining and replacing any plants that die.
9. *Plan Required.* All applications for development and construction activities that are subject to the landscape and screening regulations of this article must be accompanied by a landscape plan **with a tree protection plan**. No building permit or similar authorization may be issued until the administrator determines that the landscaping and screening regulations, **and tree save regulations** of this article have been met. These measures shall include, but not be limited to, the following:
 - a) ~~Tree landscape plan. The tree landscape plan must show that there will be no grading or land disturbing in the root protection zone. Land disturbing is also considered trenching, placing backfill in the root protection zone, driving or parking equipment in the root protection zone, and dumping of materials detrimental to plant health in close proximity of the tree(s). An inventory of trees is required for all trees 6 inches DBH or greater outside the buildable area and all Heritage trees across the entire lot or parcel.~~
 - b) ~~Tree landscape protection. Tree Protection Plan: Tree protection fencing fence shall be indicated on the Tree Protection Plan, tree landscape plan, grading plan and demolition plans, erosion control plan, and water and sewer utility plans around the perimeter of tree protection areas. CRZ of trees to be maintained. Fencing in or around an existing tree canopy to be preserved/saved shall contain an area bounded by a line situated five feet beyond the drip line, for a single tree, and five feet beyond the perimeter drip line for a group of trees. The protection fencing shall consist of colored mesh fabric fencing material, three feet minimum height, with posts eight feet or less on center. The Tree Protection Plan shows the tree inventory and survey relative to the location future building footprints, overhead and underground utilities, grading changes, and other infrastructure or anything that will require excavation or soil disturbance, or new impervious cover that will be constructed in relation to the location of existing trees to be retained, CRZs of Heritage trees and other retained trees and prescribed tree fence. Show the boundaries of all tree save areas.~~
 - c) **A landscape Plan is required. Show all landscape plantings (entryway, parks, signage areas, etc.) along with a detailed "Planting Schedule". Show a legend of symbols representing each species to be planted (street trees, Landscaping trees, shrubs, and plants).**
10. *Inspections.*
 - a) Agents, officials or other qualified persons authorized by the Town are authorized to inspect the sites subject to the provisions of this UDO to determine compliance with this UDO or rules or orders adopted or issued pursuant to this UDO.
 - b) No person shall refuse entry or access to any authorized representative or agent of the town who requests entry for the purpose of inspection, nor shall any person resist, delay, obstruct or interfere with the authorized representative while in the process of carrying out official duties.
 - c) If, through inspection, it is determined that a property owner or person in control of the land has failed to comply or is no longer in compliance with the provisions of this section or orders issued pursuant to this section, the town will serve a ~~written~~ notice of violation. **A notice of violation may be hand delivered to a responsible representative of the violator and that representative must sign that they have received such citation, delivered by U.S. first class mail, email, or by conspicuously posting a print copy of the violation**

on the subject property.

11. Penalties.

- a) In addition to other remedies and penalties provided by law and this UDO, a planting requirement of 4 trees for every tree removed, which may be assessed in addition to or in lieu of any monetary penalties. Where the Administrator has determined that a violation of this UDO has occurred, no certificate of occupancy or certificate of compliance shall be issued until required replacement plantings have been completed or the violation otherwise remedied.
- b) Failure to install and maintain tree protective devices shall be a civil penalty of five hundred dollars (\$500.00) per tree per day beginning with the date the citation is issued and ending when the site is in compliance.
- c) Failure to install required landscape material or to replace dead landscape material shall be a civil penalty of five hundred dollars (\$500.00) per day beginning with the date the citation is issued and ending when the site is in compliance.
- d) Removal of a tree 8-inches DBH or greater without a permission from the administrator will result in a civil penalty of one thousand dollars (\$1,000.00) per tree.
- e) Removal of a Heritage tree without permission of the Administrator shall be a civil penalty of eight hundred dollars (\$800.00) per inch for each tree.
- f) The maximum civil penalty for each tree shall not exceed \$25,000.00.

g) **Section D-917B. Additional Specific Requirements for Conservation Residential Development.**

A. Minimum Total Acreage. The minimum total acreage for a Conservation Residential Development is six (6) acres.

B. Minimum Open Space.

1. At a minimum, fifty percent (50%) of the gross acreage of the tract will be required to be retained as Conservation Land. Not more than 20 percent (20%) of the minimum required area of Conservation Lands shall be comprised of wetlands, submerged lands, steep slopes, floodways, or land under high voltage electrical transmission lines (conducting 69 kilovolts or more).
2. When a proposed conservation residential development project lies on both sides of a major or minor thoroughfare, all attempts should be made to have 50 percent (50%) of each side's gross acreage designated as Conservation Land. However, the Town may allow flexibility on the distribution of Conservation Land in situations where there is greater logic to preserving special features on one side of the road, or due to locating homes on the other side due to the relative absence of special site features with greater conservation value.
3. The minimum percentage and acreage of required Conservation Lands shall be calculated by the applicant and submitted as part of the sketch plan.

C. Priority for Conservation Lands. In delineating conservation areas, the applicant shall use the following tier system as a guide, with those lands included in tier A having the highest priority for preservation; provided, however, that in certain portions of the Town, the priorities defined may be altered by the Town in order to maximize achievement of the goals and objectives of maintaining open space through conservation residential development projects:

1. Tier A, Highest Priority.
 - a. Forestlands.
 - b. Steep slopes (greater than twenty five percent (25%).
 - c. Viewsheds from thoroughfares.
2. Tier B, Medium Priority.
 - a. Farmlands, meadows, pastures, and grasslands.
 - b. Historic sites.
3. Tier C, Lowest Priority.
 - a. Moderate steep slopes (fifteen to twenty five percent (15% to 25%).



ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE TOWN OF WEDDINGTON, NORTH CAROLINA MAKING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE BY AMENDING ARTICLE 9, REGULATION OF PARTICULAR USES AND AREAS, SECTION D-917A, SPECIFIC REQUIREMENTS FOR ALL RESIDENTIAL DEVELOPMENT – REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, AND MINIMUM STANDARDS FOR RESIDENTIAL DEVELOPMENT (APPLICABLE TO BOTH TRADITIONAL RESIDENTIAL DEVELOPMENT AND CONSERVATION RESIDENTIAL DEVELOPMENT) SUBSECTION J. CUL-DE-SACS; CERTIFYING CONSISTENCY WITH THE TOWNS LAND USE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Weddington adopted the Unified Development Ordinance on April 12, 2021 to comply with North Carolina General Statute 160D and to improve the organization of existing ordinances; and

WHEREAS, the adopted Unified Development Ordinance took effect on April 12, 2021; and

WHEREAS, the Town of Weddington desires for the Unified Development Ordinance to function effectively and equitably throughout the Town; and

WHEREAS, the Town of Weddington has determined where the Unified Development Ordinance needs clarification and revision; and

WHEREAS, the existing ordinance prescribes design standards for North Carolina Department of Transportation roads not under the ownership or maintenance of the Town;

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON, NORTH CAROLINA:

Section 1. That Unified Development Ordinance, Article 9, Regulation of Particular Uses and Areas, Section D-917A. Specific Requirements for All Residential Development - Required Improvements, Dedication, Reservation and Minimum Standards for Residential Development (applicable to both Traditional Residential Development and Conservation Residential Development), Subsection J. Cul-de-sacs be amended to read as follows:

Section D-917A.

J. Cul-de-sacs

1. *Cul-de-sacs or dead-end streets designed to be permanently closed are prohibited and can only be used when topographic conditions and/ or exterior lot line configurations offer no practical alternative for connection or through traffic. Cul-de-sacs shall not exceed 500 feet. Permanent dead-end streets shall not provide sole access to more than 16 dwelling units or 1,200 linear feet, whichever is less. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround.*
2. *When cul-de-sacs end in the vicinity of an adjacent undeveloped property capable of being developed in the future, a right-of-way or easement shall be shown on the final plan to enable the street to be extended when the adjoining property is developed. A sign will be required at the end of the cul-de-sac or dead-end street stating there will be a connection when the adjacent parcel is developed. Cul-de-sacs in conservation residential developments shall generally include a pedestrian connection to the open space behind the lots they serve, preferably at the end of the cul-de-sac. No system of multiple branching cul-de-sacs from a single junction within a connected street network is permitted.*
3. *Cul-de-sacs shall generally be designed with central islands (preferably teardrop shaped) where trees are retained or planted. Cul-de-sac pavement and right-of-way diameters shall be in accordance with NCDOT design standards. Designs other than the "bulb" end design with a circular right-of-way will be subject to the approval of the Division Engineer of the Division of Highways, North Carolina Department of Transportation and the Town Council after review on an individual basis.*
4. *Cul-de-sacs that are private streets less than 600 feet long shall generally shall be designed as "closes" with two one-way streets bounding a central "boulevard island" not less than 35 feet across. This can be easily accomplished by extending the outer edges of the turning half-circle perpendicularly to the street from which the cul-de-sac springs. The central open space offers opportunities for tree planting and "rain garden" infiltration areas for stormwater (particularly when the street pavement is sloped inward toward the central open space).*

K. Street Layout.

2. *Continuation of Adjoining Streets. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended. Street connections shall be designed so as to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different part of the tract (and on adjoining parcels). In certain cases where standard street connectivity is either not possible or not recommended, the Town may require the installation of one or more emergency access gates leading to a gravel drive connecting with the adjacent property or roadway. The homeowners' association is responsible for the maintenance, testing and repairs of all functions of emergency access gates. An annual inspection and test of the gate shall be performed, and the results submitted to Town Hall. Any homeowners' association that is found to be in violation shall be required to maintain a service agreement with a qualified contractor to ensure year-round maintenance and to submit a copy of the service agreement to Town Hall.*

Section 2. Amendments to the Unified Development Ordinance of the Town of Weddington (as originally adopted by Ordinance No. 2025-01) are hereby adopted to read as set forth in this Ordinance.

Section 3. The Town of Weddington does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the Town's Land Use Plan.

Section 4. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 5. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 6. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST AND FINAL
READING AND ADOPTED

Honorable Jim Bell
Mayor

Attest:

Karen Dewey
Town Administrator/Clerk