



AGENDA

Regular Town Board Meeting

June 6, 2022 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

1. Pre-meeting

1.A. Town Hall Update/Discussion. (5:15 p.m.) *(Bobby Williams)*

2. Call to Order

3. Invocation/ Moment of Silence

4. Pledge of Allegiance

5. Staff Questions

6. Public Comments, Requests, or Presentations

6.A. Jonahville AME Zion Church 155th Anniversary Proclamation. *(Melinda Bales)*

6.B. Presentation on requested traffic signal on Statesville Road (US21) at Northdowns Lane. *(Stephen Trott)*

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

8.A. Approve the minutes of the Town Board 2022 Winter Retreat. *(Janet Pierson)*

8.B. Approve the minutes of the April 4, 2022 Regular Town Board Meeting. *(Janet Pierson)*

8.C. Approve the minutes of the April 18, 2022 Regular Town Board Meeting. *(Janet Pierson)*

- 8.D. Approve Property Tax Refund Reports from Mecklenburg County. (*Pattie McGinnis*)
- 8.E. Approve budget amendment appropriating grant funds received by the Huntersville Police Department in the amount of \$22,719.99 to the Grant Revenue Account, Equipment Expense and Training Expense. (*Chief Hoyle, Patti McGinnis*)
- 8.F. Approve budget amendment appropriating fund balance in the General Fund in the amount of \$120,000 for the Greenway Connection for the new Torrence Creek Trib #2 Greenway to the new Rosedale Nature Park. (*Michael Jaycocks, Pattie McGinnis*)

9. Public Hearings

- 9.A. Conduct public hearing on Petition #R21-13, a request by Caldwell Station Properties, LLC to amend the Traditional Neighborhood Development Overlay District for the Caldwell Station Senior Living Center at 11130, 11124, and 11116 Will Knox Road (Parcels # 00544332, 00544328, 00544329), to increase the units allowed and to modify the rezoning plan to a single unit senior living facility. (*Brad Priest*)
- 9.B. Conduct continuation of public hearing on Petition #TA22-05, a request by the Huntersville Town Board to amend the Subdivision and Zoning Ordinance by changing subdivision sketch plan decisions from a quasi-judicial process (Planning Board recommendation, Town Board decision) to an administrative process (staff decision). (*Jack Simoneau*)
- 9.C. Conduct public hearing regarding Traffic Calming Measures on Greenway Drive. (*Lora Mastrofrancesco*)
- 9.D. Conduct continuation of public hearing to receive comments on the proposed budget for FY 2023. (*Anthony Roberts*)

10. Other Business

- 10.A. Consider adopting the FY 2023 Budget Ordinance. (*Pattie McGinnis*)
- 10.B. Discussion and potential action on the David Kenny Farm Traffic Calming Request. (*Stephen Trott*)
- 10.C. Consider adopting a Social District Ordinance. (*Emily Sloop*)
- 10.D. Consider appointments to the Planning Board. (*Jack Simoneau*)
- 10.E. Consider appointments to the Board of Adjustment. (*Jack Simoneau*)

10.F. Consider appointment to the Downtown Plan Steering Committee. (*David Hill*)

10.G. Consider approving edits to Huntersville Ordinances Advisory Board Bylaws. (*Anthony Roberts*)

11. Mayor and Commissioner Reports/Closing Comments

12. Adjourn

Special Accommodations: Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078.

We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

The Board reserves the right to deviate from the agenda.

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Melinda Bales, Mayor

Date: June 6, 2022

Subject: Jonahville AME Zion Church Proclamation

EXPLAIN REQUEST:

Jonahville AME Zion Church 155th Anniversary Proclamation.

ACTION RECOMMENDED:

Present Proclamation.

FINANCIAL IMPLICATIONS:

n/a

ATTACHMENTS:

1. Jonahville Church Anniversary

Town of Huntersville Proclamation

Whereas, June 26, 2022 marks the 155th Anniversary of Jonahville AME Zion Church which was founded one hundred fifty-five years ago in the year 1867. Jonahville was organized with the mission of meeting the needs of the people and connecting with the community of Huntersville by sharing the love of Christ with others; and

Whereas, we give pause, honor and praise this day for the countless years and numerous ways Jonahville has served the community, including feeding and providing clothing for those in need. Jonahville AME Zion Church has offered summer camp programs for the surrounding community while providing a safe and affordable place for working families to bring their children for care. One of Jonahville's visions is for the Huntersville community to be a safe place for all people as Jonahville continues to be a church that focuses on social justices as well as equality for all; and

Whereas, it is a pleasure to extend this expression of our esteem and best wishes to the members of this congregation on the memorable occasion of this Anniversary.

Now, Therefore, I, Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim June 26, 2022, as **Jonahville AME Zion Church Day** in the Town of Huntersville.

In Witness Whereof, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 6th day of June, 2022.

Melinda Bales, Mayor

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: June 6, 2022

Subject: Traffic signal on Statesville Road (US21) at Northdowns Lane

EXPLAIN REQUEST:

Presentation on requested traffic signal on Statesville Rd (US21) at Northdowns Lane.

ACTION RECOMMENDED:

Discussion

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Janet Pierson, Town Clerk

Date: June 6, 2022

Subject: Approval of Minutes - Town Board 2022 Winter Retreat

EXPLAIN REQUEST:

Consider approving the minutes of the Town Board 2022 Winter Retreat.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. February2022DraftRetreat

**TOWN OF HUNTERSVILLE
TOWN BOARD RETREAT MINUTES
February 28 and March 1, 2022
Quest at Latta Nature Preserve
6345 Sample Road, Huntersville, NC**

DAY ONE – FEBRUARY 28, 2022 – 8:00 A.M.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips. Commissioner Rob Kidwell entered the meeting late.

STAFF MEMBERS PRESENT FOR ALL OR PORTION OF TWO-DAY RETREAT: Town Manager Anthony Roberts, Deputy Manager Jackie Huffman, Assistant Town Manager Bobby Williams, Town Attorney Emily Sloop, Public Information Officer Kim Strickland, Town Clerk Janet Pierson, Human Resources Director Lara Cagle, Finance Director Pattie McGinnis, IT Director Larry Davis, Planning Director Jack Simoneau, Assistant Planning Director Brian Richards, Parks & Recreation Director Michael Jaycocks, Assistant Parks & Recreation Director Tracy Houk, Police Chief Bence Hoyle, Lake Norman Economic Development Executive Director Ryan McDaniels, Huntersville Family Fitness & Aquatics Director Zach Brown.

Planning Department

Jack Simoneau, Planning Director, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

- Growth/development (population projections, permit data).
- Land Development statistics.
- Statutory authority to regulate trees.
- Quasi-judicial process. Staff recommends the Sketch Plan Application option, having a neighborhood meeting, with Planning Board recommendation being optional. It was the general consensus of the Board to have staff start amendment to change quasi-judicial to administrative process, keeping the neighborhood meetings.
- Density near transit stations.

Parks & Recreation Department

Michael Jaycocks, Parks & Recreation Director, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

- 2021 park visitor numbers, along with prior year statistics.
- Staffing challenges.
- Results of the 2030 Parks & Recreation Master Plan.
- Recreation Center Sponsorship. Novant is interested in renewing. It was the general consensus of the Board to renew with Novant.
- Projects completed, current projects and future capital projects.

Mr. Roberts noted that there are technical difficulties and the sound is not going through on the stream. The Board may want to consider moving remainder of retreat to Town Hall.

Lake Norman Economic Development Corporation

Ryan McDaniels, Executive Director LNEDEC, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 3.*

- Project activity.
- Product development.
- Workforce development.

ElectriCities

Don Mitchell, Electric System Manager, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

- Electric cost of service.
- Capital plans.

Commissioner Kidwell made a motion to recess the meeting and resume at 1:15 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

The Town Board reconvened the meeting at Huntersville Town Hall at 1:15 p.m.

Commissioner Boone made a motion to hold second day of the retreat at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville NC, tomorrow.

Commissioner Munger seconded motion.

Motion carried unanimously.

Police Department

Chief Bence Hoyle provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 5.*

- Recruiting and retention.
- Staffing
- Crisis Response
- School Resource Officers
- Recommendations

Legal

Emily Sloop, Town Attorney, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 6.*

- Legal day-to-day activities.
- Legal projects.
- Public records.

- Procedural process.
- Conflicts of Interest related to development regulations.
- Conflicts of interest related to contracting including new rules from SB 473.

The Board took a 15-minute break.

The Board reconvened.

Human Resources

Lara Cagle, HR Director, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

- COVID 19.
- Employment numbers.
- Recruitment and retention.
- Technology.

IT – Larry Davis

Larry Davis, IT Director, provided update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 8.*

- General update/projects.
- Workload/need for additional staff.

Huntersville Family Fitness & Aquatics

Zach Brown, Director, Huntersville Family Fitness & Aquatics provided update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 9.*

- COVID Impacts
- Current/Adjusted Capital Improvement Program (CIP)
- Future CIP/Dectron-Air Control. Dectron units need to be replaced.
- Membership rates/financial impacts

There being no further business, the meeting was adjourned.

DAY TWO – MARCH 1, 2022 – 8:30 A.M.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Communications

Kim Strickland, PIO, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 10.*

- Assessment – what we had (existing toolbox).
- Improvement – how we are changing (new and revamped toolbox).
- Planning – where we can go (what do you want added to the toolbox).

Mayor Bales suggested the Board consider having Community Chats. It was the general consensus of the Board to have the Communications Committee discuss pop-up chats and community engagement.

Engineering & Public Works

Stephen Trott and Kevin Fox provided an update on the following. *Refer to Exhibit No. 11.*

- Completed Projects
- Roadway Projects Underway and Future
- Sidewalk Projects Underway and Future
- NCDOT Projects
- ADA sidewalk compliance.
- Sidewalks. Commissioner Kidwell suggested staff look into cost of adding sidewalk on Holbrooks Road from NC 115 to Central Avenue.
- Street tree challenges. The Town Board took 10 minute recess, then reconvened and continued discussion on street tree challenges. Staff will work on options.
- Crosswalks. It was general consensus of the Board that the NC 115 crosswalk should go at Greenway Street. It was the consensus of the Board to have discussion with CMS about the installation of a crosswalk on NC 115 at North Mecklenburg High School.
- Powell Bill.
- Fleet services.
- Solid waste services. It was the general consensus of the Board to rebid solid waste contract at the end of its current term.
- Staffing issues.

Finance

Pattie McGinnis and Jackie Huffman provided update on the following. *PowerPoint attached hereto as Exhibit No. 12.*

- Fund Balance
- Debt Schedule
- Budget Calendar

The Town Board recessed for lunch.

The Town Board reconvened and continued to receive update on the following:

- Five year forecast.
- CIP and bond referendum. The Board needs to decide whether to do bond referendum in 2022 or 2023. Commissioner Phillips suggested taking David Kenney Farm Road project off CIP list. Mr. Roberts suggested the Board discuss the CIP at a pre-meeting to decide on whether to move/remove any projects on the list.

American Rescue Plan Act Funding

Bobby Williams, Assistant Town Manager provided update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 13.*

- Eligible expenditures.
- Treasury funding.
- State Recovery Plan.

It was the general consensus of the Board to use to fund police services personnel costs for FY23, supplanting those funds in the budget and freeing up the \$4.8 million for general governmental services.

The Board took a 15-minute recess.

The Board reconvened and started discussions on various topics.

VARIOUS TOPICS

Refer to Various Topics List attached hereto as Exhibit No. 14.

Open checkbook ordinance/resolution. It was the general consensus of the Board to not consider an open checkbook ordinance/resolution.

Discuss/stream all 3 on 3 meetings. It was the general consensus of the Board to not hold 3 on 3 meetings in March, then revisit in April. It was the general consensus of the Board not to stream any 3 on 3 meetings that may occur in the future.

Closed session meetings. Town Clerk agreed to add more detail to closed session minutes.

Creation of Legislative Agenda (magistrate, ocular melanoma). The Legislative Committee will reach out to Board members for any items you would like researched, and then will compile a list to bring back to the Board.

Change zoning requirements from 250' to ½ mile, with bigger signs 4' x 6', social media ads and ads in local paper. It was the general consensus of the Board to not make changes to the process. Town is already going above and beyond what is required.

Return previous bylaws to the following appointed committees, allowing both chairs of the committee to be involved in any revisions needed and made, with each prospective committee voting on the bylaws (Ordinance Advisory Board and Board of Adjustment). It was the general consensus of the Board to leave the HOAB and Board of Adjustment bylaws alone and update the Planning Board bylaws to state that the rules are being set up the Town Board versus the Planning Board.

Vehicles using GPS, broken down by department. Sixty-eight vehicles in Police have GPS. Eighteen Parks & Recreation vehicles in Parks & Recreation have GPS. Commissioner Kidwell suggested all Town vehicles have GPS. The Town is pushing that way and will look to have GPS on additional vehicles when fleet management is brought in-house.

Create a police review board for officers to have the opportunity to have a disciplinary action reviewed. Ms. Sloop noted that the North Carolina League of Municipalities does not recommend having a police review board. Chief Hoyle noted he recommends against review boards. It was general consensus of the Board to leave alone for now.

Find a way to specifically recognize the Pottstown community/Huntersville has a lot of historical landmarks which signage of recognition in these various locations and communities can be funded.

Mr. Williams suggested toppers on street signs to recognize the Pottstown community and signage for historic designated sites. Commissioner Munger suggested getting community input on what they

would want. Staff will check to see if funding from the Olde Huntersville Historic Society for the Old Jail could be used for walking tour of designated historic landmarks.

Consider establishing Top Deck Huntersville. Top Deck is a non-profit formed by citizen in Cornelius to help officers and their families when they have something going on in their life. Staff will find out how much money is necessary to set it up.

Development of Town app and related costs to push out notifications, events, waste management, surveys, etc. – increasing accessibility. Ms. Strickland reported that the cost for CivicPlus to create app is \$6,000. The Communications Committee will look into pricing – cost/benefit versus other web tools and changes.

Provide American sign language interpreters for board meetings and events. Ms. Strickland noted there is language on the agenda to notify clerk if special accommodations are needed. Mayor Bales suggested researching cost of having someone sign at the Memorial Day and Veterans Day ceremonies.

Emails as Public Comment. The Board requested staff find out if other municipalities are allowing emails as public comment for Town Board meetings.

Have HFFA oversight committee review contracts with swim teams. HFFA Oversight Committee is going to look at that.

Update funding for non-profits. Policy will remain the same unless staff hears something different. There was a suggestion to have a link on the website for non-profits to apply.

The remainder of the Various Items will be discussed at a future pre-meeting.

The being no further business, the meeting was adjourned.

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Janet Pierson, Town Clerk

Date: June 6, 2022

Subject: Approval of Minutes - April 4, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the April 4, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. 040422DraftForBoard

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**April 4, 2022
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 4:30 p.m. on April 4, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the Pre-meeting to order. The Board heard requests for funding from external agencies.

Bill Russell, Linda Dalton and Abigail Jennings requested \$15,000 for Hugh Torance House & Store. *Detailed request attached hereto as Exhibit No. 1.*

Harold Rice, Ada Jenkins Center, requested \$45,000. *Detailed request attached hereto as Exhibit No. 2.*

Cindy Deutsch, Angels and Sparrows, requested \$40,000. *Detailed request attached hereto as Exhibit No. 3.*

Ashley Nydish and Nicole Fiehler, Bags of Hope, requested \$20,000. *Detailed request attached hereto as Exhibit No. 4.*

Sarah Fortner, Caterpillar Ministries, requested \$20,000. *Detailed request attached hereto as Exhibit No. 5.*

Debbie O'Handley, Hope House, requested \$20,000. *Detailed request attached hereto as Exhibit No. 6.*

Kris Cole, Carolina Raptor Center, requested \$20,000. *Detailed request attached hereto as Exhibit No. 7.*

Jessica Bustamate, Rural Hill, requested \$20,000. *Detailed request attached hereto as Exhibit No. 8.*

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on April 4, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales recognized former commissioner Sarah McAulay who was present in the audience.

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board. *Refer to written comments attached hereto as Exhibit No. 9.*

Crystal Silvas, 13925 Beatties Ford Road, said you guys are discussing money and what to do with it as far as helping out with housing in the area. Pottstown has over 100 veterans that came back from war and were guaranteed the GI bill and then did not receive it. Let's put the money right there because blacks, Mexicans, Irish, that came back from war were not given what they were guaranteed, some even still stayed in slavery. Back to CSD. Some have questioned Richard Barry Park and whether or not those lights are within limits. They are at .02 footcandles at the nearest residential property. CSD was tested again. I didn't know the exact property line when I first went out. I did the second time. They are over 10-1/2 times past the legal limit here in Huntersville. Why are they still operating multiple nights a week, usually five. It's unacceptable that their lights are shining into our yards constantly. Since all of this has started, I have their parents finding me on every platform possible, which is interesting because I'm completely blocked. You have to really search for me to find me because my kids are adopted and we are a little extra safe. I'm being told to move in all caps with many exclamation points. Saying Richard Barry Park that tiny playground is not a real park. It's a beautiful stadium and let's be honest, that whole area was an eyesore well before the stadium was built. That's not an eyesore, that's our home. I'm extremely proud to say I live in west Huntersville. It is a beautiful place with farms and people who grow their families. I literally bought my forever home so that my kids could run outside. Why are they still operating. It's extremely frustrating that nothing is being done. We've given them time, you need to fix it. How much time do they have on that, because most counties say 10 days, most cities say 10 days. Why were they allowed to build by right, circumvent the system and then refuse to abide by our ordinance.

June Overcash, 13701 Stumptown Road, said I am here to talk about some land that my family is wanting to sell. My family has lived in Huntersville all our lives. I live on the same road that I was born and raised on. My father's homestead place is on that road and my mother's homestead place is on Highway 115. I'd like to talk about the agenda change that is being proposed tonight. My mother, my sister, my cousin, we own three houses north of the funeral home on Highway 115. Our family has owned this property for about 150 years. My mother is now in assisted living. My sister is out of town and my cousin just had knee surgery, so my son and myself are here representing our family members. Because we are on a busy highway near the intersection of another major highway, our only hope of

selling our property has always been to be a part of Caldwell Station. A Caldwell Station developer is in the process of including our property in his project as we speak, and I understand planned to have everything filed before the text amendment was adopted. I and my family members have been closely monitoring the text amendment and have seen all of the materials on the Town's website and on the text amendment itself in the agenda packets, that the vote would occur on April 18, which is going to be a difficult deadline to meet because of all the process requirements that have to be done before the application can be filed. Now we find out this morning that some of the members on the Town Board are talking about moving the vote up tonight after their publications showing a later date. This really isn't fair to our family members. We, like everyone else, deserve to be treated fairly, and our family has supported the Town and its decisions over the years and we've always expected to be treated fairly in return. If this change is effective tonight, we will lose the opportunity to get what our family land is worth today. This is not what we expect from the Town of Huntersville. This lack of transparency is the exact opposite of everything that the Town should stand for – fair treatment and transparency for its citizens. We please ask that you delay the vote on this amendment, and we are talking about 3-1/2 acres.

AGENDA CHANGES

Commissioner Munger made a motion to move Items 10.C, 10.F and 10.G from Other Business to the Consent Agenda as Items 8.E, 8.F and 8.G.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Commissioner Kovacs made a motion to add "Consider approving Petition #TA22-01" as Item 10.E.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Commissioner Munger made a motion to adopt the agenda as amended. Commissioner Phillips seconded motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Munger made a motion to approve the minutes of the February 21, 2022 Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA22-05. Commissioner Munger made a motion to call a public hearing for Monday, May 2, 2022 at 6:00 p.m. at Huntersville Town Hall, on Petition #TA22-05, a request by the Huntersville Town Board to amend the Subdivision and Zoning Ordinance by removing subdivision sketch plans from a quasi-judicial process (Planning Board recommendation, Town Board decision) and making it an administrative process (staff decision).

Commissioner Kovacs seconded motion. Motion carried unanimously.

Budget Amendment – Purchase of 105 N. Maxwell Street. Commissioner Munger made a motion to approve budget amendment appropriating \$37,400 from Fund Balance to the Land Account to offset

some of the purchase price of 105 N. Maxwell Street. Commissioner Kovacs seconded motion. Motion carried unanimously.

Grant Special Revenue Ordinance – ARPA of 2021. Commissioner Munger made a motion to adopt Grant Special Revenue Ordinance for the American Rescue Plan Act of 2021. Commissioner Kovacs seconded motion. Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 10.

Parks & Recreation Co-sponsorship Policy Amendment. The Parks & Recreation Commission unanimously approved the recommendation to decrease the co-sponsorship discount rate from 75 percent to 65 percent. The discount rate hasn't been changed since the policy was formed. The fees generated from the co-sponsorship fees go into a capital reserve fund to be used in the parks for repairs to existing facilities or to build new facilities.

Commissioner Munger made a motion to approve changes to the Parks & Recreation Department Co-sponsorship Policy. Commissioner Kovacs seconded motion. Motion carried unanimously.

Amended Co-sponsorship Policy attached hereto as Exhibit No. 11.

Capital Project Ordinance First Amendment – Holbrook Street and Patterson Rd Ext. The First Amendment to the Transportation Projects Capital Project Ordinance is to transfer \$200,000 from the Walters Street project to the Holbrook Street project and \$450,000 from the Walters Street project to the Patterson Road Extension project due to cost increases to deliver Holbrook Street and Patterson Road Extension projects. Funding for Walters Street will be delayed into a future year.

Commissioner Munger made a motion to adopt First Amendment to the Transportation Projects Capital Project Ordinance. Commissioner Kovacs seconded motion. Motion carried unanimously.

Transportation Projects Capital Project Ordinance First Amendment attached hereto as Exhibit No. 12.

Property Tax Refund Reports. The reports from Mecklenburg County contain three refunds totaling \$3,104.91, which includes \$110.67 in interest. The refund is the result of the Property Tax Commission.

Commissioner Munger made a motion to approve the Property Tax Refund Reports. Commissioner Kovacs seconded motion. Motion carried unanimously.

Property Tax Refund Reports attached here as Exhibit No. 13.

PUBLIC HEARINGS

Petition #S22-01. Mayor Bales called to order public hearing on Petition #S22-01, Birkdale Landing Special Sign District, a request by Firebirds International, LLC to create a Special Sign District Overlay for Birkdale Landing located at 16641 Birkdale Commons Parkway, Tax Parcel 00917184.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 14.*

Firebirds International, LLC is requesting on behalf of the property owner, Fairway Investments, LLC, to create a Special Sign District Overlay Zone per Article 10.11.1 for the Birkdale Landing Development. A Special Sign District is intended to impose sign regulations which provide greater latitude or more stringent limitations than those provided in Article 10 of the Zoning Ordinance.

Birkdale Landing is located at the intersection of Sam Furr Road (Highway 73) and Birkdale Commons Parkway. The subject property is zoned Highway Commercial Conditional District.

Birkdale Landing is currently utilizing the Planned Development Flexibility option, which is administratively approved. The Planned Development Flexibility option requires a master sign plan, which was approved for Birkdale Landing in February 2020 and amended in January and November 2021.

Commissioner Kidwell said where they are proposing it, I know it's not facing a main street, but as you are coming down Highway 73 you are going to see the sign, correct.

Ms. Mielenz said correct.

There being no further questions or comments, Mayor Bales closed the public hearing.

Petition #TA22-02. Mayor Bales called to order continuation of public hearing on Petition #TA22-02, a Zoning Ordinance text amendment by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30 percent attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial and residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations (3.2.4(d)(4), 3.2.6(d)(4), 3.2.5(d)(4), 3.2.7(d)(4)(a)).

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 15.*

Petition #TA 22-02 is a Zoning Ordinance text amendment sponsored by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30 percent attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial and residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations.

In the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts, major subdivisions are limited to 30 percent attached houses, apartment buildings and mixed-use buildings. However, there is also a provision where the 30 percent cap can be exceeded in major subdivisions within ¼ mile of designated rail transit stations. These provisions have been in the ordinance since 1996.

The first development to be approved under these provisions was Vermillion Village in 2017, followed by Huntersville Town Center/North State Development in 2021. Both properties are zoned Town Center - CD. Since rail transit may not come or if it does will be far into the future, the Town Board requested text amendment #TA22-02 be processed for consideration.

The Huntersville Ordinances Advisory Board and the Planning Board recommended approval.

Commissioner Partee said can you explain the options for this particular ordinance if we vote against it.

Mr. Simoneau said I won't use the word override, but it's an option that any property that abuts that could rezone their property to TND and have 100 percent attached.

Commissioner Partee said so Ms. Overcash would have to go through the rezoning process.

Mr. Simoneau said it's going to be a subdivision process anyway, so that's a 3-1/2 month process. If they go through the conditional rezoning process, that will be a 4-1/2 month process, so it would be 30 more days, but it will still be able to go through that rezoning and if the rezoning is approved, then you will authorize staff to sign off on the subdivision as long as it complies with that.

Commissioner Munger said in terms of if they start the process prior to an effective date, does that keep them under the previous zoning.

Mr. Simoneau said there's something called permit choices. If you turned in the materials for a development with all the materials before the code change happens, then the code change happens, the developer has a choice to follow the new code or stay with the code in effect when the application was submitted. Two cases came in prior to this text amendment.

There being no further questions or comments, Mayor Bales closed the public hearing.

Petition #TA22-03. Mayor Bales called to order public hearing on Petition #TA22-03, a request by the Town of Huntersville Planning Department to amend Article 8.9.1 and 12.2.2 related to clear sight triangles in order to comply with HB 489.

Nathan Farber, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 16.*

The North Carolina General Assembly passed House Bill 489 in 2021 amending Chapter 160A-306 Building Setback Lines. The updated language serves to define where sight distances at street intersections will be measured from. This language will not change the way the Town currently measures a sight triangle at intersections. To align with House Bill 489, Town Staff has included the new language into Article 8.9.1 – Clear Sight Triangle at Intersections and into the Sight Distance Triangle definition within Article 12.2.2 – Sign Definitions.

There being no questions or comments, Mayor Bales closed the public hearing.

Petition #TA22-04. Mayor Bales called to order public hearing on Petition #TA22-04, a request by the Town of Huntersville Planning Department to remove the special use requirement for street facing solar panels in Article 9.54.1 and to reorganize and clean up Article 9.54 to bring the ordinance into full compliance with State Statute 160D-914.

Nathan Farber, Planner I, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 17.*

Petition #TA 22-04 is a request by the Huntersville Planning Department to amend the Huntersville Zoning Ordinance Article 9.54. The purpose of the amendment is to remove all special use permit

requirements from Article 9.54.1 Minor Solar Energy facilities. Town staff has also worked with the Town Attorneys to reorganize and clean-up language while also bringing language into full compliance with 160D-914.

Minor solar energy facilities/solar panels fronting a public street for both residential and commercial properties require a Special Use Permit approved by the Huntersville Town Board with a recommendation from the Planning Board. Other minor solar facilities, such as those that are built on the side or rear of the home, are approved administratively by staff. Since adoption of solar energy provisions in 2013, only three special use permits have been applied for, though two of those have occurred within the past three months (all approved). Staff has seen an increased interest in solar panels that will likely continue.

In addition to more interest in solar panel installations, there can be situations where one house has solar panels placed on side facing roofs (approved by staff) and front facing roofs (requires special use permit). Changing the special use permit requirement to an administrative staff approval will remove the unnecessary burden that the special use permit process places on applicants (three-month approval process for a special use permit; three-business days approval for zoning permit).

Commissioner Boone said if the HOA says no to the homeowner, who has jurisdiction over that, the Town or the HOA.

Mr. Farber said the HOA.

There being no further questions or comments, Mayor Bales closed the public hearing.

OTHER BUSINESS

Interlocal Agreement – Huntersville Mobility Plan. The Charlotte Regional Transportation Planning Organization grant for the Mobility Plan is an amount not to exceed \$128,000 (80 percent). The Town of Huntersville will be responsible for \$32,000 (20 percent) in local matching funds. The agreement describes the terms and conditions that the Town of Huntersville must follow to use grant funds for development of a town-wide Mobility Plan. The grant award is federally funded and includes several specific requirements related to performance, reporting, and accounting.

Commissioner Kidwell made a motion to approve the Interlocal Agreement.

Commissioner Boone seconded motion.

Mayor Bales called for the vote to approve the Interlocal Agreement.

Motion carried unanimously.

Interlocal Agreement attached hereto as Exhibit No. 18.

Resolution – Authorize Disposal of Surplus Property at 8840 McIlwaine. The Town Board has received an offer to purchase approximately 0.78 acres of property located at 8840 McIlwaine Road. If approved for disposal, the property will be advertised for upset bids subject to the terms and conditions of the draft purchase agreement.

Commissioner Kovacs made a motion to approve the Resolution authorizing the disposal of 0.78 acres of surplus property located at 8840 McIlwaine Road, with the addition of a deed restriction being added as a term of the purchase agreement that restricts the property to no more than one unit being developed on the lot or if the parcel is combined with additional acreage, the overall density of combined acreage being limited to no more than one unit per acre.

Commissioner Munger seconded motion.

Mayor Bales called for the vote to approve Resolution.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 19.

NC SB300 Additional Edits Discussion. The Town recently updated several of its ordinances to remove criminal penalties from ordinances that can no longer be criminally enforced as the result of NC SB300. The updated language of 160A-175(b) also requires that criminal penalties be specifically cited in the ordinance language for ordinances that the Town still wishes to enforce criminally, and which are legally allowed to be enforced criminally. As such, these additional edits are to incorporate criminal penalties in specific sections of the Town Code of Ordinances that may still be criminally enforced versus relying on the blanket penalty at Section 10.99 for those sections. Pursuant to updated language of N.C.G.S. 160A-175(b), the addition of criminal penalties in ordinances require the proposed edits to come before the Town Board twice, with enactment at the second setting. Thus, these proposed edits are only for discussion on this agenda and will be voted on at the 4/18 meeting. Additionally, the edits remove in its entirety Chapter 112, entitled Cable Communications. In 2006, there was a legislative change that preempted the franchising authority for municipalities regarding cable services effective January 1, 2007 - "After this date, a county or city may not award or renew a franchise for cable service." (Session Law 2006-151, N.C.G.S. 66-351, 66-355).

Commissioner Partee said if the violator incurs three or more violations or infractions, does the penalty increase and is there a fee or warrant issued for that.

Emily Sloop, Town Attorney, said it depends on the language of the actual ordinance. For example, we could put in there that each separate day is a separate offense. We can specify the maximum penalty. It can be no more than \$500, so it really depends on the language that we include in the specific section.

Commissioner Phillips said we know in Charlotte SB300 has been a nightmare for them because they decriminalized a bunch of stuff. Are our animal cruelty ordinances up to code.....do we need to change anything.

Ms. Sloop said we do not. The last edits that we had before the Town Board were to remove only those criminal enforcement mechanisms for ordinances that can no longer by law be enforced criminally.

Edits attached hereto as Exhibit No. 20.

Huntersville Ordinances Advisory Board Bylaws Amendment. In September 2021, the Huntersville Ordinances Advisory Board Bylaws were updated to reflect statutory conflicts of interest rules, allow for subcommittees, and incorporate provisions for remote meetings. On the date of adoption, the Town Board requested an additional edit to the Bylaws to allow for the HOAB to elect its own Chair and Vice

Chair rather than said positions being appointed by the Town Board. The proposed edits set the term limit for the elected offices and the date of the election.

Commissioner Kidwell made a motion, but before I do, I would like to make some changes to what was presented here. If the Board and the audience could be patient and follow along with me here.

Under Section 1-1, Subsection A, after “....Ordinances that have been applied for through the Town of Huntersville Planning Department (“Planning Department”) or which are proposed by Planning Department staff...” add “the HOAB” to that section.

Under Section C, remove “as directed by the Town Board.”

In Section 3.1, Election of Officers, instead of July, move to March.

Section 4, we are going to move 4-4. It will become 4-5 and for 4-4 place the following verbiage: “Town staff shall provide HOAB with all material information as well as a written legal opinion for all proposed text amendments which shall contain the Town source of authority and statement of compliance with statute and case law and constitutional limits.”

Under Records, I would like to add Section 5-2: “Staff shall provide a summary of HOAB recommendations, transactions, findings, determinations in a standardized form to the Planning Board and Town Board.”

Commissioner Kidwell said with those changes, I would like to make a motion to approve.

Emily Sloop, Town Attorney, said can I just ask for a point of clarification. First, if these do go through, if you will be so kind as to send those to me, it would probably be easier. Second, did we want to not have an election this year since March has already passed.

Commissioner Kidwell said we can have an election at the next meeting, so we can move forward with that. It would just be a shorter term for the next group.

Ms. Sloop said so at all other times the election would be in March and then for this year have the election at the next meeting.

Commissioner Kidwell said that’s correct.

Mayor Bales said there are a lot of changes here. I guess I’m just curious as to why these did not get sent in to staff so they could get into the agenda.

Commissioner Kidwell said great question Madam Mayor. I actually want to thank the chairman, Matt Jones. He, in lots of conversations with many of us on the Board, came up with a bunch of different changes here. Some were applied, some were not. When you have someone that is that dedicated to a Board, that is that deep into a commitment to the Town, that sees it from the inside and to say hey these things are really important to us, we have to listen. I did submit this to everybody on the Board two weeks ago at our last meeting. It was followed up in an email. Everybody should have had this copy. It was not presented to us to compare for this meeting by the Town Attorney, which that’s her choice, so that’s why I’m making the changes. I believe this document with the changes as presented, to be better suited for the HOAB going forward.

Commissioner Kovacs seconded motion.

Commissioner Boone said I would like to know if you could amend your motion on 2-1 (D) to reflect the Town Board member would be a voting member and not ex officio.

Commissioner Kidwell said while I don't think a Town Board member should vote, I will amend the motion to accept that.

Commissioner Kovacs seconded amended motion.

Commissioner Kidwell said I'll bring up some discussion on that. I'm not a fan of one of us being on a board and voting on that board and then coming up here and voting again. However, it's been brought to my attention by other commissioners and other HOAB members, that when they make requests for things like that it doesn't seem to have traction. It just seems to fall short. Other commissioners have said let's get someone back on there with a vote to make sure that we are getting that traction. I'd like to explore this and see how this turns out. We can come back to it later if we find that we are getting the proper traction as needed down the line.

Mayor Bales said I would remind the Board that a few years ago the Board made the decision to remove commissioners off of this board specifically because of the very reason you just stated.

Commissioner Munger said I was part of that board that decided to go from two voting members down to one voting member down to ex officio, which is where we are at now and I am ex officio at this point. A couple of clarification questions. If this were to pass as amended, I would be the person or would we reevaluate and determine the best fit for that board.

Commissioner Kidwell said you're on it. You are the current.

Commissioner Munger said we have no other boards within the Town that has a current commissioner that votes on any other board. It seems to work for every other board and the idea that we are going to try to experiment.....we had an experiment, we did this. We've been here. I don't take issue. I appreciate the fact that there was particular language stricken that bothered me. This one, the voting member doesn't sit well with me, simply because if I look at Board of Adjustment, very important decisions, should we have someone there. Planning Board. Should we have someone there. Important things happen there. Where do you draw the line. We pulled back from this for a reason that made sense and I tend to think it's working as is. I wouldn't support it with this amendment. I would support it without that specific amendment.

Commissioner Boone said this board has been in business for six years and one month, and for the first four years that it was doing business there were no problems whatsoever. We had two commissioners that were on this board that voted and then all of a sudden a previous board decided that we don't need another bite out of the apple. It's a vote to move legislation along to the next committee – make sure we have a good product moving from one board to the next. The Ordinances Advisory Board is probably the best board in town for a new commissioner to learn how the town works. Everybody knows Jack Simoneau is in charge of the Planning Department, but all the other people, this is a board where you learn. A board that meets for 90 minutes. I'm going to support the amended motion.

Mayor Bales called for the vote.

Motion carried 5 to 1, with Commissioner Munger opposed.

Petition #TA22-02. Petition #TA22-02 is a Zoning Ordinance text amendment by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30 percent attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial and residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations (3.2.4(d)(4), 3.2.6(d)(4), 3.2.5(d)(4), 3.2.7(d)(4)(a)).

Jack Simoneau said the Planning Department recommends approval. The Planning Board also recommended approval.

Commissioner Kovacs made a motion in considering the proposed amendment #TA22-02, the Town Board recommends approval based on the amendment being consistent with Policy LU-2, Policy LU-5 and Policy LU-10 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the rail transit will not be completed in the foreseeable future, and for this to go into effect as of June 1, 2022.

Commissioner Phillips seconded motion.

Commissioner Phillips said I've only had 28 phone calls today about this. TOD has been not a good time. It has been frustrating. As somebody who is all for property rights, this has been a trying time to do the right thing. Commissioner Munger loves to say that a compromise is when everybody walks away unhappy. I feel like that's what we are doing tonight. We could have passed it and the effective date would have been as we close this meeting. However, the good people of this Board we worked together and we put an effective date which doesn't often happen with zoning and the reason we did that is that we wanted to be fair and we wanted to be ethical because we don't know all the situations that are occurring with people selling land. Things are going to develop and it's not, in my opinion, acceptable for us to pull the rug from underneath nice people like our previous speaker because there are families and people who have invested and that is their investment is for land so we started at first with a May 1 date. We moved to June because the thing is we and I feel like this is probably the best thing this Board has ever worked on collectively because we don't want to hurt other people. We want to be fair and for us and for me personally, I think this is the fairest product that could have come to the Board. I appreciate all the changes and the efforts made and I would hope in the future that we don't do something haphazardly again like this, but I think it's been a great learning lesson that if we can move faster as government we sure should because it shouldn't take this long to do the right thing and I really do appreciate my fellow board members for us making this a moving and living document that I think everybody is happy with, hopefully. Not everybody, but enough people.

Mayor Bales called for the vote to approve Petition #TA22-02.

Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Festival of Services event held by Ada Jenkins and Caterpillar Ministries in Huntington Green was a success.

- Lake Norman Economic Development Corporation currently has a total of 41 projects, 20 of which are in Huntersville.
- Provided update from Metropolitan Transit Commission meeting.
- There is a ribbon cutting and grand opening for Plant House on Saturday.
- Congratulated Autumn Solesbee who attends Southlake Christian Academy for winning the Augusta National Drive, Chip and Putt National Finals in the 7 to 9 year old category.

Commissioner Boone

- Festival of Services event held in Huntington Green was a success.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.
- Provided update from the Huntersville Regional Chamber of Commerce.

Commissioner Kidwell

- Provided update from the Charlotte Regional Transportation Planning Organization meeting.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Partee

- Attended Hopewell High School PTA meeting orientation on preventing gun violence and suicide.
- Visited Colonial Pipeline spill site to receive update.
- Attended Festival of Services in Huntington Green.
- Huntersville Police Department has free child safety gun locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Munger

- Attended Festival of Services in Huntington Green.
- Visited Colonial Pipeline spill site to receive update.
- Next Huntersville Ordinances Advisory Board Meeting is April 7.
- Next Public Art Commission meeting is April 13.
- Consider supporting local non-profits.

Mayor Bales called for any Closing Comments.

Commissioner Kovacs expressed appreciation to the Huntersville Fire Department for allowing her to suit up and go inside training fire.

Mayor Bales apologized for not calling on Lee Hallman to speak during one of the public hearings and offered to re-open the public hearing for him to speak. Mr. Hallman declined.

Commissioner Kidwell expressed appreciation to fellow Board members for the support when his family welcomed a new baby boy.

Commissioner Phillips wished her parents a happy 41st anniversary.

There being no further comments, the meeting was adjourned.

Approved this the ____ day of _____, 2022.

DRAFT

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Janet Pierson, Town Clerk

Date: June 6, 2022

Subject: Approval of Minutes - April 18, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the April 18, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. 041822DraftForBoard

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**April 18, 2022
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on April 18, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called to Pre-meeting to order.

CIP Review. Anthony Roberts, Town Manager, reviewed the items that have changed on the Capital Improvement Program since it was last presented to the Board in February 2022. Changes are highlighted in yellow. *Projected Capital Improvement Program FY 2023 Summary attached hereto as Exhibit No. 1.*

Jackie Huffman, Deputy Town Manager, reviewed the Town of Huntersville 5-year Financial Plan and tax implications. *Town of Huntersville Five Year Financial Plan as of March 2022 attached hereto as Exhibit No. 2.*

The Board discussed timing of a bond referendum (2022 or 2023). For a referendum to be on the November 2022 ballot, the Board would need to start taking action in June.

It was suggested that the David Kenney Farm Road project come off the CIP.

Stephen Trott, Director of Engineering, provided update on NC 73 project. NCDOT will provide update later this year. Currently it is scheduled for FY26.

Mayor Bales suggested the Board review the CIP projects and be prepared to discuss a bond referendum for 2022 or 2023 at the Budget Workshop scheduled for April 25.

There being no further business, the Pre-meeting was adjourned.

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on April 18, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Phillips requested update on the situation with the Northstone parking and the flooding situation.

Kim Strickland, PIO, said as far as resurfacing, the Town annually resurfaces neighborhood streets and we started four weeks ago. The first notice went out the last week of March. We get a spreadsheet from the contractor of the roads that will be worked on the next week, weather permitting. Staff goes out and puts signs, and the contractor comes through a day or two ahead of schedule and tags any cars that might be on the street or leaves a notice if they're not. They might put it on the mailbox or whatever and then every week I would send out an advanced notice through Nextdoor directly to the neighborhood and I would list the street names. Somehow there were people, I'm sure in all the developments, but particularly we heard from the Northstone people over the weekend. We went back and looked and there are 833 households in Northstone on the Nextdoor platform. That does not mean they saw the notice, but there are 833 homes that are registered with that platform. That includes almost 1,400 people. What I said to the one gentleman was I'm very sorry that somehow between the signs and the tags and flyers and the notification, they did not receive the notice. The other thing we were wondering is if Good Friday had something to do with it. It was a holiday. People were home versus typically at work. We've looked into that today. We tried to figure out what else we can do. We are wrapping up. We have been in Northstone now for two weeks, instead of just one, but typically the streets it would take between five and seven business days, weather permitting, for all of the work to be done.

Commissioner Phillips said maybe this is something the Communications group can pick up to discuss for next steps.

Ms. Strickland said one of the things that we looked into was the HOA list, which is great if you have an HOA. Not all communities do. Some of the streets that were also done last week in what is considered Greenfield Park, is not necessarily part of an HOA. We also found that there were some information gaps in some of the HOA's. I think it was we looked at a way that we can try to see where we didn't reach people this time, so we can do better next time.

Kevin Fox, Director of Public Works, said we found out this weekend about the issue on the private alleyway that backs behind Walters Street. We have reached out to that resident today and also the builder that built those homes and we are going to work towards an amicable solution for everyone.

Commissioner Boone expressed appreciation to the Town Manager for staff's work in getting a crosswalk installed on Gilead Road at Sherwood Drive.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales recognized Huntersville 101 graduates.

Mayor Bales recognized County Commissioners Powell and Rembrandt, and former Huntersville Commissioner Brian Hines, who were present in the audience.

Ken Joyner, Mecklenburg County Tax Assessor, presented update on 2023 Revaluation. *Refer to PowerPoint attached hereto as Exhibit No. 3.*

Rose Williams, Executive Director, North Carolina League of Municipalities, presented update on the North Carolina League of Municipalities. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board concerning Pottstown. *Refer to written comments attached hereto as Exhibit No. 5.*

Amy Hallman, 100 Cambridge Road, said you know that I am a proponent for preservation and for promoting our history as much as we can. I don't presume to know what's best for Pottstown, but I do have one idea and I ran it by a few of my friends there who know I'm speaking on this topic. While Pottstown is included on the East Huntersville Small Area Plan, Pottstown truly deserves its own community plan. I'm not saying throw \$100,000 to a study. You may not want to test this committee with your new idea to remove names from applications. One of the oldest and most underserved communities in our town deserves our sincere attention. Yes, there are recommendations from white people outside to do what Smithfield is doing and start a coalition. I'm not sure anyone who is saying that has truly studied Pottstown or understands that starting a coalition is a little harder than snapping one's fingers. Perhaps there is a coalition to be started that Smithfield has had a year in this, has had a buy-in from its town and county officials and millions of dollars in support for it. The dynamics within Pottstown are a little different than Smithfield right now. While there's always something to learn, without some empathy, without some assistance, without some buy-in and without some time, any progress will be lost. St. Phillip Church on Dellwood dates back to at least 1899. Last month you voted to declare Rosenwald School #2 a historic landmark and this can be the beginning. With cooperation from the county, we could establish a more complete plan that includes Torrence Lytle and other aspects determined by a real study. In the 2007 East Huntersville Small Area Plan, it dedicated three paragraphs to the entire community of Pottstown, while it did give an entire page to Torrence Lytle School. Admittedly, it does say to develop like scale and size 1 to 1-1/2 story homes. It should be acknowledged in 2022 that a reputable plan, a thoughtful plan, can't simply include one single residence from Pottstown surrounded by all these governmental and developmental white people telling our oldest African American community what it needs. Let's allow someone who does not plan to develop within the neighborhood be the contributor to this plan, or have the say on what should be there. I'm asking more than the Board to make this possible. If not, development will cut an irreparable chasm through it and it will be on all of us. Please consider establishing a committee to study Pottstown community and its absolute place in our town. The previous speech on neighborhood delineation shows you that it is important.

Rachel Zwipf, 10321 Central Avenue, said as the Vice Chair of North Mecklenburg Move Makers, I am here inviting you to Pottstown's bulk pick-up day, which is May 21, 2022 from 9 a.m. until 2 p.m. Myself along with Janelle Harris and Commissioners Kovacs and Kidwell have heard the neighborhood's need to help residents with this issue. I was able to speak with Bobby Williams at the Town. He was able to

secure two dumpsters from Waste Management for our use. Many of our residents are elderly and need some help clearing bigger items out of their home and trash and land that has not been developed to get some of that trash out to help with beautification. We are now looking for volunteers to help with these efforts and we are hoping that you are able to join us.

Ameris Stephenson, 13021 Central Avenue, said I just wanted to let the Board know that I love living in the Pottstown community. I came to live with my aunt from New Jersey and since I moved to Pottstown I've met a lot of nice people. I have made tons of friends.

Jaxon Thompson, 13021 Central Avenue, said I just wanted you guys to know why I love the Pottstown community. I love the Pottstown community because I like going to the Waymer Center and the park with my family and friends.

Janelle Harris, 14111 Holbrooks Road, said I'm the Chairwoman of North Mecklenburg Move Makers. I am thankful for the new momentum our neighborhood seems to be picking up on and I'm dedicated to seeing the quality of and prosperity abundantly evident in our community. I also want to thank the advocates for the David B. Waymer Center and the Mecklenburg County officials who hired me. I am happy to serve as a liaison to the community and the gym facility. Our next Pottstown monthly community meeting is Wednesday, April 20 at 6:00 p.m. at the Dellwood Center. Commissioners Amber Kovacs and Rob Kidwell have been very helpful by coming to our neck of the woods and joining local organizations with other residents and listening to our concerns. We have been able to see changes in our area since our first meeting back on February 23, like bigger stop signs in our community. We appreciate you and hope you continue making a difference with us. The Four Seasons Inaugural Softball Tournament to benefit Pottstown community will also be on May 21. They will be raising funds and making a donation at 6:00 p.m. at the David B. Waymer field. They are providing Forever Young barbecue to give our volunteers from the pick-up day meals and we are so thankful that the long-time staple of neighborhood baseball teams and games are using this opportunity to give back to the community they've been in for so long. I also want to thank members of the Board and the previous board for appointing me to the Downtown Plan Steering Committee. I am aware that Pottstown is not part of downtown, but I do know the public input survey results and committee involvement sessions show that there is a desire for more consideration to be given to the preservation and revitalization of Pottstown. I do feel also that there is a need for the Town Board and the county commissioners to allow for community leaders, vested residents and a staff dedicated to the planning of the future of Pottstown.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Munger seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Kidwell made a motion to approve the minutes of the March 7, 2022 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Budget Amendment – Parks & Recreation. Commissioner Kidwell made a motion to approve budget amendment appropriating \$20,000 from Recreation Center Sponsorship Funds (Signage Fund) to the Capital Fund to fund double doors at the Huntersville Recreation Center. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution – Huntersville Athletic Park Lighting. Commissioner Kidwell made a motion to approve Resolution to award the bid for the Huntersville Athletic Park Athletic Field Conversion Lighting Project and approve the construction contract. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 6.

LUESA Interlocal Agreement Amendment. Commissioner Kidwell made a motion to approve amendment to LUESA Interlocal Agreement with Mecklenburg County and Cabarrus County. Commissioner Munger seconded motion. Motion carried unanimously.

Amendment to Interlocal Agreement attached hereto as Exhibit No. 7.

Proposed Concept for Mural. Commissioner Kidwell made a motion to approve the proposed concept for the mural on one of the picnic tables at Holbrook Park Shelter by Junior Troop 1548. Commissioner Munger seconded motion. Motion carried unanimously.

Proposed concept attached hereto as Exhibit No. 8.

Call for Public Hearing – Proposed Budget for FY23. Commissioner Kidwell made a motion to call a public hearing for Monday, May 16, 2022 at 6:00 p.m. at Huntersville Town Hall to receive comments on the proposed budget for FY23. Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R21-17. Petition #R21-17 is a request by HFH Partners, LLC to rezone (+/- 3.8 acres) 202, 204, 206, 208 Gilead Rd from Neighborhood Residential District to Traditional Neighborhood Development Urban Conditional District for a mixed-use development (Parcel #s 01712112, 01712111, 01712110, 01712109).

Brian Richards, Assistant Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 9.*

The Planning Staff recommends approval of Petition #R21-17, including the four modifications outlined in the Staff Report (buffer yard, rear setback, building height and internal landscaping). The Planning Board recommended approval on March 22, 2022.

Commissioner Boone made a motion in considering the proposed rezoning application R21-17, Gilead Road Mixed Use, the Town Board recommends approval based on the plan being consistent with the Huntersville Zoning Ordinance Article 11.4.7(d), 11.4.7(e), and the Huntersville 2040 Community Plan Policies LU-2.1, LU-5.1, LU-5.3, LU-6.2, LU-6.3, LU-7.1, LU-8.1, LU-8.2, EV-2.3, DT-1.3 and DT-11.1. It is reasonable and in the public interest to amend the Zoning Ordinance because the Zoning Ordinance is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan and the 2006 Downtown Master Plan. The Town Board further recommends approval of four modifications: Modification #1 (buffer yard), Modification #2 (rear setback), Modification #3 (building height), all of which are in keeping with the spirit of the ordinance and therefore supported. The Town Board is inclined to recommend approval of Modification #4 (front and rear yard trees) and the Town Board supports the staff's request to continue discussions to explore options or mitigation. The approval is contingent upon the application addressing all outstanding staff comments.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to approve Petition #R21-17.

Motion carried unanimously.

Hill Street Subdivision – Phase 3. Commissioner Kidwell said I would like to ask for a Board member to recuse me from the quasi-judicial hearing. As a Town Commissioner it is my duty to speak to citizens whether they are on the developer's side or the public side and that being said, I would not be able to make a fair and impartial decision on this case.

Mayor Bales said this is the conduct of an evidentiary hearing and consider decision on Hill Street Subdivision?

Commissioner Kidwell said right.

Commissioner Munger made a motion to recuse Commissioner Kidwell.

Commissioner Kovacs seconded motion.

Mayor Bales called for the vote to recuse Commissioner Kidwell.

Motion carried unanimously.

Mayor Bales said this hearing is a quasi-judicial hearing on the application submitted for the Hill Street Subdivision – Phase 3, to subdivide 0.401 acres into six townhomes.

Quasi-judicial hearings are evidentiary in nature.

Only parties with standing, including the applicant, property owner, local government, and individuals who can show they will suffer special damages have the right to participate fully in the hearing.

Special damages must be particularized, separate, and distinct from damages to the public at large. Special damages are a fact-specific inquiry. While proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing.

Parties may present evidence, call witnesses, and make legal arguments. Other individuals may, but are not required to be, allowed to speak as a witness; however, they will not be allowed to participate fully as a party, such as by questioning other witnesses, or by calling other persons to testify.

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions.

Certain topics require expert witnesses including projections about impacts on property values and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusory testimony lacking the foundation of the expert's opinion is insufficient to establish the existence or non-existence of a fact or conclusion.

The Board must base quasi-judicial decisions upon competent, material, and substantial evidence in the record.

Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant, or vague evidence; non-expert opinions as to something that requires an expert; and non-accepted hearsay evidence will likely not be competent evidence.

Material evidence is evidence that shows that the standards will or will not be met.

Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented.

If there is a recusal, which we have had one already tonight, it is the policy of this Board that a recused member shall step down from the dais and be excused from the room. The Board member may return for the next matter.

Is there anyone else that would like to be recused from this decision this evening.

No one responded.

The parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may be email communications, as well as conversations with parties, staff, or the general public. Does any Board member have any ex parte communications to disclose?

Seeing none, we will now move and proceed with the hearing. Mr. Peete, who are our applicants this evening?

David Peete, Principal Planner, said Hill Street Bowman, LLC.

Mayor Bales said who all needs to be sworn in?

Mr. Peete said Mr. Bowman and myself.

Mayor Bales swore in David Peete and Nate Bowman.

Mr. Peete said I would like to enter the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 10.*

This is a request to subdivide to create six townhome lots at the corner of Hill Street and Huntersville-Concord Road. The property is zoned Neighborhood Residential and also Traditional Neighborhood Development Overlay as part of the larger Vermillion development. This particular property you see in the red box is to the right or south, you can see that there are Phases 1 and 2. This is a continuation of that. The rest of the Staff Report gives the references to the Community Plan and the consistencies, which we can touch base with if you would like to, but the quick update for you is Staff's position is this application is complete, that the requirements of our ordinances have been met. There are three additional stipulations that you see bulleted in the Staff Report on Page 7, and that is that the two urban open space scenarios are both acceptable. One is that there is a park scenario with a gazebo, that would satisfy. But the applicant intends to actually create a leg of the future greenway and move it through there pursuant to the county's approval. That is consistent with our Greenway Master Plan. Either of those are perfectly acceptable and that will be part of the next phase if this is approved.

The second bullet is that the storm water plan would have to be approved by the Town staff and that is still pending, but that would absolutely be something that we would want to see. And then all the other redline comments that would typically be associated at this stage would have to be addressed satisfactorily as well.

With that, the staff would be in a position to recommend that this is compliant with our regulations and could be approved. Furthermore, last month the Planning Board recommended by a vote of 9-0 to recommend approval subject to the same three bullets I just mentioned.

Any questions of the Staff Report or myself or Mr. Bowman?

Mayor Bales said does the Board have any more questions for the parties?

Commissioner Munger said there's a reference made to LU-5.3: Support infill housing options near services, shopping, employment, etc. related to rail stations. Are we still making reference to the rail station item now that we kind of did away with that, the TOD?

Mr. Peete said the Community Plan is there and then this process I believe was initiated before that change was made. That reference is in there. If the Board does not feel that is one that you want to hang your hat on, it's your prerogative.

Commissioner Munger said just thinking out loud.....

Mayor Bales said the change does not go into effect until June.

Commissioner Munger said fair point. I will let it go.

Mayor Bales said any other questions? There being none, as a reminder, this Board is tasked with deciding if, based on competent, material, substantial evidence presented at the hearing before this Board, this proposal meets the applicable standards.

If the applicant meets their burden of producing competent, material, and substantial evidence that the standards in the ordinance will be met, the burden shifts to the other parties, there are no other parties opposing this evening, the application to show by competent, material, and substantial evidence that the standards in the ordinance will not be met.

At this point, is there a motion regarding this request?

Commissioner Phillips made a motion to approve the Hill Street Subdivision – Phase 3 Sketch Plan to subdivide 0.401 acres located at the intersection of Hill Street and Huntersville-Concord Road at into six townhome lots because the application is complete, complies with all applicable requirements and is supported by the findings of facts outlined in Parts 2 through 4 of the Staff Report. This approval includes the following conditions: (1) urban open space is coordinated with Mecklenburg County; (2) the stormwater plan is approved by Town Engineering staff at the Engineering Preliminary Plan stage; and (3) all other staff comments are addressed.

Commissioner Partee seconded motion.

Mayor Bales called for the vote to approve Hill Street Subdivision – Phase 3 Sketch Plan.

Motion carried 5 to 0.

Mayor Bales said Staff will draft and I will sign a final written decision to reflect the vote and reasoning for this decision.

Thank you to everyone attending the hearing regarding Hill Street Subdivision – Phase 3 Sketch Plan. We welcome you to stay for the other items on the agenda. If you are leaving, please do so quietly at this time.

Commissioner Boone made a motion to bring back Commissioner Kidwell.

Commissioner Kovacs seconded motion.

Motion carried 5 to 0.

Valea Subdivision. Jack Simoneau, Planning Director, said we have received a request from the developer, Valea Bowman, LLC, to continue the request until May 16, 2022 at 6 p.m. at Town Hall. However, the developer is also willing to have a 60-day continuation, so either a 30 day or 60 day continuation. The 30 day would be May 16 at 6 p.m., here at Huntersville Town Hall or June 20.

Mayor Bales said do you know what we have currently scheduled for the agenda for the 16th.

Mr. Simoneau said I do not.

Commissioner Munger made a motion to continue the quasi-judicial evidentiary hearing on Valea Village until June 20 at 6:00 p.m. at Huntersville Town Hall.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to continue evidentiary hearing on Valea Village to June 20, 2022.

Motion carried unanimously.

Petition #TA21-15 – Rooftop Amenity Spaces. Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

Petition #TA21-15 is a text amendment request by the Town of Huntersville Planning Department to amend Zoning Ordinance Articles 8.7 Height Limitation, 12.2.1 General Definitions, 4 Apartment Building Type & Shopfront Building Type, 7.10 Open Space, and 7.11 Urban, Agricultural, Common, Natural, & Recreational Open Space to allow and place standards for Rooftop Amenity Spaces to exceed the maximum building height.

Staff recommends approval. The Planning Board by a vote of 7-2 recommended approval. The Huntersville Ordinances Advisory Board did not recommend approval.

Commissioner Phillips made a motion in considering the proposed amendment TA21-15, the Town Board recommends denial. The Town Board was aware of and considered the Planning Board's recommendations and any relevant portions of the adopted Comprehensive Plan. It is not reasonable and in the public interest to amend the Zoning Ordinance because it is inconsistent with the general nature of our town-wide open space requirements, the general nature of our town-wide height requirements, and the uncertainty of meeting site lighting requirements, specifically light trespass into neighboring properties and neighborhoods. In addition, conditional zoning provides for these situations where a particular use properly planned may be appropriate for a particular site, but where the general district has insufficient standards to mitigate the site specific impacts on surrounding areas. Conditional zoning districts are established on an individual basis at the request of all owners of the property to be included according to the Town's Zoning Ordinance.

Commissioner Kovacs seconded motion.

Commissioner Munger said one of the things, if I remember correctly, on the Huntersville Ordinances Advisory Board, it did not pass, but if I remember correctly one of the board members on that thought it should be more expansive than it was. In my opinion, you could argue that HOAB was actually in favor of this. Obviously, Planning staff was in favor of this. I struggle with the idea that we are focusing on a one square mile radius in a 62 square mile town. We have to think about how this would affect all areas of town instead of focusing on possibly even a single building. I think this is a wonderful thing. I think there was room for compromise on here. One of the things I wasn't entirely in favor was counting some of the rooftop amenity space for open space. Because it is private, that's not really open space. It's not community space, so it shouldn't have been considered that. There was room for compromise on this and I find it unfortunate that this is the route we have chosen to take. I will not support the motion as presented. I would prefer to see it actually be passed.

Commissioner Kovacs said I would like to say I appreciate your opinion, Commissioner Munger. I obviously seconded this so I am in favor of the motion, but I actually am in favor because I do believe that this should be a case-by-case basis based off one of your points. As you said, it's more than just one mile, we have 62 square miles, and that's why I do believe it needs to stay a case-by-case basis because it should come to the Board and us be able to make a decision based on where it's at, not just as an overall blanket statement.

Commissioner Partee said I'm also in favor of the motion because one of the reasons why I moved down here with my family is because Huntersville has that quaint feel and I think it has a distinct character that mixes the old country feel with a modern upscale appearance. We don't say urban anymore, we say upscale and as a rooftop amenity I see a rooftop amenity downtown, uptown where it's above 10 floors where folks can sit out, watch the horizon, have a cocktail, and have an unobstructed view of the landscape. Here in Huntersville anything below 10 stories does not have that fit, doesn't have that feel. And to be four stories above the street just doesn't give the appearance of having that hometown feel. I am in favor of the motion and I agree with the community and they are not in favor of it and therefore I am in favor of the motion of denying.

Commissioner Boone said I have a question for Mr. Simoneau. If these folks come with a special use permit, would that have been a better direction to go versus doing the entire town for the text amendment.

Mr. Simoneau said that could be an option. That's not what was proposed obviously. Conditional rezoning as was mentioned in the motion is an option and if somebody doesn't want to go that route, they could also ask for a text amendment to allow it as a special use permit. That is another option.

Commissioner Kidwell said I wasn't here for the public hearing. I believe that was the day my son was born. However, a few things and I might be backtracking or just reminding everybody, this was brought before HOAB three or four times. It wasn't a developer asking for this, this was Town staff, which I find that odd. Usually, a developer comes and says hey we would like to do this and then it goes forward and we make these changes. That being said, I completely support the motion. I agree with Commissioner Phillips and what you said Jack, a text amendment or a special use permit, conditional use or what have you, should be brought up on a case-by-case basis. I'm not a fan of rooftop amenities. In general, even having gone to dinner down in Charlotte and there's places where you can go out on a balcony and as Commissioner Partee said have a nice drink and look at the scape. When you're 40 stories up or 30 stories up and you are overlooking a city, it's a little bit different when you're 3-1/2 stories up overlooking the flooded rooftop of the future brewery in downtown. I will be supporting Commissioner Phillips' motion.

Mayor Bales called for the vote to deny Petition #TA21-15.

Motion carried 5 to 1, with Commissioner Munger opposed.

Emily Sloop, Town Attorney, said it was brought to my attention that on the item that was continued for Valea Village, that there had been a previous change to our meeting schedule for Juneteenth, so we likely need to reopen that and correct the meeting date.

Mayor Bales said we will do that after 10.E.

Petition #TA22-01. Petition #TA22-01 is a request by the Town of Huntersville Planning Department to amend Articles 11.4.3(a), 11.4.9, and 12.2.1 of the Zoning Ordinance to clarify the Down-Zoning definition and initiation of the process.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 12.*

The North Carolina General Statutes were amended in 2019 by creating a new Chapter 160D. This new Chapter consolidated city and county enabling statutes for development regulations into a single, unified chapter. Local governments had until July 1, 2021, to adopt the necessary ordinance amendments to comply with Chapter 160D. At that date, the rules and procedures of Chapter 160D applied whether or not the local ordinance had been updated.

Text Amendment #TA21-01 was approved on June 21, 2021 and encompassed the majority of amendments required to comply with 160D. Petition #TA21-01 did not include the updated language from 160D-601 that defines down-zoning and explains who can initiate the down-zoning of property. Therefore, the Zoning Ordinance requires a text amendment to ensure the language complies with 160D.

Planning staff recommends approval. The Huntersville Ordinances Advisory Board recommended approval on January 6, 2022. The Planning Board recommended approval on March 22, 2022.

Commissioner Phillips made a motion in considering the proposed amendment TA22-01, the Town Board recommends approval based on the amendment being consistent with all policies of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment is necessary to comply with state legislature.

Commissioner Boone seconded motion.

Mayor Bales called for the vote to approve Petition #TA22-01.

Motion carried unanimously.

Valea Subdivision – Revised Motion. Commissioner Munger made a motion to re-open Item 10.C.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to re-open Item 10.C.

Motion carried unanimously.

Commissioner Munger made a motion to continue the quasi-judicial evidentiary hearing on Valea Village until June 21 at 6:00 p.m. at Huntersville Town Hall.

Commissioner Boone seconded motion.

Mayor Bales called for the vote to continue evidentiary hearing to June 21.

Motion carried unanimously.

Edits to Code of Ordinances. The Town recently updated several of its ordinances to remove criminal penalties from ordinances that can no longer be criminally enforced as the result of NC SB 300. The updated language of 160A-175(b) also requires that criminal penalties be specifically cited in the ordinance language for ordinances that the Town still wishes to enforce criminally and which are legally allowed to be enforced criminally. As such, these additional edits are to incorporate criminal penalties in specific sections of the Town Code of Ordinances that may still be criminally enforced vs. relying on the blanket penalty at Section 10.99 for those sections. Pursuant to updated language of N.C.G.S. 160A-175(b), the addition of criminal penalties in ordinances require the proposed edits to come before the Town Board twice, with enactment at the second setting. Thus, these proposed edits were discussed at the March 21, 2022 meeting and will be voted on at the April 18, 2022 meeting.

Additionally, the edits remove in its entirety Chapter 112, entitled Cable Communications. In 2006, there was a legislative change that preempted the franchising authority for municipalities regarding cable services effective January 1, 2007 – "After this date, a county or city may not award or renew a franchise for cable service." (Session Law 2006-151, N.C.G.S. 66-351, 66-355).

Commissioner Phillips made a motion to approve the edits to the Town Code of Ordinances to comply with SB300 and remove preempted ordinances in Chapter 112.

Commissioner Kidwell seconded motion.

Commissioner Kidwell said I just want to point out on Section 130-01 Model Glue; possession, use regulated, I received a Tik Tok video from Commissioner Phillips where a young man specifically pointed out weird laws in North Carolina and this one made the cut because of use by minors regulated that no person under 16 shall possess or buy any model glue. I can completely agree with him. This is a weird one, because between the ages of 11 and 16, I built a lot of models and purchased a lot of model glue.

Mayor Bales called for the vote to approve edits to the Code of Ordinances.

Motion carried unanimously.

Edits attached hereto as Exhibit No. 13.

Purchasing and Contracting Policies. The proposed purchasing and contracting policies are meant to establish a comprehensive policy to ensure that all federal, state, and local rules, regulations, and requirements governing municipal purchasing and contracting, as well as the administration and expenditure of grant funds are adhered to.

Commissioner Munger made a motion to approve Purchasing and Contracting Policies.

Commissioner Phillips seconded motion.

Commissioner Kidwell said I appreciate all the work that was put into this from two pages to over 130, however I will not be supporting this. One of the things for me is the authority of the Town Manager to award and execute contracts and the amount associated with that. I've been a stickler with that. If it's

under \$300,000, whether it's in the budget or not, I still think that's something that the Town Board should be doing, so I'm just going to stick with my guns on that.

Commissioner Boone said I would like some clarification on personnel activity when it comes to, I'm talking from Page 60, the partial funding of federal grants that there's a paperwork trail that has to be done. Does this have anything to do with our school resource officers.

Emily Sloop, Town Attorney, said no, this would be specific to when you have more than one federal grant and that the particular employee is working on more than one federal grant. For ARPA the case is typically going to be that the funds are being used for the provision of general government services and that particular employee would only be working on one grant objective. If the employee is working on multiple grant objectives, that's when the personnel activity report would have to be submitted.

Commissioner Boone said just a follow-up, when we send a K9 down to the Charlotte airport to help them out and we are using grant funds, would we be satisfying the PAR funding on this.

Ms. Sloop said I'm not sure I understand the question. Are you saying that particular employee would be working on multiple grants.

Commissioner Boone said let's say they go down to the Charlotte Airport working with the FBI and Charlotte Police Department and other agencies for drugs and stuff like that.

Ms. Sloop said I think you are discussing the forfeiture funds, which is different.

Commissioner Boone said I understand what forfeiture funds are, but I'm worried about how they get the salary back to the Town of Huntersville, because it says that there's a paperwork trail for the required match in funding.

Ms. Sloop said this would also depend on whether or not we were using those federal grant funds to provide a local match for a federal project that's utilizing federal grant funds. Essentially all this is, is just a more involved version of the time certification, so whereas the time certification is just asking that they verify their time and sign-off on their timesheets, this just asks to see a more detailed schedule essentially.

Commissioner Partee said I just noticed when I was reviewing my agenda packet on Page 111 we have the Town of Huntersville Minority Business Participation Outreach Plan. Is this a new policy that the Town of Huntersville is instituting or is there one that's presently in operation.

Ms. Sloop said this is one that I actually worked on as well when I came on board and worked to implement with Staff Attorney Jacob Glass and so it is newish, meaning that it was implemented in the last year or so, but we did make updates to this policy as well to clarify the use of the affidavits. We had some confusion with some of our people that were submitting bids, so the edits to this particular policy clarify that section.

Commissioner Partee said who is going to administer the Outreach Program for Minority Businesses.

Ms. Sloop said I believe that responsibility falls with Assistant Manager Bobby Williams.

Commissioner Partee said can we keep me updated on that. I would like to work with you on that also.

Mayor Bales called for the vote to approve Purchasing and Contracting Policies.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Purchasing and Contracting Policies attached hereto as Exhibit No. 14.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Lake Norman Economic Development Corporation is currently working 42 projects, 20 of which are in Huntersville.
- Loch Norman Games were a success.
- Jazz Concert Series this Saturday.
- Next Metropolitan Transit Commission meeting is April 27.
- Met with pastor at St. Marks Episcopal Church. They will be doing Barbados event on April 30.

Commissioner Munger

- Public Arts Commission met last week. The Girl Scouts will be doing artwork on a picnic table in Holbrook Park.
- Consider supporting local non-profits.

Commissioner Partee

- Spoke to Huntersville 101 Class.
- Attended Habitat for Humanity reception.
- Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Kidwell

- Charlotte Regional Transportation Planning Organization has not met.
- Met with Commissioner Boone and Dave Hill about various road projects and policies dealing with that. CATS is going to be looking at micro transit in this area.

Commissioner Kovacs

- Provided update from the Huntersville Regional Chamber of Commerce.
- Provided update from Lake Norman Chamber of Commerce.

Commissioner Boone

- Spoke with Vickie Sawyer, state senator about micro transit.

Mayor Bales called for any closing comments.

Commissioner Phillips said the tiaras that people have seen tonight are in honor of Eleanor who went by Wookie. She was a resident of the Lake Norman area and she was a trailblazer who made it possible for women like us to sit up here and she dedicated her life to helping minorities and people who needed a break in life.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____.

DRAFT

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: June 6, 2022

Subject: Property Tax Refund Reports

EXPLAIN REQUEST:

Attached are the Refund reports from Mecklenburg County. These reports contain eight refunds totaling \$134.10 which includes \$7.67 in interest. The refund is the result of the Property Tax Commission.

ACTION RECOMMENDED:

Approve Property Tax Refund Reports

FINANCIAL IMPLICATIONS:

Decrease in revenue of \$134.10.

ATTACHMENTS:

1. 2-24 Huntersville with interest refunds
2. 4-28 tax refunds with Interest

HUNTERSVILLE Refunds

Tax Year	Bill Number	Source Type	Adj #	Adj Reason	Date of Adj.	Refund Recipient Name	Refund Address Line 1	City	State	Zip	Payment Date for Interest Calculation	Refund Amount (\$)
2021	0008157719-2021-2021-0000-00	BUS	600978	BER Decision	12/15/2021	SABOR LATIN STREET GRILL- HUNTERSVILLE/SABOR 9HV LLC	300 NORTH COLLEGE STREET SUITE 101	CHARLOTTE	NC	28202	1/6/2022	\$ 34.04
2020	0001859199-2020-2017-0000-00	BUS	600847	BER Decision	12/14/2021	WELLS FARGO BANK NA 144004	PO BOX 2609	CARLSBAD	CA	92018-2609	1/6/2021	\$ 0.42
2020	0001859199-2020-2018-0000-00	BUS	600848	BER Decision	12/14/2021	WELLS FARGO BANK NA 144004	PO BOX 2609	CARLSBAD	CA	92018-2609	1/6/2021	\$ 0.28
2020	0001793674-2020-2015-0000-00	BUS	600842	BER Decision	12/14/2021	WELLS FARGO BANK NA 144040	PO BOX 2609	CARLSBAD	CA	92018-2609	1/6/2021	\$ 2.80
2020	0001793674-2020-2016-0000-00	BUS	600843	BER Decision	12/14/2021	WELLS FARGO BANK NA 144040	PO BOX 2609	CARLSBAD	CA	92018-2609	1/6/2021	\$ 2.12
2020	0001793674-2020-2017-0000-00	BUS	600844	BER Decision	12/14/2021	WELLS FARGO BANK NA 144040	PO BOX 2609	CARLSBAD	CA	92018-2609	1/6/2021	\$ 1.70
2020	0001793674-2020-2018-0000-00	BUS	600845	BER Decision	12/14/2021	WELLS FARGO BANK NA 144040	PO BOX 2609	CARLSBAD	CA	92018-2609	1/6/2021	\$ 1.07
TOTAL \$ 42.43												

Total Interest to Pay if mailed on or before 2/3/2022 (\$)	Total Interest to Pay if mailed on or before 2/14/2022 (\$)	MECK Portion Refund (\$)	MECK Portion Interest 1 (\$)	MECK Portion Interest 2 (\$)	Police Refund (\$)	Police Interest 1 (\$)	Police Interest 2 (\$)	Fire District	Fire Refund (\$)	Fire Interest 1 (\$)	Fire Interest 2 (\$)
\$ 0.94	\$ 0.94	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
\$ 0.05	\$ 0.05	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
\$ 0.03	\$ 0.03	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
\$ 0.33	\$ 0.33	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
\$ 0.25	\$ 0.25	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
\$ 0.20	\$ 0.20	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
\$ 0.13	\$ 0.13	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
\$ 1.93	\$ 1.93	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00

HUNTERSVILLE Refunds

Tax Year	Bill Number	Parcel #	Source Type	Adj #	Adj Reason	Date of Adj.	Refund Recipient Name	Address Line 1	Refund City	Refund State
2020	0001468441-2020-2020-0001-00	01304112	REI	601613	PTC Decision	1/31/2022	JACKSON, DAVID KEITH	13027 ALLISON FERRY RD	HUNTERSVILLE	NC

Refund Zip Code	Payment Date for Interest Calculation	Refund Amount (\$)	Total Interest to Pay if mailed on or before 5/20/2022 (\$)
28078	1/6/2021	84.00	5.74
Total		84.00	5.74

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Bence Hoyle, Chief of Police

Date: June 6, 2022

Subject: Budget Amendment - HPD Grant Funds Received

EXPLAIN REQUEST:

The police department was awarded Internet Crimes Against Children grant funds in the amount of \$22,719.99. The Town Board approves the award and appropriates \$22,719.99 to the grant revenue account (403421.9999.22017) and equipment expense (405100.0280.22017) and training expense (405100.0324.22017).

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

No net impact to fund balance; offsetting revenue and expense.

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Michael Jaycocks, Director of Parks & Recreation
Pattie McGinnis, Finance Director

Date: June 6, 2022

Subject: Budget Amendment - Greenway Connection

EXPLAIN REQUEST:

Appropriate Fund Balance in the General fund (103890.9999) in the amount of \$120,000 for the Greenway Connection for the new Torrence Creek Trib #2 Greenway to the new Rosedale Nature Park (105400.0592.18011). Construction of this greenway will begin this summer.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

Decrease in fund balance.

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Brad Priest, Principal Planner

Date: June 6, 2022

Subject: Petition #R21-13: Calamar Senior Living Facility

EXPLAIN REQUEST:

Petition #R21-13 is an application by Caldwell Station Properties, LLC to amend the Traditional Neighborhood Development Overlay District (TND-OD) for the Caldwell Station Senior Living Center at 11130, 11124, and 11116 Will Knox Road (Parcels # 00544332, 00544328, 00544329). The purpose of the rezoning is to increase the units allowed and to modify the rezoning plan to a single unit senior living facility.

ACTION RECOMMENDED:

Consider holding a public hearing on June 6, 2022.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. R21-13 Calamar Senior Facility Staff Report - PH 6 6 22
2. Rezoning Plan - 6 6 22 Public Hearing
3. Building Elevations - Public Hearing - 5 26 22
4. Determination_of_TIA_Need_Application_-_7-28-21
5. R06-13 Caldwell Station Senior Condos Sketch / Rezoning Plan
6. R06-13 Retirement center elevations
7. Original Caldwell Station Sketch / Rezoning 12-21-98
8. Community Meeting Minutes -4 26 22
9. Community Meeting Minutes - 5 26 22
10. Neighborhood Meeting Notice
11. Adportal Self Service Advertising Confirmation
12. Town_of_Huntersville_-_Signed_General_Application

Petition R21-13: Calamar Senior Living Facility

PART 1: PROJECT SUMMARY

Application Summary:

- Petition #R21-13 is an application by Caldwell Station Properties, LLC to amend the Traditional Neighborhood Development Overlay District (TND-OD) for the Caldwell Station Senior Living Center at 11130, 11124, and 11116 Will Knox Road (Parcels # 00544332, 00544328, 00544329). The purpose of the rezoning is to increase the units allowed and to modify the rezoning plan to a single unit senior living facility.

Applicant: Calamar Lifestyle Senior Housing Fund, LLC

Property Owners: Caldwell Station Properties, LLC

Property Address: 11130, 11124, 11116 Will Knox Road

Project Size: 6.99 acres

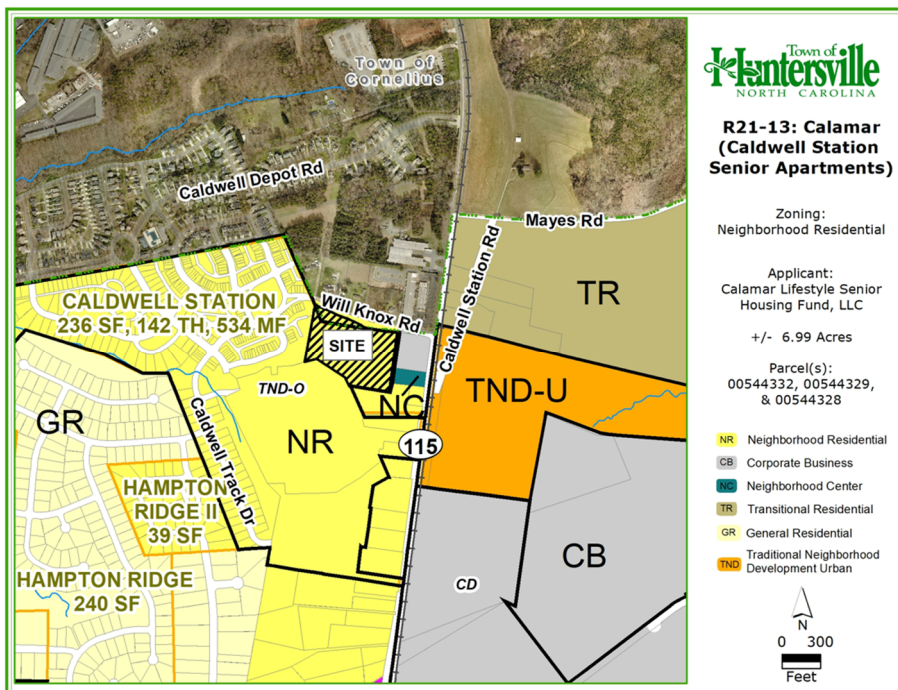
Parcel Numbers: 00544332, 00544328, 00544329

Existing Zoning:

Neighborhood Residential (NR) and Traditional Neighborhood Development Overlay (TND-O)

Proposed Zoning:

Same Zoning – Amended Site Plan



1. Adjoining Zoning and Land Uses

North: Neighborhood Residential (Town of Cornelius Zoning), Single family residential, River Church Facility and School.

South: Neighborhood Residential (NR) and Traditional Neighborhood Development Overlay (TND-O), Caldwell Station Apartments. Single family residential.

East: Corporate Business (CB), Neighborhood Center (NC), Vacant parcels. Traditional Neighborhood Development – Urban (TND-U), approved but unbuilt Caldwell Crossing Mixed Use Development.

West: Neighborhood Residential (NR) and General Residential (GR), Caldwell Station and Hampton Ridge single family residential development and town homes.

- The application submitted is to develop a 128,925 ft² senior living apartment building on Will Knox Road. This is a one building one lot development therefore no subdivision or re-subdivision is required.
- The Caldwell Station development was rezoned to Neighborhood Residential (NR) and Traditional Neighborhood Development Overlay (TND-O) in 1998. At that time, the parcels in question were proposed to be developed as

office buildings (R98-08). In 2006 the rezoning plan was amended for this parcel to allow senior living condominiums rather than office (R06-13). Please see the R98-08 and R06-13 site plans included in the agenda packet for reference.

4. The purpose of the conditional district rezoning application is to modify the site plan again to increase the allowable senior living units to 134 units, up from 108. The modification would also permit one single, 3-story building versus the five 3-story buildings currently approved.
5. As a condition of the application, the conceptual architectural elevations of the proposed buildings have been submitted. Please find them attached in the agenda packet.
6. Two neighborhood meetings for this application were advertised and held. The first on Tuesday April 26th, 2022. The second was held on Thursday May 26th, 2022. An attendance list and meeting summary for the meetings are included in the agenda packet.
7. A Traffic Impact Analysis (TIA) Determination of Need form was submitted and reviewed by Transportation Staff for the proposed application. Upon staff review, it was found that a Traffic Impact Analysis was not required. The difference between the new proposed use and the vested existing approved use would not create enough trips to cross the threshold of requiring a TIA. The completed TIA determination form is attached in the agenda packet.
8. Brad Priest of the Planning Staff certifies that the required notifications were made for the application's public hearing. Notice was advertised in the local paper, adjacent property owner notice post cards were sent and a sign was installed at the subject property per state statute requirements.

PART 2: REZONING/SITE PLAN ISSUES

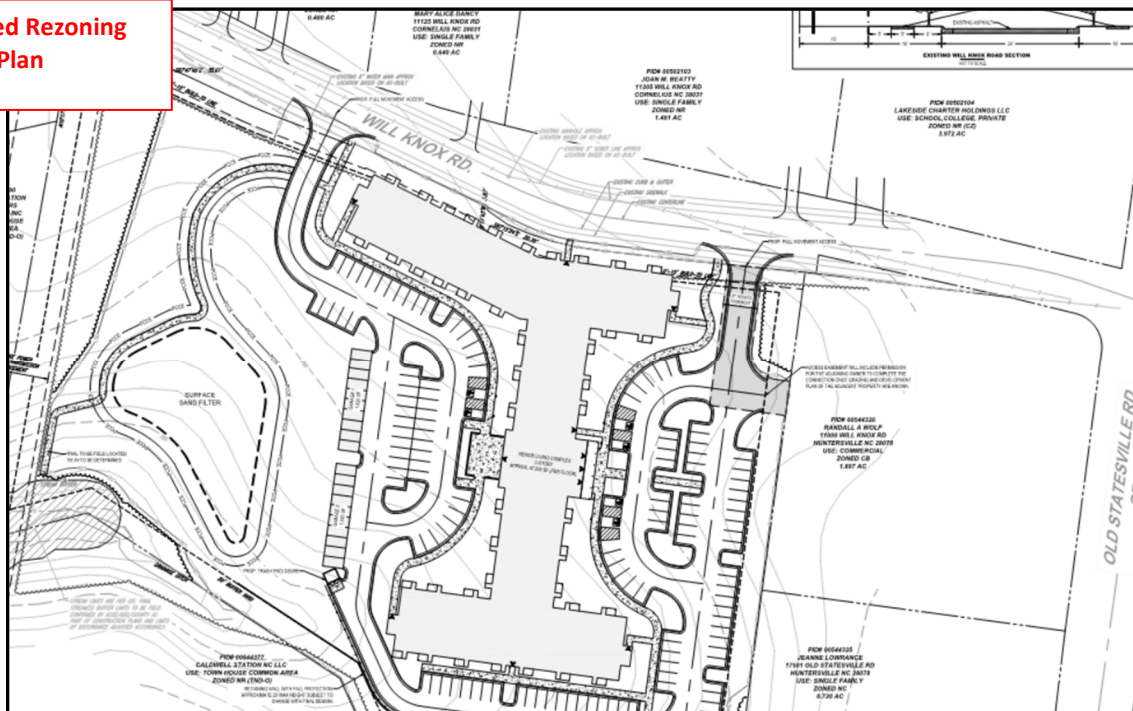
- Site Plan Updated Submittal: Please find the site plan submittal below on page 3. The applicants have submitted an updated site plan and building elevation newer than below, but the submission was received after the agenda deadline for the public hearing. Therefore, per Article 11.4.4 B staff will base this staff report review on the plan received prior to the deadline and update the Board on changes at the public hearing. After the public hearing, the updated plan can then be considered by the Planning Board and Town Board.
- Plan Vesting: The conditional rezoning application is to amend a portion of the Caldwell Station rezoning plan that was submitted and approved in 1998. The applicants wish to keep the vesting of the plan intact although the intensification from the approved 2006 plan requires a rezoning. However, since the modification is less intense than the original 1998 use of the property (office to senior living) staff is supportive of keeping the original vesting in this case. To accomplish this, staff recommends the applicants add a note to the plan requesting the Town Board continue the vesting through the zoning modification. Aspects of the plan that would remain vested include tree save, storm water, lighting, landscaping, and traffic impact analysis determination (TIA). Please find both the 1998 and 2006 plan attached in the agenda package.
- Building Massing: Please see the proposed street elevation attached here. The rezoning modification changes the senior living facility from 5 separate 3 story buildings to one large 3 story building. The result along the street is a continuous 300-foot-wide building along Will Knox Road. On the other side of Will Knox Road are existing individual single-family homes. The large massing of the proposed building then is inconsistent with the smaller buildings on the other side of the street. West of the proposed structure are townhome buildings that although larger than the single-family homes, are smaller in mass than the proposed complex. Article 3.2.3 D 1 of the 1998 Zoning Ordinance (NR Zoning) requires that new



development respect the massing of existing adjacent development. Staff has worked with the applicant to break up the footprint and setbacks of the building to more resemble two different masses, closer to the original 2006 plan. Staff and the applicant continue to discuss how to reduce the perceived scale of the building and will present these changes at the public hearing.

- **Front Street Entrance:** Article 4 requires that a main pedestrian entrance for the building face the street. The current plan has a secondary entrance along the street and needs to be updated per ordinance. The updated plan does make these changes and will be presented at the hearing.
- **20-foot buffer:** The 2006 plan approved had a required 20-foot buffer around the perimeter of the property. This buffer is currently wooded with existing mature trees. The plan proposes to grade much of the buffer to the property line. Staff recommends a modification note be added to the plan requesting approval of grading in the buffer, and a note describing how the buffer would be replanted.
- **Caldwell Station Trail:** The Caldwell station apartments to the south of the development established a walking trail that stubs to this parcel for future connection. The applicants are proposing to continue the trail near the sidewalk stub, but the plan shows it stopping short of connecting. Staff recommends the trail include a bridge over the stream to finish the connection.

Proposed Rezoning Plan



PART 3: TRANSPORTATION ISSUES

- **Traffic Impact Analysis (TIA):** A Traffic Impact Analysis (TIA) Determination of Need form was submitted and reviewed by Transportation Staff for the proposed application. Upon staff review, it was found that a Traffic Impact Analysis was not required. The difference between the new proposed use and the vested existing approved use would not create enough trips to cross the threshold of requiring a TIA. The completed TIA determination form is attached in the agenda packet.
 - NCDOT has reviewed the plans and will also not require a TIA. The eastern most driveway will be required to be a right in right out only.

PART 4: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

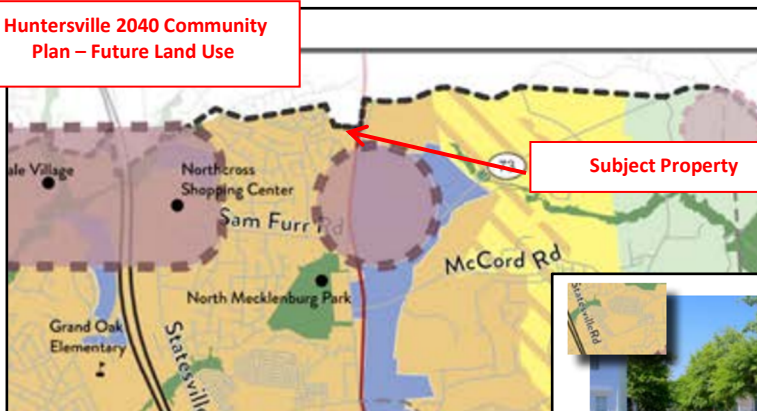
STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the Huntersville 2040 Community Plan:

- **Policy LU 1.1** – *Utilize the Future Land Use Map during development approval process to ensure compatibility with long-range plans.* STAFF COMMENT: The application is located in the Town Core land use area of the Huntersville 2040 plan. (See below at bottom of the page). Apartment buildings and various housing types are encouraged in this area and the higher density development is appropriately located.
- **Policy LU 10.5** – *New, larger scale senior housing structures should be located within Mixed Use Centers, Activity Centers, or the Town Core future land use areas and should have a maximum of 4 stories.* STAFF COMMENT: The proposed application is located in the Town Core future land use area and has a maximum of 3 stories.

STAFF COMMENT – Staff finds the proposed use NOT consistent with the following policies of the Huntersville 2040 Community Plan:

- **Policy LU 11.1:** *Protect and enhance the unique character of Huntersville neighborhood by using planning tools to safeguard from potentially negative impacts of development and redevelopment.*
- **Policy LU 11.2:** *Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.* STAFF COMMENT: Staff is working with the applicants on modifying the site plan and building elevations to reduce the perceived scale of the large structure along the street and blend it in more with existing homes in the neighborhood.

Huntersville 2040 Community Plan – Future Land Use



Subject Property

Town Core

The Town Core designation includes a variety of neighborhoods containing a mix of residential housing types, including single-family homes, townhomes, and apartments. Their design focuses on traditional neighborhood planning principles, including short blocks, connected streets, streetscape standards, and other features that improve walkability. These areas are denser than the “Moderate Density” and “Residential Edge” character areas and may include non-residential development as specified in small area plans and at other sites that meet locational criteria.

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.

STAFF COMMENTS:

- The rezoning application would modify the approved 2006 rezoning plan for senior housing with 26 additional senior housing units. The property is thus intensified but not significantly from what is already approved. In addition, staff would consider the modification from the original 1998 office development to senior housing as a reduction in intensity.
- The proposed development is located adjacent to Neighborhood Residential / Traditional Neighborhood Development (NR/TND) zoning with both apartments to the south and town homes to the west. Corporate Business (CB) and Neighborhood Center (NC) commercial zoning is located immediately east. East of Old Statesville Road is the TND Caldwell Crossing Mixed Use Development. Therefore, higher density development is located in the immediate vicinity of the development.
- The larger proposed building would be significantly greater in height and width than the single-family development north of Will Knox Road. However, Article 3.2.3 of the 1998 Zoning Ordinance states that “new buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of the buildings to reduce perceived scale and volume”. The applicant has been responsive to staff’s recommendation to reduce the scale and volume of the building and continues to make changes to the site plan and building elevations with that intent.
- Considering the information above, staff recommends that the application to modify the rezoning plan into one building with more units may be consistent with the existing character of development in the immediate vicinity.

2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.

STAFF COMMENT:

- In regard to the roadway system, please see Part 3 above concerning the Traffic Impact Analysis.
- Staff has no findings to show that there would not be adequate public facilities to service the intended development. The concept plan for storm water drainage systems is currently under review and must meet ordinance requirements. A willingness to serve letter from Charlotte Water will need to be provided for utilities once the applicants submit for the land development permits.

3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”

STAFF COMMENT:

- Staff has no findings to show that other archeological, environmental, historical or cultural resources will be negatively affected by the application.

PART 5: PUBLIC HEARING

The Public Hearing is currently scheduled for June 6th, 2022.

PART 6: STAFF RECOMMENDATION

Staff is supportive of the proposed modification. Three story buildings along Will Knox Road were already approved as part of the 2006 rezoning (see attached). Therefore, allowing added height to the street scape along Will Knox Road has already been established. The pertinent change in this application is the added mass and width of the building. Staff has worked with the applicant to vary the mass and lower the perceived scale with significant changes in the updated plan recently submitted. Staff will update the Board on those changes at the public hearing. Once the building elevation changes are complete and in harmony with Article 3.2.3 D 1, staff can support the application as being consistent with policies LU 1.1 and 10.5 of the Huntersville 2040 Community Plan and with the character of existing adjacent development.

**PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board meeting is tentatively scheduled for June 28th, 2022.

PART 8 CONSISTENCY STATEMENT – R21-13 – Calamar Senior Living Facility

Planning Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change___?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning petition R21-13, Calamar Senior Living Facility, the Planning Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-13, Calamar Senior Living Facility, the Planning Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)] AND detail the ways the policy or reference is to be amended</u>. The Planning Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-13, Calamar Senior Living Facility, the Planning Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>

Town Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change___?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning Petition R21-13, Calamar Senior Living Facility, the Town Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-13, Calamar Senior Living Facility, the Town Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)] AND detail the ways the policy or reference is to be amended</u>. The Town Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-13, Calamar Senior Living Facility, the Town Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>

FOR

CALAMAR

PROPOSED

**CALDWELL STATION
SENIOR APARTMENTS**

VICINITY MAP

N.T.S.

Jul 30, 2021
H:\2021\NCC212038\CAD\DRAWINGS\PLAN SETS\NCC212038 - CNDS - 0----->LAYOUT: C-101 COVER SHEET



PARCEL(S) INFORMATION
PID #S: 00544328, 00544329, 00544332
LOCATION: WILL KNOX RD.
HUNTERVILLE, NORTH CARO
MELENBURG COUNTY
SITE AREA: +/- 6.95 AC

ZONING / USE
ZONED: NR (TND-O)
USE: SENIOR LIVING APARTMENTS, DEED RESTRICTED

- NOTES:
1. SITE NOT WITHIN FEMA REGULATED FLOODPLAIN FEMA PANEL #: 370478-0478 FEMA FLOOD ZONE: OUT FEMA PANEL DATE 02/04/2004
 2. EXISTING CONDITIONS (INCLUDING TOPO DATA) BASED ON MEELEBURG COUNTY GIS
 3. A TREE SURVEY OF TREES 8" AND GREATER WILL BE PROVIDED WITH SECOND SUBMISSION.
 4. SAND FILTER WILL BE PROVIDED TO MEET THE LID REQUIREMENTS.
 5. THERE ARE NO SLOPES GREATER THAN 25% ON SITE.
 6. NO HISTORIC, ARCHEOLOGICAL OR CULTURAL FEATURES LISTED ON THIS PROPERTY.
 7. NO ADJACENT WILDLIFE HABITAT OR PRIME AGRICULTURAL FARMLAND IS KNOWN TO EXIST ON SITE.
 8. NO EXISTING STRUCTURES, CEMETERIES, ROADS, TRACKS, OR TRAILS ARE KNOWN TO EXIST ON SITE.



OR CONCEPT
PROPOSES ONLY

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY
REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	NCC212038
DRAWN BY:	AA
CHECKED BY:	AA
DATE:	07/30/2021
AD I.D.:	EXST-0

PROJECT:

**PROP.
REZONING PLAN
DOCUMENTS**

_____ FOR _____

CALAMAR

CALDWELL STATION SENIOR APARTMENTS

1130 WILL KNOX RD.
HUNTERSVILLE, NC

BOHLER 
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132

1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
 Phone: (980) 272-3400
 Fax: (980) 272-3401
NC@BohlerEng.com



SHEET TITLE:

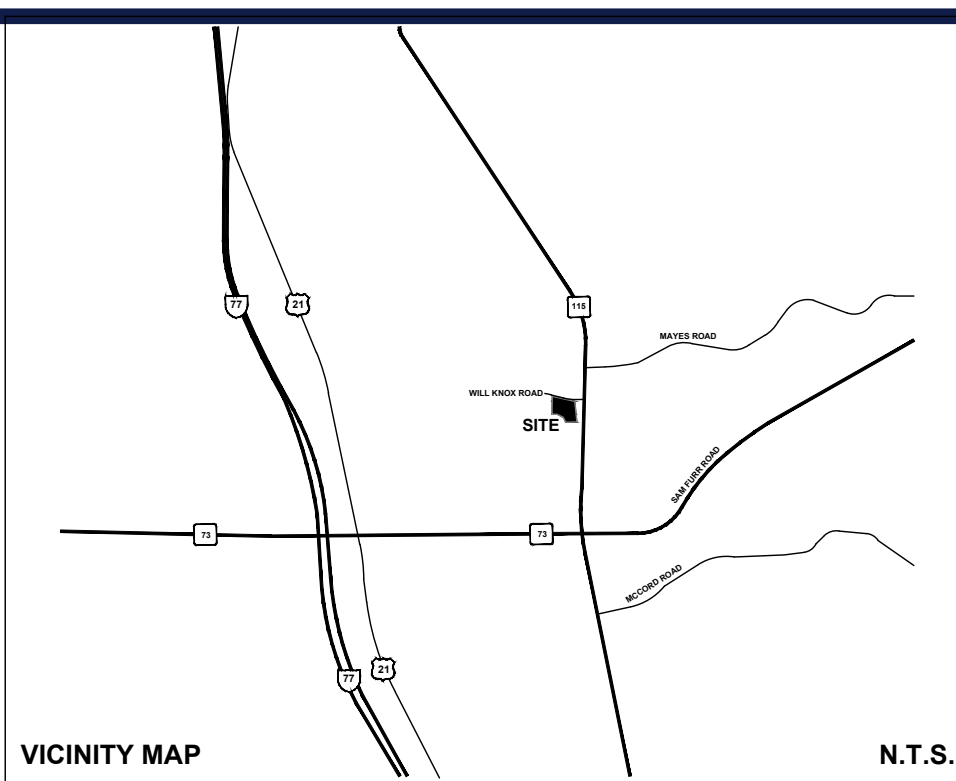
EXISTING CONDITIONS

HEET NUMBER

C-201

ORG. DATE - 07/30/2021





LANDSCAPE SCHEDULE						
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL. / HT.	CONT.	
SHADE TREES						
GB	7	QINGQI SLOBA	MADENHART TREE QINGQI	2' CALPER. 8 HT.	9-B	
LSR	13	LIQUIDAMBAR STRYACIFLUA ROTUNDOLOBA	SEEDLESS SWEETGUM	2' CALPER. 8 HT.	9-B	
OPH	21	QUERCUS PHELLOS	WILLOW OAK	2' CALPER. 8 HT.	9-B	
ORF	6	QUERCUS ROBUR FASTIGIATA	PYRAMIDAL ENGLISH OAK	2' CALPER. 8 HT.	9-B	
UPD	6	ULMUS PARVIFLUA DYNASTY	DYNASTY ELM	2' CALPER. 8 HT.	9-B	
SUBTOTAL	53					
EVERGREEN TREES						
IO	2	ILEX OPACA	AMERICAN HOLLY	2' CALPER. 8 HT.	9-B	
SUBTOTAL	2					
EVERGREEN SHRUBS						
JOP	8	JUNIPERUS CHINENSIS PRIFERMANA	PRITZER JUNIPER	MIN 2' HEIGHT AT INSTALLATION	#5 CAN	
TOEI	5	THALIA OCCIDENTALIS EMERALD	EMERALD GREEN ARBORSVITAE	MIN 2' HEIGHT AT INSTALLATION	#3 CAN	
VR	88	VBURNJUN X RHYNDOPIYLLUM	LEATHERLEAF VBURNJUN	MIN 2' HEIGHT AT INSTALLATION	#3 CAN	
LGf	87	LINNAEA X GRACILOFLORA	GLOSSY ABELIA	MIN 2' HEIGHT AT INSTALLATION	#3 CAN	
SUBTOTAL	103					
NOTE: SPECIES AND EXACT COUNTS ARE SUBJECT TO CHANGE WITH FINAL DESIGN WITHIN THE TOWNS APPROVED PLANTING LIST AND REQUIRED DENSITY. NOTHING ON THIS PLAN IS INTENDED TO INDICATE PLANTINGS BEYOND CODE REQUIRED MINIMUMS ARE BEING COMMITTED TO UNLESS SPECIFICALLY NOTED*						

BOHLER 
BOHLER ENGINEERING NC, PLLC

SITE/CIVIL AND CONSULTING ENGINEERING
LANDSCAPE ARCHITECTURE
PROGRAM MANAGEMENT
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

10000 BOHLER DRIVE, SUITE 100, RALEIGH, NC 27603
TEL: 919.486.1000 FAX: 919.486.1001
WWW.BE-NC.COM

[illegible]

Know what's below.
Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the law.

FOR CONCEPT
PURPOSES ONLY

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY
REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	NCC212038
DRAWN BY:	AA
CHECKED BY:	AA
DATE:	07/30/2021
CAD I.D.:	LSCP-0

PROJECT:

**PROP.
REZONING PLAN
DOCUMENTS**

— FOR —

CALAMAR

CALDWELL STATION
SENIOR APARTMENTS
11130 WILL KNOX RD.
HUNTERSVILLE, NC

BOHLER 
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132

1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
 Phone: (980) 272-3400
 Fax: (980) 272-3401
NC@BohlerEng.com



SHEET TITLE:

LANDSCAPE PLAN

SHEET NUMBER

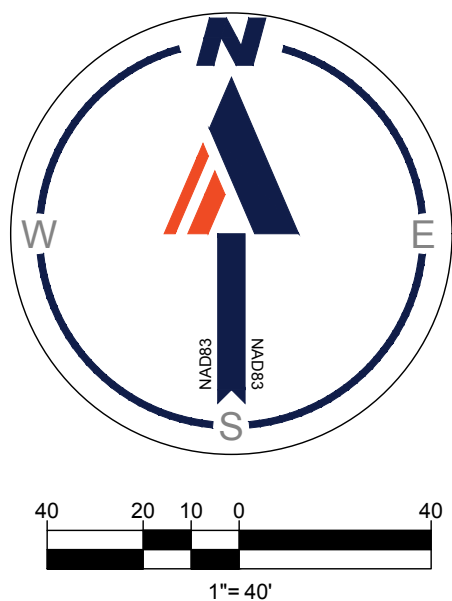
C-501

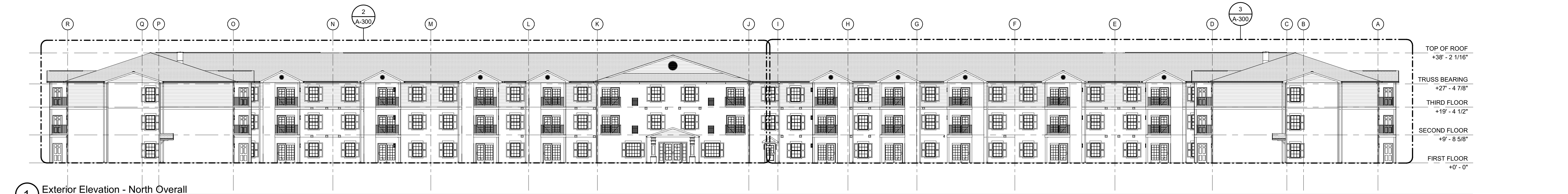
ORG. DATE - 07/30/2021

LANDSCAPING NOTES

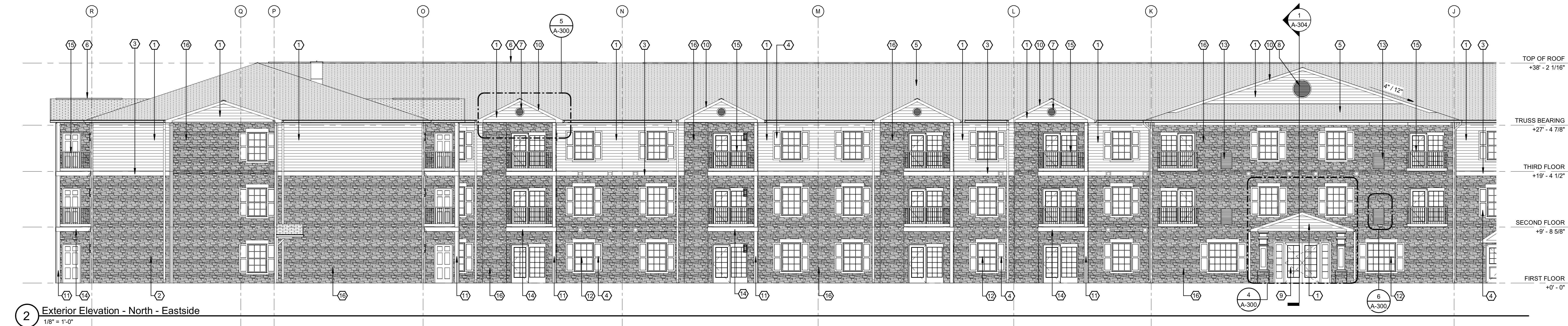
1. ANY DEAD OR MISSING PARKING LOT LANDSCAPING WILL NEED TO BE REPLACED BEFORE FINAL CO. IS ISSUED.
2. ALL LANDSCAPED AND LAWN AREAS TO RECEIVE A MINIMUM OF 4" OF TOPSOIL.
3. PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE OF PESTS AND DISEASE.
4. ALL PLANT MATERIAL SHALL BE CONTAINER GROWN OR Balled and Burlapped as Indicated in the Plant List.
5. ALL TREES SHALL HAVE A STRAIGHT TRUNK AND FULL HEAD AND MEET ALL REQUIREMENTS SPECIFIED.
6. LAWN SEED SHALL BE COMMERCIAL BERMUDA SEED MIX MEETING LATEST NORTH CAROLINA AGRICULTURE STANDARDS FOR SEED AND PLANT CERTIFICATION.
7. ALL MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
8. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID THEM.
9. UTILITIES NOT SHOWN ON THE PLANS SHALL BE LOCATED BY THE CONTRACTOR AND SHALL BE REVEALED AND MARKED BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR 1) TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA 2) TO PROTECT ALL OF UTILITY LINES DURING CONSTRUCTION AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE BEGINNING THE WORK.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND DELIVERING ALL PLANT MATERIAL SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FULLY MAINTAINING (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) ALL OF THE PLANT MATERIALS AND LAWN FOR A ONE YEAR GROWING PERIOD.
13. ANY PLANT MATERIAL WHICH IS DISEASED, DISTRESSED, DEAD, OR REJECTED (PRIOR TO SUBSTANTIAL COMPLETION) SHALL BE PROMPTLY REPLACED WITH THE SAME AND REPLACED WITH MATERIALS OF THE SAME SPECIES, QUANTITY, AND SIZE MEETING ALL PLANT LIST SPECIFICATIONS.
14. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL BE SUPPLEMENTED BY THE CONTRACTOR'S PLANT MATERIAL SPECIFICATIONS.
15. WHERE SHOWN ON THE PLANS AND DETAILS, PLANTING BEDS ARE TO BE COMPLETELY COVERED WITH A MINIMUM 4" DEPTH OF TRIPLE SHRED HARDWOOD MULCH FROM A LOCAL, MULD SOURCE HARVESTED IN A SUSTAINABLE MANNER.
16. ALL PLANT MATERIALS SHALL BE PLANTED IN THE PLANTING BEDS AND SHALL BE COVERED WITH SHRUB BEDS AT BUILDING FACADE.
17. ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS.
18. THE CONTRACTOR IS ENCOURAGED TO COMPLETE TEMPORARY OR PERMANENT SEEDING IN STAGES FOR SOIL STABILIZATION AS AREAS ARE EXPOSED.

LANDSCAPE COMPLIANCE CHART			
SECTION TOWN OF HARTFORDVILLE, NC ORDINANCE NO. 2016-0000000 ADOPTED NOVEMBER 15, 1986	REQUIREMENT	PROVIDED	COMPLIANCE
ARTICLE 6. OFF-STREET PARKING DESIGN	REQUIREMENTS - PERIMETER LANDSCAPING OF PARKING LOT A. SCREENING SHALL BE PROVIDED...CONTINUOUS ROW OF EVERGREEN SHRUBS C. LARGE MATURING CANOPY TREES SHALL LINE THE PARKING LOT; PLANTED AT A MAXIMUM OF 40' ON CENTER	PERIMETER LANDSCAPING SEE PLANTINGS WITHIN "PERIMETER LANDSCAPING OF PARKING LOT" CLOUD	COMPLIES.
B) LANDSCAPING OF PARKING LOTS	REQUIREMENTS - INTERIOR LANDSCAPING OF PARKING LOTS. LARGE MATURING CANOPY TREES PLACED SUCH THAT EACH SECTION OF PARKING IS ENCLOSED BY TREES. REQUIREMENTS - DUMPSTER SCREENING DUMPSTER SHALL BE HIDDEN BY AN OPAQUE FENCE OR WALL...	INTERIOR LANDSCAPING SEE PLANTS INTERIOR TO PARKING LOT DUMPSTER SCREENING DUMPSTER IS COVERED WITH AN OPAQUE FENCE, AND A PLANTED OPAQUE SCREEN NO LESS THAN 6' TALL	
ARTICLE 7.2.10 GENERAL REGULATIONS	EXCEPT WHEN NECESSARY TO PROVIDE ACCESS TO A SITE OR TO INSURE THE SAFETY AND SECURITY OF PEOPLE AND PROPERTY, ANY EXISTING HEALTHY TREES THAT ARE EIGHT INCHES OR GREATER IN CALIPER, LOCATED WITHIN A PUBLIC RIGHT-OF-WAY OR UNDEVELOPED REQUIRED YARD SHALL BE RETAINED UNLESS APPROVED FOR REMOVAL BY STAFF DURING SITE PLAN REVIEW.	THE APPROXIMATE AREA OF TREE CANOPY SHOWN WILL BE PRESERVED, AND THE RELATED 8" TREES WITHIN THAT AREA WILL BE PRESERVED IF THEY ARE IN GOOD, HEALTHY CONDITION. TREE REMOVAL FOR INSTALLATION OF THE REQUIRED TRAIL CONNECTIONS MAY BE REQUIRED AND WILL BE DETERMINED WITH FINAL DESIGN	COMPLIES.
7.4.F TREE PRESERVATION REQUIREMENTS	WHEN EXISTING CANOPY IS >10 PERCENT OF THE TOTAL SITE AREA, AND THE SITE IS ZONED GR OR NR, THEN 10 PERCENT OF THE TOTAL SITE AREA MUST BE PRESERVED WITH EXISTING TREES OR PLANTED TREES.	TREE SAVE AREA AND PROPOSED TREE PLANTINGS MEET THIS REQUIREMENT.	COMPLIES.

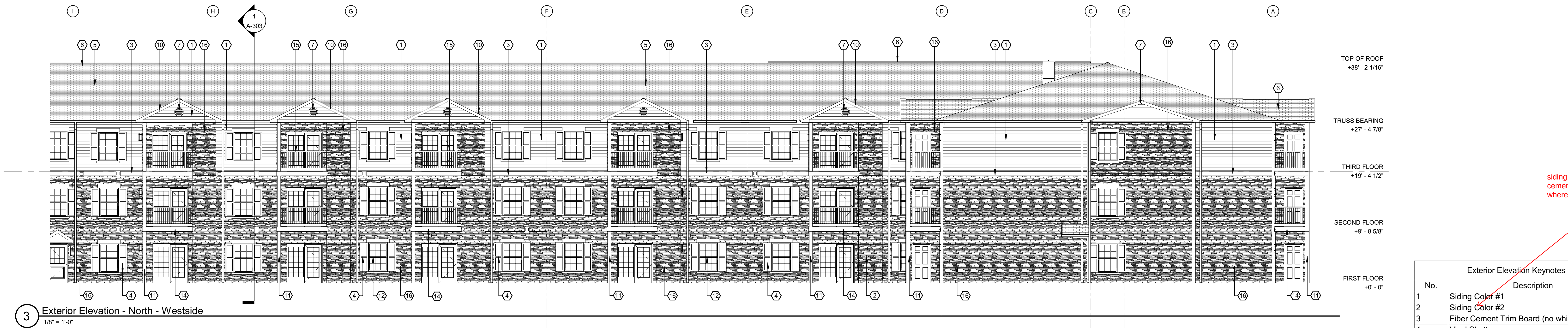




1 Exterior Elevation - North Overall
1/16" = 1'-0"



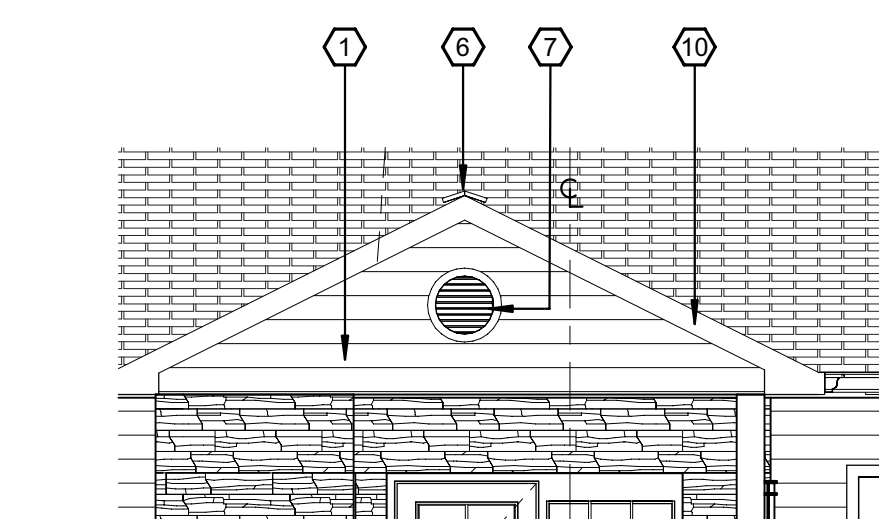
2 Exterior Elevation - North - Eastside
1/8" = 1'-0"



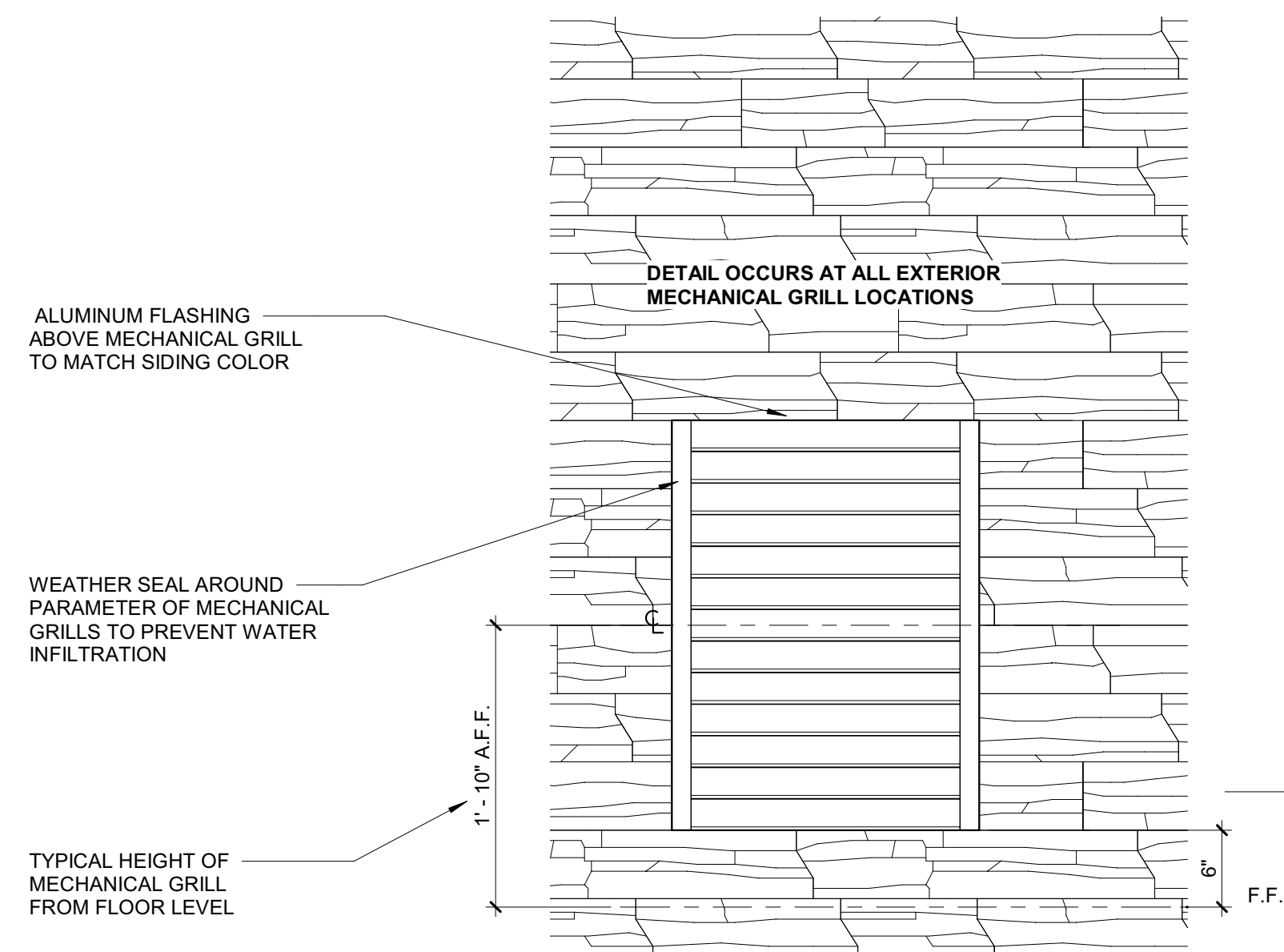
3 Exterior Elevation - North - Westside
1/8" = 1'-0"



4 Enlarged Main Entrance
1/4" = 1'-0"



5 Enlarged Dormer Elevation
1/4" = 1'-0"

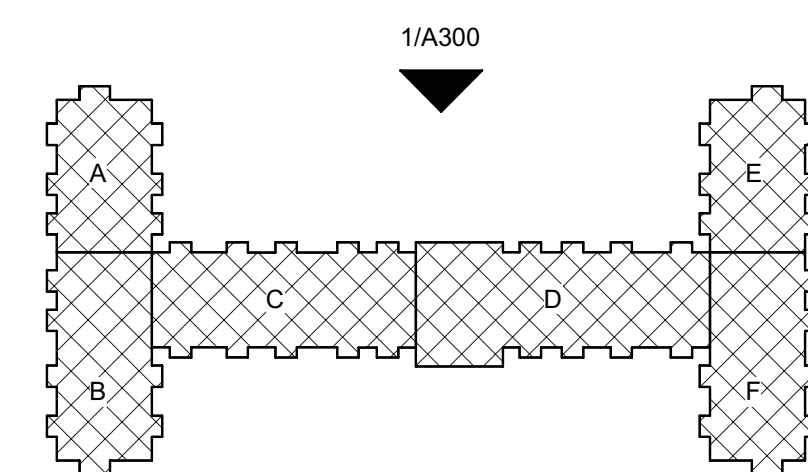


6 Exterior Mechanical Grill Detail - Cement Board Siding
1" = 1'-0"

siding to be fiber cement except trim where noted

Exterior Elevation Keynotes	
No.	Description
1	Siding Color #1
2	Siding Color #2
3	Fiber Cement Trim Board (no white)
4	Vinyl Shutter
5	Architectural Asphalt Shingles
6	Continuous Ridge Vent
7	16" Diameter Polyurethane Louver
8	36" Diameter Polyurethane Louver
9	Aluminum Entrance and Sidelites
10	Aluminum Wrapped Fascia Board
11	PVC Trim Column Cover- Color: Almond (No White)
12	Vinyl Window with Insulated Glass
13	Mechanical Wall Louver. Match color of siding
14	Fiber Cement Balcony Trim Board (No white)
15	PVC Balcony Guardrail- Color: Almond (no white)
16	Manufactured Stone Veneer

THESE ARE CONCEPTUAL ELEVATIONS
AND SUBJECT TO MINOR MODIFICATIONS
WITH FINAL DESIGN.
THE MATERIALS AND GENERAL DESIGN
INTENT IS UNDERSTOOD TO BE A CONDITION
OF THE REZONING.



KEYPLAN

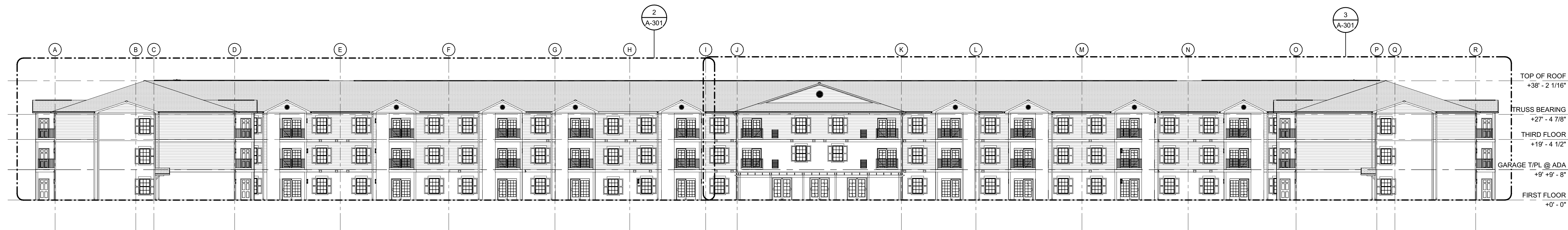
Drawn By: NPD
Checked By: DG
Project Manager: DG

These documents and all the ideas, arrangements, design and plans indicated therein or presented hereby are owned by and remain the property of Meaningful Design Architecture, Engineering & Landscape Architecture, P.C. and no part thereof shall be utilized by any person, firm, or corporation for any purpose whatsoever except with the specific written permission of Meaningful Design Architecture, Engineering & Landscape Architecture, P.C. All rights reserved. ©

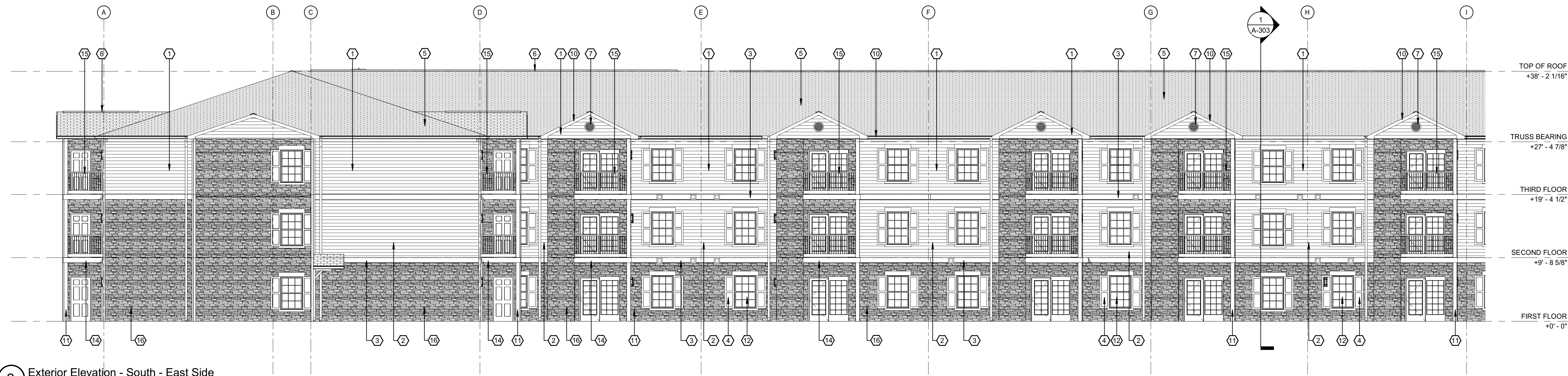
Revisions

Camden Chase Independent
Senior Living
2430 N. 127th St. E.
Wichita, KS 66726
Meaningful Design 18532.00
Project Number

RM 69 Holdings, LLC
3949 Forest Parkway, Suite 100
Wheatfield, NY 14120



1 EXTERIOR ELEVATION - SOUTH
1/16" = 1'-0"



2 Exterior Elevation - South - East Side
1/8" = 1'-0"

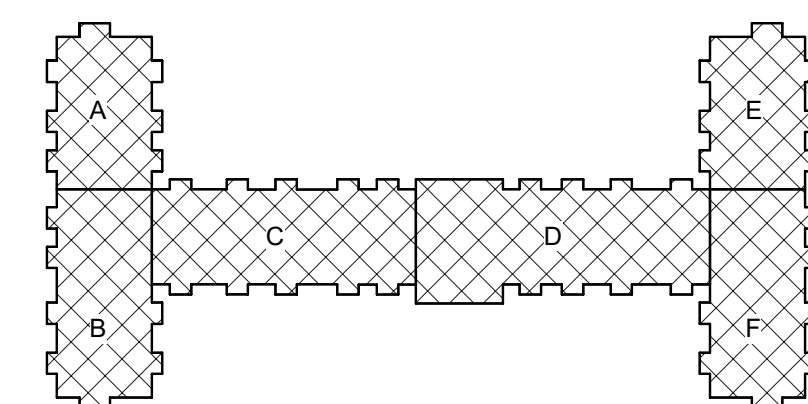


3 Exterior Elevation - South - West Side
1/8" = 1'-0"

Exterior Elevation Keynotes	
No.	Description
1	Siding Color #1
2	Siding Color #2
3	Fiber Cement Trim Board (no white)
4	Vinyl Shutter
5	Architectural Asphalt Shingles
6	Continuous Ridge Vent
7	16" Diameter Polyurethane Louver
8	36" Diameter Polyurethane Louver
9	Aluminum Entrance and Sidelites
10	Aluminum Wrapped Fascia Board
11	PVC Trim Column Cover- Color: Almond (No White)
12	Vinyl Window with Insulated Glass
13	Mechanical Wall Louver. Match color of siding
14	Fiber Cement Balcony Trim Board (No white)
15	PVC Balcony Guardrail- Color: Almond (no white)
16	Manufactured Stone Veneer

siding to be fiber
cement except trim
where noted

THESE ARE CONCEPTUAL ELEVATIONS
AND SUBJECT TO MINOR MODIFICATIONS
WITH FINAL DESIGN.
THE MATERIALS AND GENERAL DESIGN
INTENT IS UNDERSTOOD TO BE A CONDITION
OF THE REZONING.



1/A-301
KEYPLAN

Drawn By: Author
Checked By: Checker
Project Manager: DG
These documents and all the ideas, arrangements, design and plans indicated herein or presented, thereby are owned by and remain the property of Meaningful Design Architecture, Engineering & Landscape Architecture, P.C. and no part thereof shall be utilized by any person, firm, or corporation for any purpose whatsoever except with the specific written permission of Meaningful Design Architecture, Engineering & Landscape Architecture, P.C. All rights reserved. ©

Revisions

Camden Chase Independent
Senior Living
2430 N. 127th St. E.
Wichita, KS 66726
Meaningful Design 18532.00
Project Number

RM 69 Holdings, LLC
3949 Forest Parkway, Suite 100
Wheatfield, NY 14120



1 Exterior Elevation East Wing - East Face
1/8" = 1'-0"



3 Exterior Elevation East Wing - Northwest Face
1/8" = 1'-0"



2 Exterior Elevation East Wing - Southwest Face
1/8" = 1'-0"



4 Exterior Elevation West Wing - West Face
1/8" = 1'-0"



6 Exterior Elevation West Wing - Southeast Face
1/8" = 1'-0"

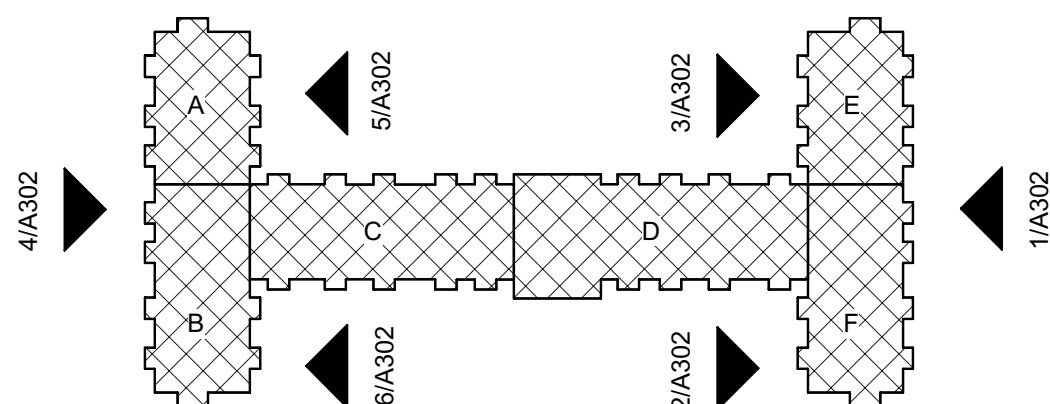


5 Exterior Elevation West Wing Northeast Face
1/8" = 1'-0"

this would be the elevation facing the street.

siding to be fiber cement except trim where noted

Exterior Elevation Keynotes	
No.	Description
1	Siding Color #1
2	Siding Color #2
3	Fiber Cement Trim Board (no white)
4	Vinyl Shutter
5	Architectural Asphalt Shingles
6	Continuous Ridge Vent
7	16" Diameter Polyurethane Louver
8	36" Diameter Polyurethane Louver
9	Aluminum Entrance and Sidelites
10	Aluminum Wrapped Fascia Board
11	PVC Trim Column Cover- Color: Almond (No White)
12	Vinyl Window with Insulated Glass
13	Mechanical Wall Louver. Match color of siding
14	Fiber Cement Balcony Trim Board (No white)
15	PVC Balcony Guardrail- Color: Almond (no white)
16	Manufactured Stone Veneer



KEYPLAN

THESE ARE CONCEPTUAL ELEVATIONS AND SUBJECT TO MINOR MODIFICATIONS WITH FINAL DESIGN. THE MATERIALS AND GENERAL DESIGN INTENT IS UNDERSTOOD TO BE A CONDITION OF THE REZONING.



Traffic Impact Analysis (TIA) Application for Determination of TIA Need

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (100) or more peak hour vehicle trips or 1,000 or more daily trips.

In order to determine whether a TIA will be required for your proposed development, please fill out the form below and submit to the Planning Department. A "Determination of TIA Need" will be made within 10 working days.

Applicant: Calamar Lifestyle Senior Housing Fund, LLC

Project Name: Will Knox Rd. Senior Apartments

Project Address: Will Knox Road, Huntersville, NC 28031 (Parcel #00544332)

Project Description (including square footage for each proposed land use):
134 senior apartment units off Will Knox Road. The proposed building will be 3 stories tall and include related parking.

Applicant

Printed Name Jim Jervis Phone (716) 693-0006

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Jim Jervis

Title Director Of Business Development Email jjervis@calamar.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 7/26/21

Daily Trips Anticipated 104

Peak Hour Trips Anticipated AM 6 PM 6

TIA Required (Yes/No) No

Date of Determination: 7/28/21

Comments: Determination based on 134 proposed age restricted apartment units minus 108 vested age restricted apartment units.



SITE INFORMATION

- NOTES:
1. Site Not within FEMA Regulated Floodplain
FEMA Panel # : 370478047E FEMA Flood Zone: OUT FEMA
Panel Date: 02/04/2004
 2. There is not a SWM Buffer located on this site.
 3. Existing Topo is provided by Mecklenburg County GIS.
 4. No Significant trees are located on the property.
 5. A Water Quality Features will be provided to meet the LID Requirements.
 6. There are no slopes greater than 25% onsite.
 7. There are no constraining features located onsite.
 8. No historic, archeological and cultural features listed on the property.
 9. No significant wildlife habitat or prime agricultural farmland.
 10. No existing structures, cemeteries, roads, tracks or trails.

environmental DESIGN

landscape architecture
civil engineering
land planning
land surveying

20816 n. main street suite 304
cornelius, NC 28031
tel: 704.892.5479
at: edpa.info@edpa.net

SEAL

1/5/07

THIS PLAN IS A FINAL DESIGN -
NOT RELEASED FOR CONSTRUCTION
UNLESS INITIALED/DATED
AS APPROVED BY ENGINEER.

INITIAL DATE

SEAL

1/5/07

NORTH ARROW

Graphic Scale 1" = 100 ft.

**CALDWELL STATION
SENIOR CONDOMINIUMS**

Will Knox Road
Huntersville, NC

EXISTING FEATURES

Project Location Sheet Title

DEVELOPER/OWNER

Gary T. Knox
17824 Statesville Road
Cornelius, NC 28031
(704) 892-3322

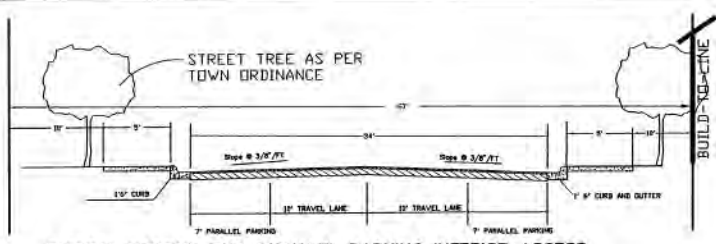
Designed By EDPA
Drawn By JDL
Date 6/22/06

Revisions

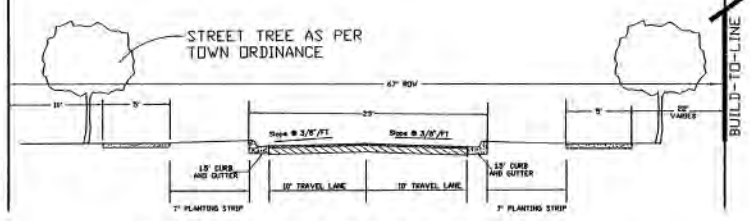
Revised	By	Comments
10/16/06		Comments
10/27/06		Comments
1/15/07		Comments

Sheet 2 of 3
Project Number 06042

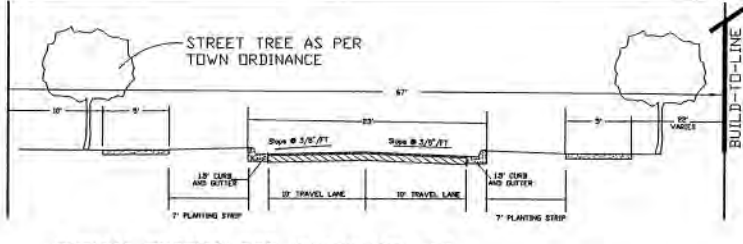
IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.



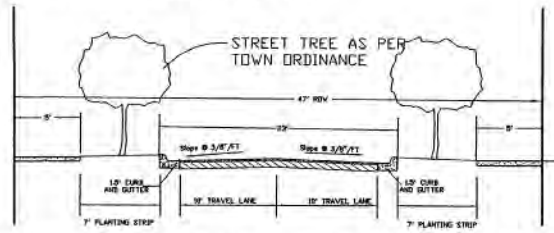
TYPICAL SECTION FOR PARALLEL PARKING INTERIOR ACCESS
Washington St., Abernathy St., Cornwell St. see note #14
SCALE: N.T.S.



TYPICAL SECTION FOR WILL KNOX RD
SCALE: N.T.S.



TYPICAL SECTION FOR WASHINGTON ST.,
ABERNATHY ST., CORNWELL ST.
SCALE: N.T.S.



TYPICAL SECTION FOR GABRIEL STREET
SCALE: N.T.S.

	HUNTERSVILLE	CORNELIUS	TOTALS
SINGLE FAMILY	236	220	456
TOWNHOUSES	142	92	234
APARTMENTS	534	0	534
SENIOR LIVING	108	0	0
RESIDENTIAL TOTALS	1020	312	1224
RETAIL AREA	14,250 SF		

BUILDING ONE	25,380 SF (24 UNITS)
BUILDING TWO	25,380 SF (24 UNITS)
BUILDING THREE	25,380 SF (24 UNITS)
BUILDING FOUR	14,860 SF (12 UNITS)
BUILDING FIVE	25,380 SF (24 UNITS)
CLUBHOUSE	5,890 SF
TOTAL	122,270 SF
Total Number of Units	108 Units
Building Height not to exceed	36' height.
PARKING SPACES	174 SPACES (INCLUDES 10 HC)
blgd. 3 and 5 have 80 underground spaces	
blgd. 4 has 18 underground spaces	
above surface parking has 84 spaces	

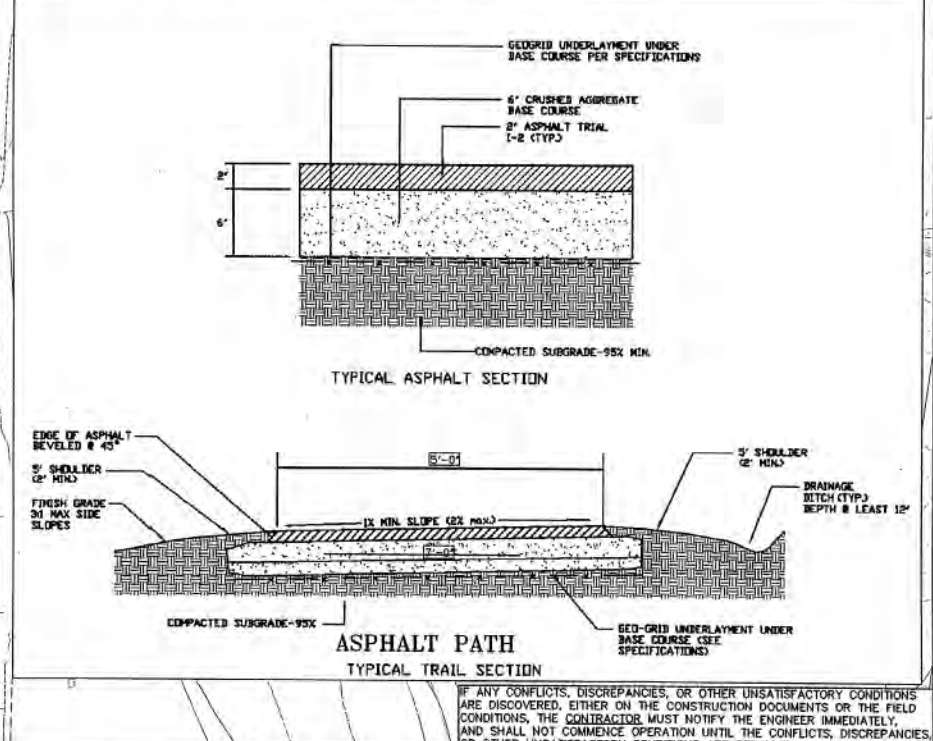
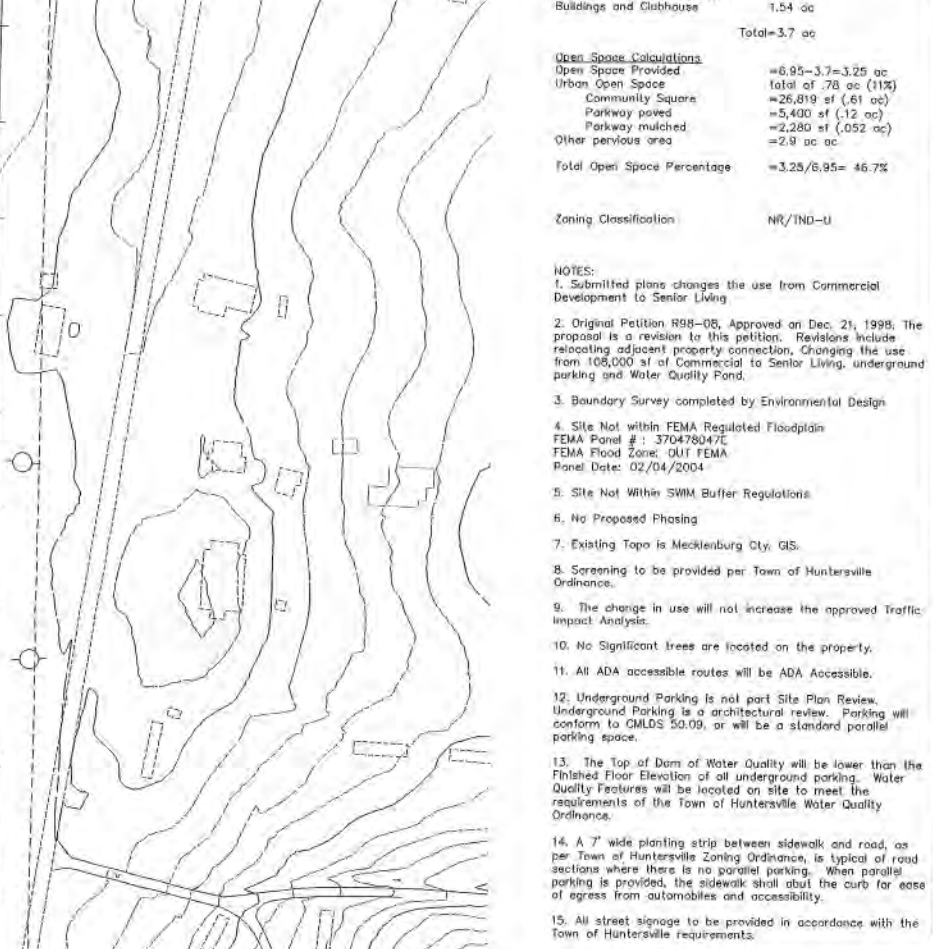
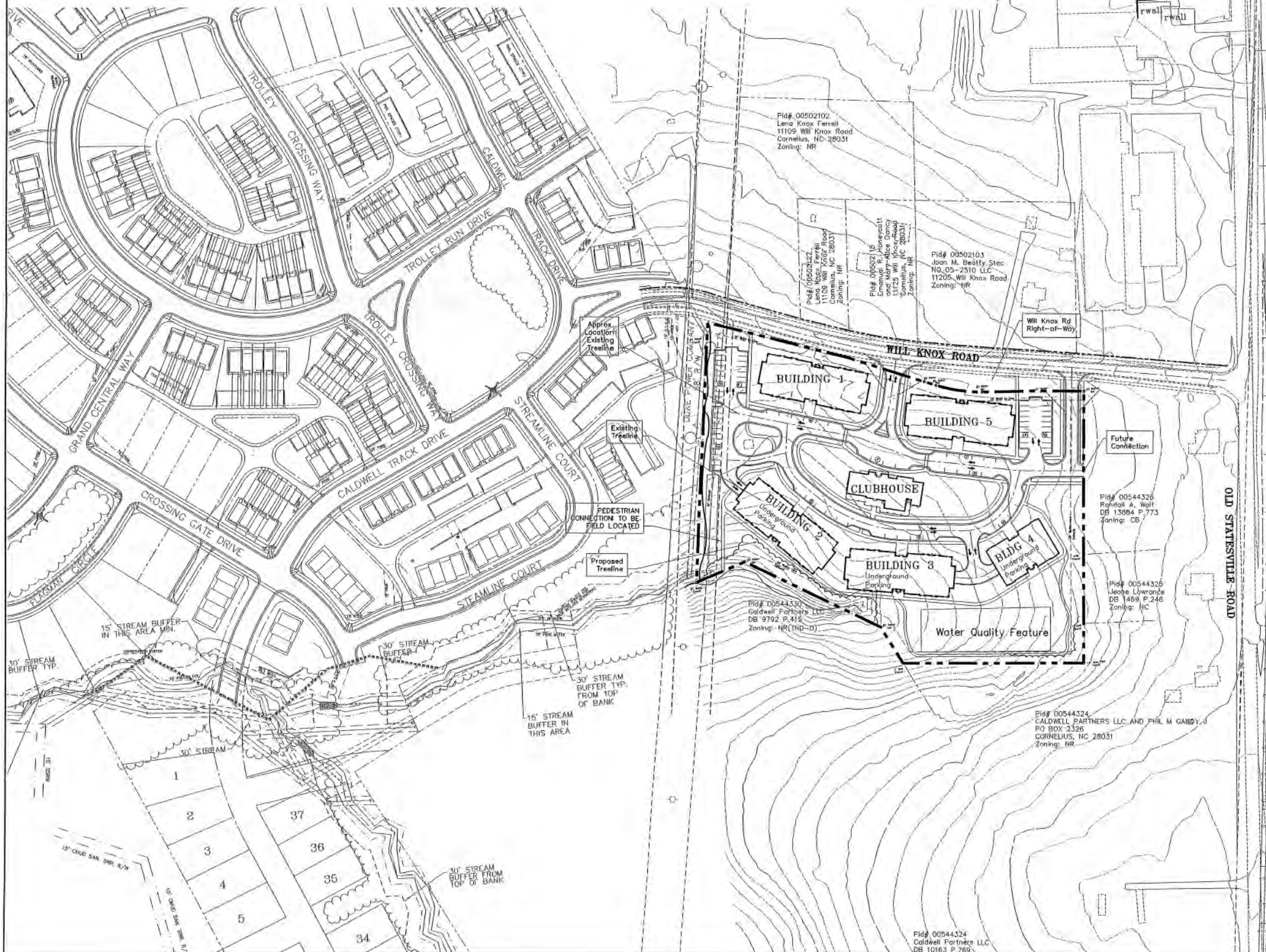
PID #00544320, #00544332 and #00544328	
Site Area	6.95 ac
Proposed Use	Retirement Community
Block Length	
Abernathy Street	220 ft
West Washington Street	240 ft
East Washington Street	440 ft
Cornwell Street	540 ft



SITE INFORMATION

Impervious Area Calculations	
Asphalt and Curb and Outter	5.0 ac
Buildings and Clubhouse	1.66 ac
Total=3.7 ac	
Open Space Calculations	
Open Space Provided	=6.95-3.7=3.25 ac
Urban Open Space	Total of .78 ac (11%)
Community Square	=26,819 sq ft (.61 ac)
Parkway paved	=5,400 sq ft (.12 ac)
Parkway mulched	=2,280 sq ft (.052 ac)
Other pervious area	=2.8 ac
Total Open Space Percentage	=3.25/6.95= 46.7%
Zoning Classification	NR/TND-U

- NOTES:
1. Submitted plans changes the use from Commercial Development to Senior Living.
 2. Original Petition R08-08, Approved on Dec. 21, 1998. The proposal is a revision to this petition. Revisions include relocating adjacent property connection. Changing the use from 108,000 sq ft of Commercial to Senior Living, underground parking and Water Quality Pond.
 3. Boundary Survey completed by Environmental Design.
 4. Site Not within FEMA Regulated Floodplain FEMA Panel # 1: 370478047C FEMA Flood Zone: OUI FEMA Panel Date: 02/04/2004
 5. Site Not Within SWIM Buffer Regulations
 6. No Proposed Phasing
 7. Existing Topo is Mecklenburg Cty. GIS.
 8. Screening to be provided per Town of Huntersville Ordinance.
 9. The change in use will not increase the approved Traffic Impact Analysis.
 10. No Significant trees are located on the property.
 11. All ADA accessible routes will be ADA Accessible.
 12. Underground Parking is not part Site Plan Review. Underground Parking is a architectural review. Parking will conform to GMLDS 50.09, or will be a standard parallel parking space.
 13. The Top of Dam of Water Quality will be lower than the Finished Floor Elevation of all underground parking. Water Quality Features will be located on site to meet the requirements of the Town of Huntersville Water Quality Ordinance.
 14. A 7' wide planting strip between sidewalk and road, as per Town of Huntersville Zoning Ordinance, is typical of road sections where there is no parallel parking. When parallel parking is provided, the sidewalk shall abut the curb for ease of egress from automobiles and accessibility.
 15. All street signage to be provided in accordance with the Town of Huntersville requirements.



landscape architecture
civil engineering
land planning
land surveying

20816 E. Main Street Suite 204
Cornelius, NC 28031
t: 704.892.5479
e: edesign@edesign.net

environmental design

SEAL
028436
1/5/07

THIS PLAN IS A FINAL DESIGN-
NOT RELEASED FOR CONSTRUCTION
UNLESS INITIALED/DATED
AS APPROVED BY ENGINEER.

INITIAL DATE

NORTH ARROW

Graphic Scale 1" = 100 ft.

CALDWELL STATION
SENIOR CONDOMINIUMS
Will Knox Road
Huntersville, NC

TEXT AMENDMENT
SKETCH PLAN

Project Location Sheet Title

DEVELOPER/OWNER
Caldwell Station
Gary T. Knox
17824 Stateville Road
Cornelius, NC 28031
(704) 892-3322

Designed By EDPA
Drawn By JDL
Date 6/22/06

Revisions
Revised 10/16/06 Comments
Revised 10/27/06 Comments
11/16/06 County Comments

Sheet 3 of 3
Project Number 00042



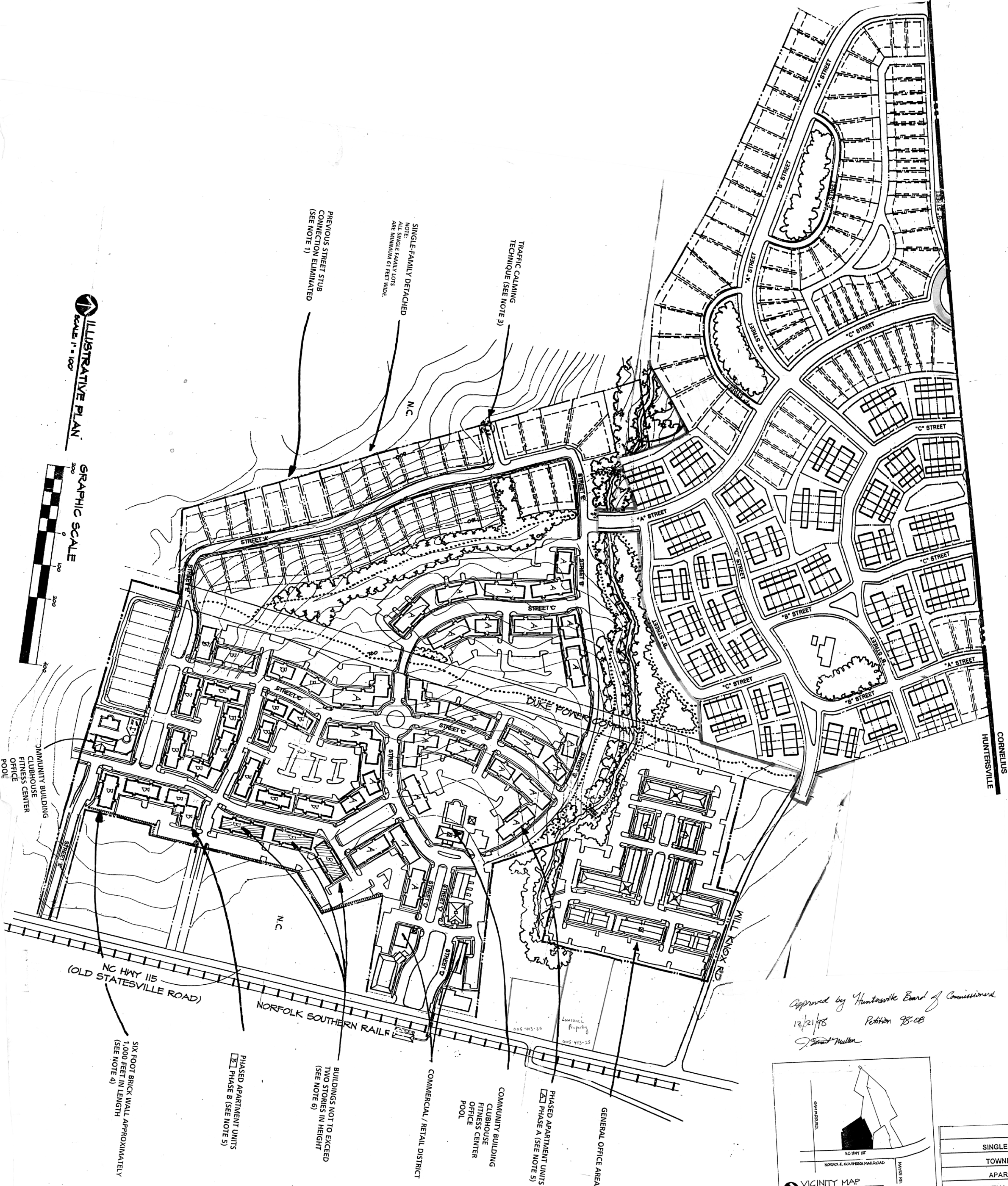
CALDWELL STATION SENIOR CONDOMINIUMS

1/8" = 1'-0"

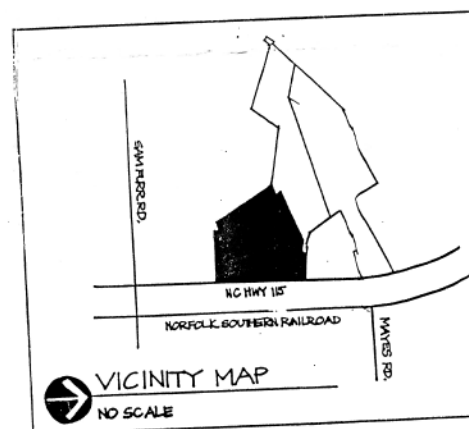
6/21/06

ILLUSTRATIVE PLAN
SCALE: 1" = 100'

GRAPHIC SCALE
0 100 200 300 400

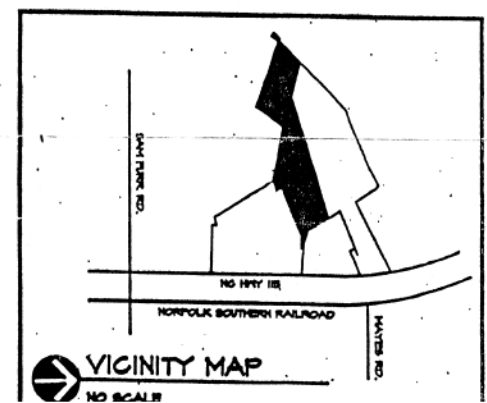


Approved by Huntersville Board of Commissioners
12/21/98 Petition 98-08
J. Stuart Mullen



	HUNTERSVILLE	CORNELIUS	TOTALS
SINGLE FAMILY	236	220	456
TOWNHOUSES	142	92	234
APARTMENTS	534	0	534
RESIDENTIAL TOTALS	912	312	1224
RETAIL AREA	14,250 SQ FT		
GENERAL OFFICE AREA	108,050 SQ FT		

Petition 98-08 Approved by Huntersville
Board of Commissioners
12/21/98 J. Stuart Mullen



Community Meeting Minutes



Date: April 26, 2022

RE: Brad Priest
Town of Huntersville Town Hall
101 Huntersville-Concord Road
Huntersville, NC 28078

Attendees: Jim Jervis, Calamar
Andy Filcik, Bohler NC, PLLC
Brad Priest, Town of Huntersville
Bill Latta, Latta Realty, Inc.
Randall Wolf, neighbor (PID: 00544326)
Robert Faust, neighbor (PID: 00502127)
Katherine Faust, neighbor (PID: 00502127)
Mary Garten, neighbor, Caldwell Station (PID: 00535588)

Meeting Minutes

General

- A major concern is what the landscape design aesthetic will be along Will Knox Rd frontage. The neighbors don't want to be staring at a tall, cold looking building.
- Questions from neighbors on if we can add larger, more mature trees and shrubs at install along Will Knox Rd. A conversation was had about what types of vegetation will be planted in order to achieve adequate privacy for future tenants and adjacent neighbors. Potentially more dense species are used along the road frontage.
- Another option discussed was to potentially lower the grade of the site so only two stories are seen as opposed to all three currently proposed.
- Some questions were asked on what the grade change from road to site is and if that will have any impact on how much of the building can be seen from adjacent properties.
- Questions arose on whether any trees will be saved along frontage. TBD but will follow town ordinance.
- Question was asked on if road will be widened. No.
- Neighbors have issues with speeding cars along Will Knox Rd.
- There are questions as to where the dumpster will be located in relation to the adjacent townhomes. Worried about the smell.
- Neighbor across the street wonders where the water line is. They are on a well and are wondering if they can tie into whatever water line may be proposed with the site.
- Question: Will the entire road (Will Knox) be re-paved after proposed utilities are installed or will there just be patches of asphalt?
- There was a question on what the setbacks on the site are.
- One neighbor wanted to know if construction services would be causing power surges and how that would be handled. TBD.
- Concern on how big the detention pond will be and whether a fence will be provided around the perimeter for extra safety measures. It was noted the design team will follow the town ordinance requirements for pond design and safety

End of Document

Community Meeting Minutes



Date: May 26, 2022

RE: Brad Priest
Town of Huntersville Town Hall
101 Huntersville-Concord Road
Huntersville, NC 28078

Attendees: Jim Jervis, Calamar
Andy Filcik, Bohler
Steven Singleton, Bohler
Brad Priest, Town of Huntersville
Bill Latta, Latta Realty, Inc.
Robert Faust, neighbor (PID: 00502127)
Katherine Faust, neighbor (PID: 00502127)
Valerie Croce, Lakeside Charter Board of Directors

Meeting Minutes

General

- Traffic impacts on adjacent charter school were discussed. Senior apartment use will not increase traffic per traffic consultant report on anticipated trip generation.
- Consider larger, more mature trees and shrubs along Will Knox Rd. A conversation was had about what types of vegetation will be planted in order to achieve adequate privacy for future tenants and adjacent neighbors.
- Concern for losing existing trees along Will Knox frontage. Intent is to preserve most trees other than those necessary for improvements and/or any which are not healthy.
- Concern over Will Knox widening which is not anticipated. Only known condition for subject property per NCDOT is for Right-In / Right-Out scenario with median at proposed driveway closest to Old Statesville road.
- Concern with location of construction access and duration of construction and any resulting hardships posed as result of the construction process.
- Concern for screening of the proposed sand filter. Intent is to provide enhanced landscape to screen this area.
- Brief conversation of building color and questions if it could change from what is currently shown on the architectural elevations. Intent is to have this discussion at a later date when architect is involved again.
- Questions as to whether or not there is a deed restriction on the parcel. Yes there will be.
- Discussion was had about the type of residents who will be living in these apartments and what the lifestyle is like of the community.
-

End of Document

Meeting Discussion



Date: May 26, 2022

Attendees: Jim Jervis, Calamar
Andy Filcik, Bohler
Steven Singleton, Bohler
Brad Priest, Town of Huntersville
Bill Latta, Latta Realty, Inc.

Meeting Minutes

Action Items

- Send traffic technical memorandum to planning for inclusion in staff report.
- Modified storm pond, report and calcs, ASAP!

Plan updates:

- Add note of petitioner's desire to maintain vesting from 1998 ordinance
- Note needed ensuring proposed walk connection to the existing multi-use path south of parcel
- Make sure "Apartment" use is clearly indicated on the plans. Important to negate any confusion regarding 50' buffer along south property line.
- Consider saving larger trees where possible. Target the south property line where "specimen" trees reside.

June 6th Public Hearing

- Be prepared to present to Planning Commission and Town Council
- Have a Narrative: history, massing concerns, solutions and process to date, current plan
- Perhaps "giving tree" or "Freddie the Leaf"
- Any plan updates, notes, revisions due back to Brad no later than June 13th, EOD.
- Planning Board meets June 28th for recommendation
- Targeting Final Council vote on July 18th

End of Document



RE: Community Meeting for Proposed Senior Apartment Development
Petitioner/Developer: Calamar Lifestyle Senior Housing Fund, LLC
Current Land Use: Vacant
Existing Zoning: NR (TND-O)
Rezoning Requested: R21-13
Date and Time of Meeting: *Tuesday April 26, 2022 at 6:00 p.m.*

Meeting Location: The Community Meeting will be held at Lakeside Charter Academy, located at 17609 Old Statesville Rd, Cornelius, NC 28031

To whom it may concern,

The Charlotte Planning, Design and Development Department's records indicate that either you are a representative of a registered neighborhood organization or an owner of a property that adjoins, is located across the street from, or is in close proximity to a site located at the corner of Will Knox Rd and Hwy 115 with address of 11130 Will Knox Rd, Huntersville, NC 28078. This site is being pursued by Calamar Lifestyle Senior Housing Fund, LLC for a senior apartment community development. Enclosed is a map showing the subject site in red. We are hosting a neighborhood meeting to share our plans, introduce our company, and answer any questions you may have.

Residents or property owners who expect to attend the meeting are asked to email ADMIN-Charlotte-NC@bohlereng.com so we have an anticipated headcount.

Residents or property owners who expect they will be unable to attend the meeting are asked to email ADMIN-Charlotte-NC@bohlereng.com to make alternative arrangements for receiving the presentation information.

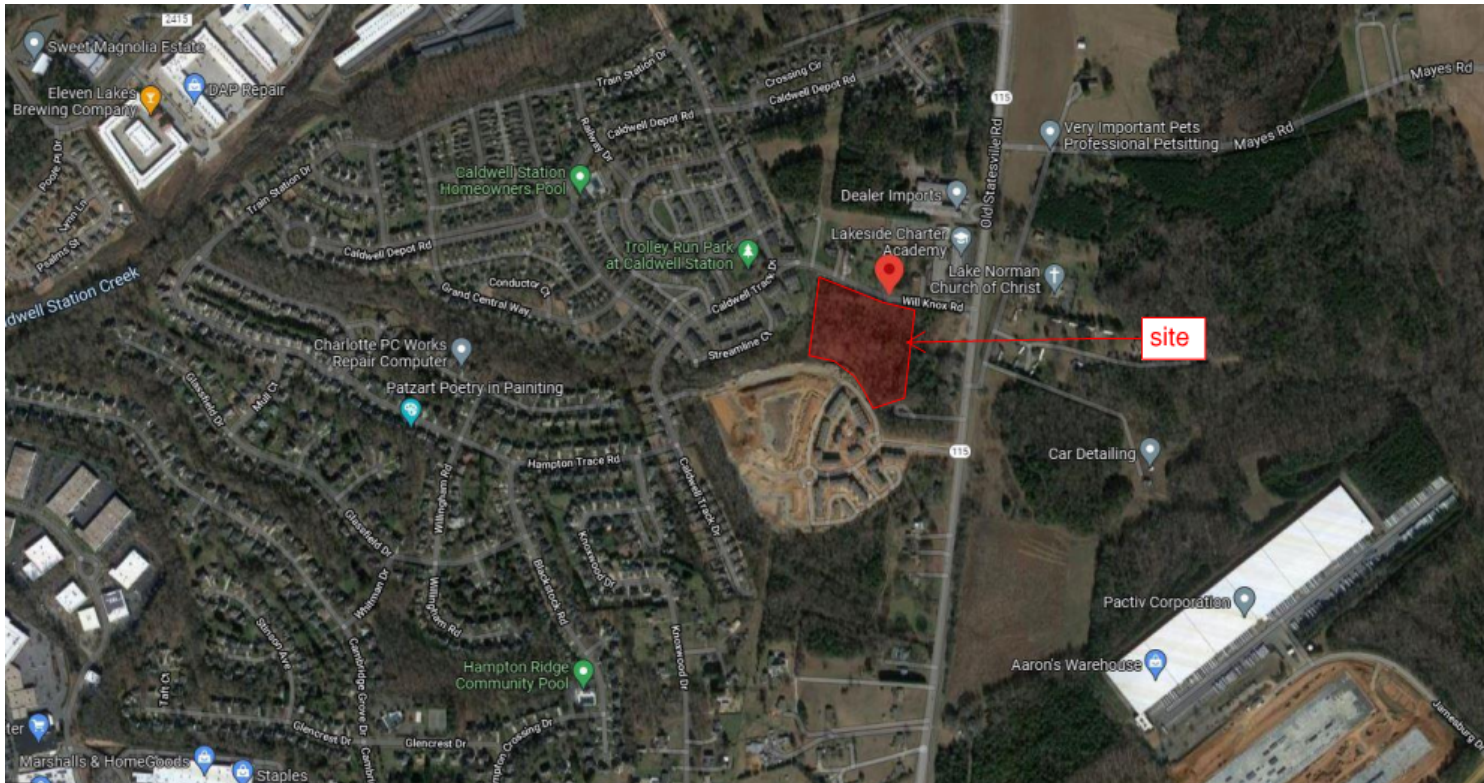
Background and Summary of Request:

This Petition involves a request to rezone the ± 6.95 acre site to accommodate the development of a Senior Apartment Community. The site plan associated with this rezoning petition proposes to develop the Senior Apartment use with one, three story building, resident and visitor parking, and generous open spaces. Buffer areas are anticipated around the perimeter of the Site as required and or abutting single-family homes. Tree save, natural areas and storm water management will be integrated into the Site.

We hope you will consider joining us at this time.

Jim Jervis
Calamar Lifestyle Senior Housing Fund, LLC
JJervis@calamar.com
716.240.0823

Site Location – 11130 Will Knox Rd, Huntersville, NC 28078



Date Mailed: 4/15/2021

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0074567****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

CLT - Legal Ads

Final Cost:

78.20

Payment Type:

Account Billed

User ID:

IPL0021908

PREVIEW FOR AD NUMBER IPL00745670**NOTICE OF PUBLIC HEARING**

The public is put on notice that the Town of Huntersville will hold a public hearing on Monday, June 6th, 2022 at 6PM on the following petitions. This public hearing will be held in person or virtually at Town Hall located at 101 Huntersville-Concord Road Huntersville NC 28078. Please confirm the meeting format and how to participate in public comments, if you so choose, on the published meeting agenda one week prior to the meeting. COVID-19 protocols will be in place for an in-person meeting.

R21-13 is an application by Caldwell Station Properties, LLC to amend the Traditional Neighborhood Development Overlay District (TND-OD) for the Caldwell Station Senior Living Center at 11130, 11124, and 11116 Will Knox Road (Parcels # 00544332, 00544328, 00544329). The purpose of the rezoning is to increase the units allowed and to modify the rezoning plan to a single unit senior living facility.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further information please contact the Planning Dept. at 704-875-7000 or go to www.huntersville.org.

W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

ACCOUNT INFORMATION

TOWN OF HUNTERSVILLE/ADMINISTRATOR IP
TOWN CLERK PO BOX 664
HUNTERSVILLE, NC 28078
704-875-6541
jpierson@huntersville.org
TOWN OF HUNTERSVILLE/ADMINISTRATOR

TRANSACTION REPORT**Date**

May 23, 2022 2:11:54 PM EDT

Amount:

78.20

SCHEDULE FOR AD NUMBER IPL00745670

May 25, 2022

The Charlotte Observer

June 1, 2022

The Charlotte Observer



General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☐ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to

Original Project # _____

- ☒ Other Amendment to R06-13 TND Overlay

SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance

- ☐ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat (Includes Minor Subdivision)
- ☐ Exempt Subdivision
- ☐ Final Plat Revision
- ☐ Farmhouse Cluster

2. Project Data

Date of Application 7/30/21

Name of Project Will Knox Road Senior Apartments at Caldwell Station Phase # (if subdivision) _____

Project Address Will Knox Road, Huntersville, NC 28031

Parcel Identification Number(s) (PIN) 00544332

Current Zoning District NR (TND-0) Proposed District (for rezoning only) Same

Property Size (acres) +/-6.99 AC Street Frontage (feet) +/-682 LF

Current Land Use Vacant

Proposed Land Use(s) Senior Living Facility

Is the project within Huntersville's corporate limits?

Yes x No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Modifying the approved zoning case for density and layout of the site.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

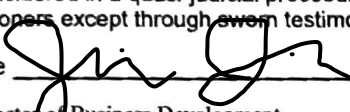
5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Calamar Lifestyle Senior Housing Fund, LLC Phone (716) 693-0006
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature  Printed Name: Jim Jervis

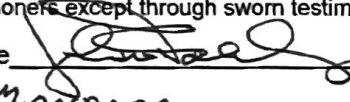
Title Director of Business Development Email jjervis@calamar.com

Address of Applicant 3949 Forest Parkway, Ste. 100, Wheatfield, NY 14120

7. Property Owner (if different than applicant)

*Printed Name Caldwell Station Properties, LLC Phone 704 904 0108
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature  Printed Name John W. Falkenbury

Title Manager Email falkenbj@me.com

Address of Property Owner PO Box 78056, Charlotte, NC 28271

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

8. Development/Design Firm Contact Information

<u>Calamar Lifestyle Senior Housing Fund, LLC</u>	<u>Jim Jervis</u>	<u>(716) 693-0006</u>	<u>jjervis@calamar.com</u>
Development Firm	Name of Contact	Phone	Email
<u>Bohler Engineering</u>	<u>Michael Theberge, PE</u>	<u>(980) 272-3400</u>	<u>mtheberge@bohlereng.com</u>
Design Firm	Name of Contact	Phone	Email

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Jack Simoneau, Planning Director

Date: June 6, 2022

Subject: Petition #TA22-05 - Quasi-judicial Process

EXPLAIN REQUEST:

Conduct continuation of public hearing on Petition #TA22-05.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA22-05 PH Staff Report 6-6-22
2. Subdivision Ordinance with Administrative Approval Process June 22 HOAB
3. Zoning Ordinance Amendments April 2022
4. TA 22-05 Text Amendment Application
5. School of Government Survey
6. Subdivision Process of Neighboring Areas
7. May 2022 HOAB Minutes

TA 22-05 – Town of Huntersville: Changing Subdivision Process from Quasi-Judicial to Administrative

PART 1: DESCRIPTION

TA 22-05 is a text amendment to the Subdivision and Zoning Ordinance sponsored by the Huntersville Town Board to change the subdivision sketch plans process from a quasi-judicial decision to an administrative decision.

PART 2: BACKGROUND

If any subdivision standard requires judgement and discretion, then the subdivision must be considered under a **quasi-judicial process** (i.e., develop in a way that is advantageous to the neighboring area). If all subdivision standards are objective, then the subdivision will be considered under an **administrative process** (i.e., density shall not exceed “x” units per acre).

Because some current subdivision standards require judgement and discretion, **subdivision sketch plans follow a quasi-judicial process in Huntersville** (Planning Board makes a recommendation, Huntersville Town Board holds a quasi-judicial hearing). Among the concerns expressed by the Town Board with the quasi-judicial process is the inability to discuss cases with applicants, staff or interested citizens outside sworn testimony at the quasi-judicial hearing. Elements of a quasi-judicial hearing are as follows:

- All subdivision Sketch Plans in Huntersville are handled as **quasi-judicial** evidentiary hearings at the **Town Board** meeting.
- As a quasi-judicial hearing, all testimony provided is **sworn under oath**.
- The Huntersville Town Board **cannot** speak to the applicant, town staff, or anyone else on the subject **except under sworn testimony at the hearing**. It is recommended the Planning Board also observe this practice.
- The burden of producing **competent, material, and substantial evidence** establishing the proposed subdivision sketch plan **meets or does not meet** all applicable zoning/subdivision standards is **on the person taking that position**.
- Only persons who have **standing** in a particular subdivision sketch proposal will be recognized as a party to the hearing. Other interested persons who do not have standing may testify but will not be allowed to offer opening or closing statements, call witnesses, or cross examine witnesses.
- Below is a guideline as to who would be considered as having **standing**:
 - A person with a legal interest in the subject property
 - The applicant before the decision-making board
 - A person who will suffer special damages as a result of the decision (i.e. proximity to subdivision, typically adjacent; property value damage as determined by **expert** and not an opinion; secondary adverse impacts such as noise, traffic, stormwater runoff, as determined by an **expert** and not an opinion)
 - An association organized to promote the interests of a particular area (i.e. homeowners association) so long as one member has **standing**
- Examples of **expert** opinion include a **qualified appraiser** when determining property value impact and a **transportation engineer** when determining traffic impact.
- Testimony provided at a quasi-judicial evidentiary hearing on which decisions are made must be **factual**, not **personal opinions**.

The Huntersville Town Board requested an amendment to the Subdivision Ordinance and related Zoning Ordinance provisions be prepared changing sketch plan decisions from a quasi-judicial process to an administrative process (Attachment 1, 2). To achieve this, there can be no subjective standards requiring judgement and discretion. All

subdivision sketch plan standards will have to be objective. A comparison summary of the existing and proposed subdivision sketch plan regulations is provided below.

CURRENT Some Subjective Standards (follow <u>quasi-judicial</u> process)	Sketch Plan Application	Neighborhood Meeting	Planning Board Recommendation	DECISION Town Board Quasi- Judicial Hearing
PROPOSED All Objective Standards (follow <u>administrative</u> process)	Sketch Plan Application	Neighborhood Meeting (used to inform neighbors; with objective standards, subdivision plan must be approved if standards met)	N/A	Staff Decision (NC School of Government recommends staff approval since no room for policy choices or discretion; could be Planning Board or Town Board)

A 2018 survey by the UNC School of Government showed that 72% of the 275 jurisdictions who responded had objective subdivision standards and 28% had discretionary standards like Huntersville (Attachment 4). Further, a review of subdivision processes of neighboring areas showed that Huntersville was the only jurisdiction using a quasi-judicial process for subdivisions (Attachment 5).

In addition to modifying the Subdivision and Zoning Ordinance making subdivision sketch plan consideration an administrative decision, the proposed ordinance amendments also contain minor grammatical/formatting/citation adjustments that are not substantive in nature.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

The proposed text amendment **could be supported** by the following policies in the Huntersville 2040 Community Plan:

Policy LU-1: Encourage a development pattern that follows the Future Land Use Map.

Policy LU-2: Encourage residential development that follows the pattern outlined in the future land use map.

Policy LU-3: Manage residential growth in the eastern and western parts of Huntersville's planning jurisdiction.

Policy LU-4: Limit the scale of new development in Critical Watersheds.

STAFF COMMENT: Existing Zoning and Subdivision regulations are consistent with these policies. Therefore, it is not necessary to requires a quasi-judicial process for subdivision sketch plan approval

The proposed text amendment **may not be supported** by the following policy in the Huntersville 2040 Community Plan:

Policy LU-11: Protect Existing Housing Stock.

LU 11.1: Protect and enhance the unique character of Huntersville's neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.

STAFF COMMENT: Subjective criteria in the subdivision ordinance, such as requiring subdivisions "... to facilitate the most advantageous development of the entire neighboring area" could provide the ability to negotiate modification of the subdivision in light of adjoining development.

PART 4: STAFF RECOMMENDATIONS

Approval. See Part 9 below.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

First heard on April 7, 2022. On May 5, 2022, by a 5-4 vote, the HOAB recommended making subdivision sketch plan an administrative staff approval subject to the text being thoroughly reviewed at the June meeting (scheduled Wednesday, June 1, 2022).

PART 6: PUBLIC HEARING

May 2, 2022

PART 7: PLANNING BOARD RECOMMENDATION

May 24, 2022

PART 8: ATTACHMENTS

1. Subdivision Ordinance Amendments
2. Zoning Ordinance Amendments
3. Application
4. UNC School of Government Survey
5. Comparison of Local Jurisdiction Subdivision Process
6. Huntersville Ordinances Advisory Board May 5, 2022, Minutes

PART 9: STATEMENT OF CONSISTENCY

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-05, the Planning Staff recommends approval based on the amendment being consistent with policies LU 1, LU 2, LU 3, and LU 4 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the Huntersville Town Board has determined that subdivision sketch plans should be considered under an administrative process as opposed to a quasi-judicial process.	APPROVAL: In considering the proposed amendment TA22-05, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA22-05, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
	DENIAL: In considering the proposed amendment TA22-05, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)	DENIAL: In considering the proposed amendment TA22-05, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



Subdivision Ordinance

Adopted November 19, 1996
As Amended Through June 21, 2021 (1-7-22)

Commented [ES1]: Update

SECTION 1.	<u>44</u>
1.000 PURPOSE AND APPLICABILITY	<u>44</u>
1.100 SHORT TITLE	<u>44</u>
1.200 PURPOSE	<u>44</u>
1.300 JURISDICTION	<u>44</u>
1.400 SEPARABILITY	<u>44</u>
1.500 COMPLIANCE WITH ORDINANCE	<u>44</u>
1.600 EFFECTIVE DATE	<u>4</u>
2.000 DEFINITIONS AND RULES OF CONSTRUCTION	<u>4</u>
2.100 DEFINITIONS	<u>4</u>
2.200 RULES OF CONSTRUCTION	<u>10</u>
3.000 DECISION MAKING AND ADMINISTRATIVE BODIES	<u>10</u>
3.100 TOWN STAFF	<u>10</u> 11
3.200 PLANNING BOARD	<u>11</u>
3.300 TOWN BOARD OR DESIGNATED ADMINISTRATIVE AGENT	<u>12</u> 12
3.400 STAFF TO THE PLANNING BOARD	<u>12</u>
4.000 APPEALS AND VARIANCES	<u>12</u>
4.100 AUTHORITY	<u>12</u>
4.200 INITIATION	<u>12</u>
4.210 FILING OF NOTICE OF APPEAL	<u>12</u> 13
4.220 STANDARDS FOR GRANTING AN APPEAL	<u>13</u> 13
4.300 FILING OF VARIANCE PETITION	<u>13</u> 13
4.400 STANDARDS FOR GRANTING A VARIANCE	<u>13</u> 13
4.500 PLANNING BOARD REVIEW	<u>13</u>
4.600 ACTION BY TOWN BOARD	<u>13</u>
4.700 REHEARING	<u>13</u> 14
4.800 EFFECT OF GRANT OF VARIANCE	<u>14</u> 14
5.000 AMENDMENTS	<u>14</u>14
6.000 THE SUBDIVISION PROCESS	<u>14</u>
6.100 COMPLIANCE REQUIRED	<u>14</u>
6.200 GENERAL REQUIREMENTS	<u>14</u>
6.300 SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS	<u>18</u> 18
6.310 SKETCH PLAN ALSO REQUIRED FOR MINOR SUBDIVISIONS	<u>19</u>
6.315 SKETCH PLAN NOT REQUIRED FOR CONSERVATION SUBDIVISIONS	<u>19</u>
6.3.16 SKETCH PLAN NOT REQUIRED FOR EXPEDITED SUBDIVISION REVIEW	<u>20</u>
6.320 REVIEW OF MAJOR SUBDIVISION SKETCH PLAN	<u>20</u>
6.400 PRELIMINARY PLAN REQUIREMENTS	<u>23</u> 22
6.500 PROCEDURES FOR APPROVAL	<u>25</u> 24
6.510 PRELIMINARY PLAN: SUBMISSION AND APPROVAL	<u>25</u> 24
6.520 EXCEPTIONS: WHEN PRELIMINARY PLAN NOT REQUIRED	<u>24</u>
6.530 EFFECT OF APPROVAL OF PRELIMINARY PLAN	<u>26</u> 25
6.540 RELEASE OF GRADING PERMIT	<u>25</u>
6.550 FINAL PLAT: SUBMISSION AND APPROVAL	<u>25</u>
6.600 FINAL PLAT REQUIREMENTS	<u>27</u> 26
6.700 PLATS ALREADY ESTABLISHED BY SURVEY AND RECORD	<u>29</u> 28
6.800 MULTI-BUILDING SITES	<u>28</u>
6.810 PRE-APPLICATION CONFERENCE	<u>28</u>
6.820 PRELIMINARY PLAN REQUIREMENTS	<u>28</u>
6.830 PRELIMINARY PLAN REVIEW CRITERIA	<u>28</u>

6.840-PRELIMINARY PLAN APPROVAL AND FINAL PLAT	29
6.850 TRAFFIC IIMPACT ANALYSIS	29
7.000 SUBDIVISION DEVELOPMENT REQUIREMENTS.	29
7.100 DESIGN STANDARDS FOR STREETS	29
7.110 RIGHT-OF-WAY	31 30
7.120 FREEWAYS (NEW)	30
7.130 ARTERIAL STREET RIGHT-OF-WAY (NEW STREETS)	32 31
7.135 TRANSFER OF DEVELOPMENT RIGHTS — R/W DEDICATION	31
7.150 CUL-DE-SAC	31
7.170 STREET OFF-SETS	31
7.180 BLOCK LENGTHS AND WIDTHS	31
7.200 DESIGN STANDARDS FOR LOTS	31
7.210 FRONTAGE ON STREET	31
7.220 SIDE LINES	32
7.230 LOT SIZES	32
7.240 BUILDING LINES	32
7.270 DRIVEWAY CONNECTIONS	32
7.280 LOTS SUBJECT TO FLOODING	32
7.290 LOTS WITHIN THE MOUNTAIN ISLAND LAKE WATERSHED PROTECTION AREA	33
7.295 LOTS WITHIN THE LAKE NORMAN WATERSHED PROTECTION AREA	38
7.300 DESIGN STANDARDS FOR S.W.I.M. (SURFACE WATER IMPROVEMENT AND MANAGEMENT) STREAM BUFFERS	40
Table of Minimum Buffer Widths by Basin Size and Buffer Zone	42
Upland Zone	44
8.000 REQUIRED WORK ON THE GROUND	51
8.100 STANDARDS AND SPECIFICATIONS	51 48
8.110 STREET IMPROVEMENT RESPONSIBILITY	48
8.115 RESPONSIBILITY FOR STATE ROADS	50
8.120 DRAINAGE	50
8.130 CURB AND GUTTER	54 51
8.140 SIDEWALK	54 51
8.150 STREET TREES	51
8.160 STREET LIGHTS	51
8.170 STREET MARKERS AND BARRICADES	55 52
8.200 NO SERVICE UNLESS STREET ACCEPTED/APPROVED	52
8.300 OTHER PUBLIC FACILITIES	52
8.400 MODIFICATION OF REQUIREMENTS; BOND	56 53
8.500 INSPECTION	53
9.000 ENFORCEMENT	57
10.000 APPLICATION AND PROCESSING FEES	54
SECTION 2	58

Commented [ES2]: Once we get a final draft, we should double check that all of these pages and headings are still accurate. I changed a few headings below.

SECTION 1.

1.000 PURPOSE AND APPLICABILITY

1.100 SHORT TITLE

This ordinance will be known and may be cited as the Huntersville Subdivision Ordinance.

1.200 PURPOSE

The provisions of this ordinance are adopted pursuant to the authority conferred by Section 160D-801 through Section 160D-808 of the General Statutes of North Carolina for the purpose of providing for the orderly development of the Town of Huntersville, North Carolina and its environs by regulating the subdivision of land. The regulations contained herein are intended to coordinate proposed development with existing development and with officially adopted plans for future development of the town; to coordinate transportation networks and utilities within subdivisions with existing or planned streets or with public facilities; to secure or protect adequate rights-of-way and easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; to ensure the proper legal description, monumentation, and recording of subdivided land; and to create conditions that substantially promote public health, safety, convenience, and the general welfare.

1.300 JURISDICTION

The provisions of this ordinance shall apply to all subdivision activities, as defined in Section 2.100 of this ordinance, within the corporate limits and the extraterritorial zoning jurisdiction of the Town of Huntersville, North Carolina as now or hereafter established. Any subdivision for which a preliminary plan has been approved by Mecklenburg County prior to becoming subject to the Huntersville Subdivision Ordinance, may, at the option of the developer, be developed in its entirety in accordance with the Mecklenburg County Subdivision Ordinance. Any subdivision for which a preliminary plan has been submitted to Mecklenburg County, but not approved prior to becoming subject to the Huntersville Subdivision Ordinance, shall comply with Huntersville ordinance standards.

1.400 SEPARABILITY

If any section, paragraph, subdivision, clause, or provision of this ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication will apply only to such section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this ordinance will be deemed valid and effective.

1.500 COMPLIANCE WITH ORDINANCE

All plats for the subdivision of land must conform to the requirements of this ordinance and be submitted in accordance with the procedures and specifications established herein. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this ordinance. No utility shall be extended, nor any permit be issued by an administrative agent of the Town of Huntersville for the construction of any building or other improvement upon any land for which a plat is required until the requirements of this ordinance have been met and the final plat approved.

1.600 EFFECTIVE DATE

This ordinance shall become effective November 1, 1989.

2.000 DEFINITIONS AND RULES OF CONSTRUCTION

2.100 DEFINITIONS

As used in this ordinance, the following terms will have the meanings indicated in this section:

Alley.

A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the listed street types defined herein or in Article 5 of the Huntersville Zoning Ordinance. An alley may be accepted for public maintenance only if it serves a broad public function. Residential alleys will generally remain private.

Administrative Decision.

Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

Appeal.

An action requesting reversal or modification of an interpretation or decision made by Town Staff or Administrative Agent in the application of these regulations.

Board of Adjustment.

The Zoning Board of Adjustment of the Town of Huntersville.

Build-to line.

A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

Building Setback Line.

A line extending through a lot which is parallel to the front property line and between which and such line no building shall be erected.

Conservation Easement.

A conservation agreement as defined by N.C.G.S. § 121-35(1) in the form of an easement.

Consulting Engineer.

A North Carolina Registered Engineer appointed from time to time by the Town Board of Huntersville.

Corner Lot.

A lot which abuts the right-of-way of two streets at their intersection.

Designated Administrative Agent (also Designee).

A government agency or consulting professional which has been designated by the Huntersville Board of Commissioners through contract or agreement to administer the Subdivision Ordinance.

Easement.

A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

Expedited Subdivision Review.

The review and approval of the division of a tract or parcel of land in ~~single-ownership~~ [single ownership](#) for which only a Final Plat Review is required. Any subdivision of land, whether major, minor, or other will qualify for Expedited Subdivision Review if in single ownership and all of the following criteria are met:

1. The tract or parcel to be divided is not already exempt as a division of land under Section 2.100 DEFINITION, "Subdivision", paragraph 2 of the Subdivision Ordinance (which

- exempts the division of land into parcels greater than 5 acres where street right-of-way dedication or reservation is not involved).
2. No part of the tract of parcel to be divided has been divided under this subsection in the 10 years prior to division.
 3. The entire area of the tract or parcel to be divided is greater than five acres.
 4. After division, no more than three lots result from the division.
 5. After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

Land Development Standards Manual.

The most recent edition of the Town of Huntersville Engineering Standards and Procedures Manual, which sets forth standard details for the design and construction of various aspects of development.

Lot.

A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Lot Front.

That side of a lot which fronts on a street. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations and the Huntersville Zoning Ordinance by labeling the front and side building lines as such on the final plat.

Open Space.

Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. Unless specifically allowed by this ordinance in the Farmhouse Cluster, Conservation Subdivisions, and Minor Subdivisions. Reference Article 7.11 Urban, Agricultural, Common, Natural and Recreational Open Space for specific qualitative criteria.

Planning Board.

The Planning Board of the Town of Huntersville established pursuant to [N.C.G.S. § 160D-301](#).

Plat

A map or plan of a parcel of land which is to be, or which has been, subdivided.

Streets (by classification).

Freeway.

High volume, high speed highways with access only at interchanges. Freeways are typically constructed to Interstate Highway standards. May incorporate special management techniques and may contain specialized accommodations for multi-occupant or transit vehicles. No parallel accommodation for non-motorized users.

Boulevards.

Moderate to high volume, moderate speed roadway. Includes median and may incorporate interchanges as appropriate. Access strongly controlled, typically provided at street intersections and may be directional in nature (i.e. not full movement.) Shall incorporate provisions for transit, bicycle, and pedestrian users depending on context.

Other Major Thoroughfares.

Multi-lane, moderate to high volume roadway, speed limits vary according to context. Often incorporate auxiliary lanes for turning vehicles. Typically includes median, individual driveways discouraged. Shall incorporate provisions for transit, bicycle, and pedestrian users.

Minor Thoroughfare.

~~Generally, Usually~~ two-lane roadways with low to moderate speeds depending on context.

Balance of mobility and access functions. May include transit user provisions, shall incorporate non-motorized users.

Collector.

A roadway which assembles traffic from local streets and distributes it to the nearest thoroughfare street. The collector road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds.

Local.

This is a two-lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to collector streets which serve the area. The local road is designed to accommodate low volumes of traffic at low speeds.

Cul-de-sac.

A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround. Cul-de-sacs may not exceed 350 feet in length and must be accessed from a street providing internal or external connectivity. They are permitted where topography makes a street connection impracticable.

Marginal Access Street.

A public or private street adjoining or parallel to an arterial street to relieve the arterial street of the necessity of providing access to abutting property.

Town Streets.

Town Street classification refers to the hierarchy of low speed, interconnected streets with pedestrian orientation of buildings and a fine-grained section which includes street tree plantings and sidewalks on either side of pavement. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function/rank of the street in the hierarchy. Streets meeting the standards of [Article 5](#) and the Engineering Standards and Procedures Manual (ESAPM) are eligible for acceptance and maintenance by the Town as public streets. Residential alleys will generally remain private.

Street, Private.

An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

Street Right-of-Way.

Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the Town of Huntersville or Mecklenburg County, if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Huntersville or has otherwise been established as a public street prior to the adoption of this ordinance.

Subdivision.

A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose, whether immediate or future, of sale or building development of any type (including both residential and non-residential multiple building sites and multi-site projects even if there is no division of the underlying land into separate parcels for recordation with the Register of Deeds) and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of previously subdivided and recorded lots prior to the effective date of this ordinance, or portions of previously subdivided and recorded lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance and the appropriate zoning classification.
2. The division of land into parcels greater than 5 acres where street right-of-way dedication is not involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication is not involved and where the resultant lots are equal to or exceed the standards of the appropriate Zoning Ordinance classification and Subdivision Ordinance.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Easements for the purposes of utilities, driveways, parking, footpaths, trails, or other similar purposes.
9. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
10. Transfers of tracts or parcels by inheritance or bona fide gift.
11. Condemnation or deed in lieu of condemnation, by either a public or private condemner; provided, however, that the condemner must comply with the requirements of this

Commented [ES3]: Edits made to more closely align with 160D-802

ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever occurs first.

Subdivision, Conservation

A tract of land 40 acres or more that is subdivided into single family building lots at a gross density not exceeding 1 dwelling unit per 20 acres, where no new streets are created through the development process and use of the land is restricted by an irrevocable conservation easement held by a conservation organization authorized by N.C.G.S. [§ 121-35\(1\)](#) et seq.

Subdivision, Limited.

A subdivision that is not otherwise exempt from the provisions of this ordinance and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten (10) acres. For such subdivisions the owner shall be required to plat only the parcel(s) to be transferred or leased and only said parcel(s) shall be subject to the requirements of this ordinance.

Subdivision, Major.

A subdivision not otherwise exempt from these regulations that involves any of the following:

1. The creation of any new public street but does not include the public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors or the location of public utility rights-of-way.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. A multi-building site.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

Subdivision, Minor.

A subdivision that is not otherwise exempt from the provisions of this ordinance and that is not a “Major Subdivision” as that term is defined in this Ordinance.

For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision, except as provided below, ~~and require Town Board approval~~. Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an “Existing Features (Site Analysis) Plan” as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.

Thoroughfare.

Any street (existing or proposed) on the adopted Comprehensive Transportation Plan (CTP) Highway Map. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as freeways, boulevards, other major thoroughfares or minor thoroughfares.

Thoroughfare Plan.

The most recent map adopted by the Metropolitan Planning Organization which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

Through Lot.

A lot other than a corner lot with frontage on more than one street.

Town Board.

The Board of Commissioners of the Town of Huntersville.

Town Manager.

The Town Manager of the Town of Huntersville.

Variance.

An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

2.200 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction apply.

1. These regulations will be construed to achieve the purposes for which they are adopted.
2. In the event of any conflict in limitations, restrictions, or standards applying to a project, the provision more consistent with the Huntersville Zoning Ordinance shall apply.
3. The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
4. The word "may" is permissive in nature except when used in the negative.
5. References to "days" will always be construed to be working days, as defined in Article 12 of the Zoning Ordinance, unless the context of the language clearly indicates otherwise.

3.000 DECISION MAKING AND ADMINISTRATIVE BODIES

3.100 PLANNING STAFF

In addition to any authority granted to the Planning Director by other ordinances of the Town of Huntersville, the Planning Director, and the employees under his or her direction, or other Designee, may, from time to time, be designated by the Board of Commissioners to administer the Subdivision Ordinance, and will have the following duties in accordance with these regulations.

1. To review all petitions for subdivisions of land, within the authority and jurisdiction of these regulations, and comment on completeness of petitions and conformity to the requirements of these regulations.
2. To review and provide comments on variance petitions.
3. To maintain files and other public records related to the administration and enforcement of these regulations.
4. To comment on proposed amendments to these regulations.
5. To interpret the provisions of these regulations.
6. To coordinate all local, state, and other appropriate agency review and comment on all subdivisions proposed under these regulations.

7. To establish such procedures as necessary and proper for the administration of their responsibilities under these regulations.
8. To approve for recordation in the Mecklenburg County Register of Deeds those divisions of land which, according to the definition of Subdivision found in Section 2.100, are not subject to the requirements of this ordinance.
9. To approve for recordation in the Mecklenburg County Register of Deeds those divisions of land, defined as Limited Subdivisions and Minor Subdivisions in Section 2.100, which meet the standards of the Subdivision Ordinance and Zoning Ordinance, except as otherwise provided in Section 6.550.
10. To approve Major and Minor Subdivision Sketch Plans, Preliminary Plans, and Final Plats, ~~which are identical to, or include only minor revision(s) to, the approved sketch plan. Minor revisions include, but are not limited to, minor shifts in streets to adjoining properties, shift in streets internal to the subdivision, minor shifts in open space location, reduction of lot(s) and/or unit(s) count not inconsistent with the intent of the most detailed plan approved by the Board of Commissioners, and other changes which do not alter the overall layout of the plan. Major revisions include, but are not limited to, the addition of lots, the addition of streets, change(s) to the pattern of street connections, changes to open space provisions, reduction in dedications to the public, or any other feature(s) of the subdivision which assumed significance at the time of sketch plan approval.~~
11. To approve minor revisions to sketch plans, preliminary plans, and final plats; ~~Minor revisions include, but are not limited to, minor shifts in streets to adjoining properties, shift in streets internal to the subdivision, minor shifts in open space location, reduction of lot(s) and/or unit(s) count not inconsistent with the intent of the most detailed plan approved by the Board of Commissioners, and other changes which do not alter the overall layout of the plan.~~
12. To approve subdivision sketch plans that are consistent with or show minor changes to an approved conditional rezoning plan. Minor changes to a conditional rezoning plan shall include, but not be limited to, minor shifts in street and open space location (not less open space), fewer lots and other changes which do not alter the overall layout of the plan or which were significant at the time of the conditional rezoning plan approval.
- 13.11. To approve final plats for recordation in conjunction with an Expedited Subdivision Review.

3.200 PLANNING BOARD

In addition to any authority granted to the Planning Board by other ordinances of the Town of Huntersville, the Planning Board will have the following powers and duties to be carried out in accordance with these regulations.

1. To hear and make advisory recommendations on proposed amendments to the text of these regulations; to propose, as needed, amendments to change the text of these regulations.
2. ~~To review and make recommendation on sketch plans for major subdivisions (unless otherwise provided) and major changes to approved sketch or preliminary plans for major subdivisions in accordance with the regulations set forth by the zoning and subdivision ordinances.~~
23. To hear make advisory recommendations on and comment on requests for variances from the standards of this ordinance in accordance with the provisions of Section 4.000.
34. To hear and make advisory recommendations on appeals from the interpretation of any provisions of this ordinance by the Town Staff or Designated Administrative Agent. The Planning Board may recommend reversal or modification of any action under appeal upon finding an error in the application of these regulations.

Commented [ES4]: Joint public hearing with Town Board

Commented [ES5]: They don't hold quasi-judicial hearings

Commented [ES6]: They don't hold quasi-judicial hearings

In all of these matters, the Planning Board may recommend approval of the request, denial of the request, or approval of the request with modifications conditions relating to the intent and standards of this ordinance.

3.300 TOWN BOARD OR DESIGNATED ADMINISTRATIVE AGENT

In addition to all other authority reserved to the Town Board by other ordinances, the Town Board will have the following powers and responsibilities in accordance with these regulations.

1. To hear and decide proposed amendments to the text of these regulations.
2. ~~To review and decide all applications for approval of Major Subdivision Sketch Plans (unless otherwise provided); major changes to approved sketch plans or preliminary plans for Major Subdivisions, and Farmhouse Clusters as provided in Article 3 of the Zoning Ordinance.~~
23. To hear and decide requests for variances from the standards of this ordinance in accordance with the provisions of Section 4.000.
34. To hear and decide appeals from the interpretation of any provisions of this ordinance by the Town Staff or Designated Administrative Agent. The Town Board may reverse or modify any action under appeal upon finding an error in the application of these regulations.

In all of these matters, the Town Board may approve the request, deny the request, or approve the request with conditions modifications relating to the intent and standards of this ordinance.

3.400 PLANNING STAFF ADDITIONAL POWERS

The Planning Director and the employees under his or her direction will have the following additional powers and duties to be carried out in accordance with these regulations:

1. To maintain the text of these regulations.
2. To recommend and prepare amendments to the text of these regulations.
3. To accept and file petitions for variances.
4. To accept and file notices of appeals within ten (10) days of the day an administrative interpretation or decision is issued.

4.000 APPEALS AND VARIANCES

4.100 AUTHORITY

The Planning Board may make recommendations on, and the Town Board shall hear and decide petitions for appeals from an interpretation or decision made by Planning Staff or Designated Administrative Agent and petitions for variances from the requirements of these regulations. Any reversal, modification, or affirmation of an interpretation or any variance thus authorized will be entered in writing in a decision of the Town Board with the justification set forth.

4.200 INITIATION

Any person who has standing under N.C.G.S. § 160D-1402(c) or the local government may appeal an administrative decision made pursuant to this ordinance to the board. An appeal is taken by filing a notice of appeal with the Planning Staff. The notice of appeal shall state the grounds for the appeal. A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

4.210 FILING OF NOTICE OF APPEAL

The owner or other party has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. A notice of appeal, in the form prescribed by the Planning Director, must be filed with the Planning Staff, accompanied by a

Commented [ES7]: Modifications seems to be the more appropriate word here and below since addressing text amendments, appeals, and variances. As noted below in Section 4, conditions can be added to variances.

Commented [ES8]: There is no designated agent that makes quasi-judicial decisions associated with Subdivision Ordinance

Commented [ES9]: I changed to make recommendations on vs. just recommend as they can recommend to reverse, modify, or affirm vs. just recommend approve.

nonrefundable filing fee as established by the Huntersville Board of Commissioners. The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

4.220 STANDARDS FOR GRANTING AN APPEAL

The Planning Board may recommend, and the Town Board may decide to [affirm or reverse, wholly or partly, or reverse or](#) modify the decision or interpretation under appeal. [The decision to reverse or modify may be made](#) upon finding an error in the application of these regulations on the part of the administrative official rendering the decision or interpretation.

4.300 FILING OF VARIANCE PETITION

A petition for a variance from the requirements of this ordinance, in the form prescribed by the Planning Director, must be filed with the Planning Staff, accompanied by a nonrefundable filing fee as established by the Town Board.

4.400 STANDARDS FOR GRANTING A VARIANCE

Before granting a variance from the requirements of this ordinance, the Town Board must determine that:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved

~~(5) No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.~~

Commented [ES10]: This is not a required variance finding. As such, made it a separate paragraph.

4.500 PLANNING BOARD REVIEW

After receipt of a complete variance petition, the Planning Board will review the petition and send a recommendation and supporting reasons for granting or denying the variance to the Town Board. Recommendation and supporting reasons shall be recorded in the minutes of the Planning Board.

4.600 ACTION BY TOWN BOARD

The Town Board ~~of Adjustment~~ may approve or deny the variance application or approve with conditions relating to the intent and standards of the ordinance. The [Town B](#)oard shall follow all procedures as specified in [N.C.G.S. § 160D-406](#) and [N.C.G.S. § 160D-705](#). The findings of fact used by the [Town B](#)oard to reach its decision shall be recorded in the written decision.

Commented [ES11]: Typo

4.700 REHEARING

When the Town Board has denied any petition for a variance, it will not thereafter accept any other petition for the same variance affecting the same subdivision or any portion thereof, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

4.800 EFFECT OF GRANT OF VARIANCE

After the approval of a variance by the Town Board, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variance to these regulations granted to the petitioner by the Town Board.

5.000 AMENDMENTS

The Planning Staff may from time to time, and at the request of the [Huntersville Ordinances Advisory Board](#), Huntersville Town Board or Planning Board shall, prepare certain amendments to the text of the [Subdivision Ordinance](#) to correct errors, update or modify the requirements, or otherwise modify the operation of the ordinance in regulating the subdivision of land.

Amendments to this ordinance may only be enacted pursuant to public notice and public hearing on the proposed amendments. Notice of such public hearing shall be published once per week for two successive weeks in a newspaper of general circulation in the Town of Huntersville. The notice shall be first published not less than ten (10) days nor more than twenty-five (25) days prior to the date fixed for the hearing. The notice shall indicate the date, time, and place of the hearing and shall include a statement of the substance of the proposed amendment.

All text amendments must be referred to the Planning Board for a recommendation prior to final action by the Town Board. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the Planning Board report.

6.000 THE SUBDIVISION PROCESS

6.100 COMPLIANCE REQUIRED

After the effective date of this ordinance, no plat of a subdivision of land subject to the jurisdiction of this ordinance will be filed or recorded by the Mecklenburg County Register of Deeds until it has been submitted to and approved by the Town of Huntersville in accordance with these regulations, and until this approval shall have been entered on the face of the plat in writing by an authorized representative of the local government. This applies to all subdivision activities included in the definition of Subdivision, found in Section 2.100.

6.200 GENERAL [GUIDELINES AND REQUIREMENTS](#)

The following statements provide general ~~requirements and policies~~[guidelines and requirements](#) to be used in the design, ~~review, and approval~~ of any subdivision under the jurisdiction of this ordinance. Questions of interpretation of any of these provisions should be discussed with the Planning Director or Designated Administrative Agent at the earliest possible time in the development of a subdivision proposal. (*See Section 4.000 for appeal process*).

[6.200-A GENERAL GUIDELINES](#)

~~1. Consistency with adopted public plans and policies.~~

~~All subdivision of land approved under these regulations should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools, and other similar facilities. Plans and policies for the community are on file in the offices of the Town of Huntersville.~~

Commented [JS12]: Moved to General Requirements

2. Conformity.

All proposed subdivisions ~~should~~[shall](#) be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with established and/or approved development, new subdivisions

~~should~~ be planned to protect and enhance the stability, environment, health, and character of neighboring areas. The geometry of streets and intersections and the location of street connections ~~should~~ be assessed to minimize the detrimental effects of high volume, high speed neighborhood through traffic. This assessment will consider the location of large-scale traffic generating uses as well as the adopted thoroughfare plan and other adopted plans. Proposed subdivisions ~~should~~ not endanger the public health and safety of the community, further, orientation of principal structures ~~should~~ avoid backing up to public streets because of lack of privacy and inappropriate relationship to the public realm. Use of single-loaded streets where development is only on one side of the street or providing large expanses of open space where principal structures are visually buffered from the road may be appropriate in circumstances where such structures should not front on the existing public street. ~~The Town Board of Commissioners may allow a deviation to the orientation due to topography issues or existing vegetation visually buffering structures from the public street.~~

3. Access Between Adjoining Properties.

~~To the extent practicable, all streets shall connect to create a comprehensive transportation network, which allows free movement of automobiles, bicyclists, and pedestrians. The purposes and design standards for Town streets, as further described in Article 5 of the Huntersville Zoning Ordinance, shall be met.~~

Commented [ES13]: Moved below

34. Relation to topography.

In sloping terrain, streets ~~should~~ generally parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of surface storm water runoff. Variations are allowed to meet design objectives for the development and/or to calm vehicular speeds.

45. Mature trees and natural vegetation.

~~Streets and development sites should be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation. Minor adjustment of street alignment on the ground is permitted to achieve this objective, so long as standard drainage requirements continue to be met and the actual location of the street on the ground is reflected on the final plat or an amended final plat.~~

Commented [JS14]: Moved below

6. Access to parks, schools, etc.

~~Streets and sidewalks shall be designed to assure convenient access to parks, greenways, playgrounds, schools, and other places of public assembly. Supplemental walkways not associated with streets may not be less than 10 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.~~

Commented [ES15]: Moved below

7. Discourage through traffic.

~~Methods to discourage high volume, high speed through traffic should consider street geometry, intersection design, and other traffic calming measures.~~

Commented [JS16]: Moved below

48. Relationship to railroad rights-of-way.

When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.

6.200-B GENERAL REQUIREMENTS:

1. Consistency with adopted public plans and policies.

~~All subdivision of land approved under these regulations must comply with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding~~

development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools, and other similar facilities. Plans and policies for the community are on file in the offices of the Town of Huntersville.

1. Access to parks, schools, etc.

Streets and sidewalks shall be designed to access to parks, greenways, playgrounds, schools, and other places of public assembly. Supplemental walkways not associated with streets may not be less than 10 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.

29. Half Streets.

Whenever an existing half street is adjacent to a tract of land to be subdivided the other half of the street shall be platted within such tract. New half streets are prohibited except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

3. Access Between Adjoining Properties.

The purposes and design standards for Town streets, as further described in Article 5 of the Huntersville Zoning Ordinance, shall be met.

10. Parallel streets along thoroughfares.

Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a marginal access street parallel to the highway.

44. Reservation and Dedication of Public School and Public Park Sites.

The subdivider shall determine if the tract of land to be subdivided appears in any adopted plan or policy document as a future public school or public park (including public greenways and open spaces) site by contacting the appropriate agency. The subdivider shall provide certification to the Planning Director or Designated Administrative Agent to indicate whether or not the area proposed to be subdivided includes any identified future public school or public park site. If no certification is provided, the Planning Director or Designee shall make the determination by contacting the appropriate agencies. If such site(s) are included in the area to be subdivided, the Planning Director or Designee will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. With regards to future school sites, the appropriate agency will have 18 months for future school sites and 12 months for future public park sites from the date of final approval of the subdivision or site plan to acquire the site by purchase, receipt of a dedication, or by initiating condemnation proceedings. If, at the end of the 18-month applicable period, none of the actions listed above have commenced, the subdivider may consider the land free of any reservation. The developer may also offer dedication of any public park that appears in any adopted plan or policy document as a future public park (including public greenways and open spaces).

As an alternate to the above for public park sites, the Town Board may accept payment of funds to be used to acquire or develop recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area. All funds received pursuant to this subsection shall be used only for the acquisition or development of recreation, park, or open space sites. The formula to determine the amount of funds that are to be provided under this subsection shall be based on the value of the development or subdivision for property tax purposes. A combination or partial payment of funds and partial dedication of land may be allowed when the governing board determines that this combination is in the best interests of the citizens of the area to be served.

Commented [JS17]: Changes consistent with Statute 160D-804.

Pursuant to N.C.G.S. § 160D-804(d), the Town, may accept payment of funds to be used to acquire or develop the open space and/or recreation areas which serve residents of more than one subdivision or development within the immediate area. All funds received pursuant to this subsection shall be used only for the acquisition or development of recreation, park, or open space sites. The formula to determine the amount of funds that are to be provided under this subsection shall be 3200 percent of the pre-development property tax value of the subdivision site to be developed. A combination or partial payment of funds and partial dedication of land may be allowed when the Town Board determines that this combination is in the best interests of the citizens of the area to be served.

Commented [ES18]: Acceptance of funds doesn't require Town Board approval, only the acceptance of partial dedication and partial funds.

Commented [ES19]: Concord uses 300% of tax value and Durham uses 200%.

512. Community Service Facilities.

When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing, and other public uses, falls within an area proposed to be subdivided, the Planning Director or Designated Administrative Agent will notify the appropriate agency of the proposed subdivision and its effect on the future community service facility site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The subdivider may choose to dedicate the area to be reserved.

613. Proposed Sstreet Nnames.

Proposed street names shall be coordinated with Mecklenburg County Charlotte-Mecklenburg Planning Commission staff, Town Engineering Department, or other designee.

Commented [ES20]: Per Jack, avoided specific department as department name changes.

714. Easements.

Easements established to the width and in the locations required by the Consulting Engineer, Utility Department, or Town Engineering Department, shallould be provided for open or piped storm drainage, sanitary sewers, water lines, and other utilities. This requirement applies to such lines installed at the time of the development of the subdivision, and to easements for such lines which may reasonably be expected to be installed in the future.

815. Proposed Wwater and Ssewerage Ssystem.

At the sketch plan stage, the subdivision plan shall contain information as to the availability and method of providing potable water and a system of sanitary sewage collection and disposal. The preliminary subdivision plan must be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

- (a) Where, at the time of preliminary plan approval, these systems are to be a part of the public water and sanitary sewerage system owned and operated by the Charlotte-Mecklenburg Utility Department, the preliminary subdivision plan shall be accompanied by a complete set of construction plans for the proposed systems, prepared by a registered engineer, which shall be required to meet the standards established by said utility owner/operator for connection to the system upon completion and dedication.
- (b) Where, at the time of preliminary plan approval, the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the Charlotte-Mecklenburg Utility Department, the proposed systems must be reviewed and approved by the agency or agencies with jurisdiction over the approval. This shall also include, but not be limited to, review and approval by Charlotte-Mecklenburg Utility Department to establish that construction plans meet public utility standards for adequacy and compatibility with the public system(s) in order to provide for the future orderly development of the town. Whether the proposed system serves one structure or more than one structure the developer must provide evidence prior to preliminary plan approval of the required discharge permit or a perk test for sewage disposal on each lot, whichever is applicable. Where lots are to be served by septic tank

systems, the preliminary plan and the final plat shall clearly label any lots which do not perk and for which a building permit shall not be issued until alternate sewage disposal methods are available to such lots. Prior to final plat approval, evidence must be provided that both the sewage and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

~~Where local standards exceed those of State or Federal agencies and where those standards may be enforced over those of State or Federal agencies, then the Department of Environmental Protection will coordinate all reviews for such standards. However, the approval of the proposed systems remains with the responsible agency or agencies, which may include the Department of Environmental Protection.~~

916. Restrictions on the subdivision of land subject to flooding.

Lots that are subject to flooding ~~should not be established in subdivisions except as provided in shall comply with the provisions of~~ Section 7.280.

17. Reserved.

~~Neighborhood Parks: Dedication of Land or Fees in Lieu of Dedication of Land.~~

1048. Open Space

Open space, where required, shall be consistent with the standards established in Article 7 of the Huntersville Zoning Ordinance.

,11. Mature Trees and Vegetation

~~The purposes and development standards for landscaping, as further defined in Article 7 of the Zoning Ordinance, shall be met.~~

12. Through Traffic

~~Methods to prevent high-volume, high-speed traffic shall be employed using street geometry, intersection design, and other traffic calming measures.~~

139. Impact of Development on Public Facilities

When reviewing ~~certain~~ subdivisions, the town shall consider the impacts the proposed development will have on public facilities, ~~including traffic network infrastructure~~, in light of the requirements of Section 6.300(13) and Article 14 of the Town Zoning Ordinance, as applicable. The developer shall demonstrate the proposed subdivision ~~is in compliance with the Intersection Capacity Utilization Percentage Standards as set forth in does not Article 14.4 of the Zoning Ordinance adversely affect the health, safety, and welfare of the community~~, and where applicable, the developer may provide mitigation measures to ~~satisfy the requirements of Article 14 of the Zoning Ordinance minimize adverse impacts~~. Examples of mitigation measures include altering development layout and plans, providing improvements at nearby intersections to address impacts of that development (not existing deficiencies), and providing street connections to adjoining property for safe and efficient movement of traffic, as further provided in Section 6.300(13) and 14 of the Zoning Ordinance.

6.300 SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS

1. Prior to the filing of an application for approval of a major subdivision Preliminary Plan, a Sketch Plan shall be submitted to the Planning Director and any Designated Administrative Agent for review. When submitted, this **Sketch Plan shall be on a topographical map showing original contours at intervals of not less than four feet highlighting slopes over 25% and existing tree lines.** It should show in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It should include the following information:

1. The boundary lines of the property being subdivided;
2. Water courses on the land to be subdivided;
3. The location, names, and rights-of-way of any existing streets on or within 300 feet of the land to be subdivided;
4. The location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;
5. Rough finished grades, the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings, and the location of any building restriction flood lines required by Section 7.280;
6. Zoning information for the proposed project site;
7. Proposed front, rear, and side yard dimensions for each building type along each street type;
8. For projects within a regulated watershed protection area, the location of required buffers and high-density option detention, if applicable;
9. The location of general buffers or screens required for the project area, as a whole;
10. The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
11. A small-scale vicinity map.
12. Information necessary to evaluate the proposed development site for compliance with the water quality standards of Section 8.17 of the Huntersville Zoning Ordinance and the Performance Criteria as detailed in Section 9 of the Huntersville Water Quality Design Manual. Further, the Site Evaluation Tool (SET) output shall be submitted for each proposed development site. Section 9 of the Huntersville Water Quality Design Manual contains detailed information concerning the submission requirements for SET.
13. Traffic Impact Assessments; Physical Analysis.
 - (a) a Traffic Impact Assessment for certain subdivisions, as required by Article 14 of the Town Zoning Ordinance, which is hereby incorporated by this reference.
 - (b) For developments of twenty (20) or more residential units or equivalent traffic generation a physical analysis (type of units expected, including number of bedrooms, projected values, size, and timing of phases, etc.).
14. An "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application and for Farmhouse Cluster developments in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features (Site Analysis) Plan analyzes each site's special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:
 - (a) The location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);
 - (b) The location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;

- (c) The location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;
 - (d) A topographical map showing original contours at intervals of not less than four feet and existing tree lines;
- 2. The Existing Features (Site Analysis) Plan shall identify areas to be preserved as described in Section 7.12 of the Huntersville Zoning Ordinance. These areas comprise the development's proposed open space, the location of which shall be consistent with the locational design criteria listed in Section 7.12 of the Huntersville Zoning Ordinance. The Existing Features (Site Analysis) Plan shall form the basis for the conceptual Sketch Plan, which shall show the tentative location of buildings, streets, lot lines and greenway lands in new subdivisions, according to the four-step design process described below.
- 3. Four-Step Process: **Within the Rural and Transitional zoning district**, each Sketch Plan shall follow a four-step design process as described below. When the conceptual Sketch Plan is submitted, applicants shall be prepared to demonstrate to the town that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.
 - (a) Designating the Open Space: During the first step all potential preservation areas are identified, using the Existing Features (Site Analysis) Plan. Areas to be designated should consist of wetlands, floodways, flood fringe, and significant trees as well as sensitive and noteworthy natural, scenic, and cultural resources on the property.
 - (b) Location of House Sites: During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Section 7.13 of the Huntersville Zoning Ordinance, subdivision applicants shall identify tentative house sites on the conceptual Sketch Plan.
 - (c) Street and Lot Layout: The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings shall be strongly discouraged.
 - (d) Lot Lines: The fourth step is simply to draw in the lot lines where applicable.

6.310 SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS

A sketch plan shall not be required for a Multi-Building Site or a Minor Subdivision, except for Section 6.300(1)(14) and Section 6.300(3), which are required for Farmhouse Cluster developments.

6.315 SKETCH PLAN NOT REQUIRED FOR CONSERVATION SUBDIVISIONS

To offer property owners an incentive to maintain land in the Open Space zoning district in a largely undeveloped and rural condition, conservation subdivisions as defined in the Huntersville Zoning and Subdivision Ordinances are eligible for a streamlined approval process. Compliance with the requirements below, and with Section 3.2.1(f) of the zoning ordinance, shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat according to the requirements of subdivision ordinance Section 6.600.

- 1. Documents prepared by the property owner in association with an authorized conservation organization that have resulted in the grant of an irrevocable conservation easement will be accepted in lieu of the sketch plan requirements of the preceding Sections 6.300 and 6.310.

2. The submitted documents must show that the following conditions have been met:
 - (a) An irrevocable conservation easement held by a conservation organization has been recorded on the tract(s) to be subdivided; documentation of the easement includes a boundary description of the area subject to the conservation easement.
 - (b) Limits on location and extent of land disturbance and building construction have been set out in the conservation easement(s), which at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
 - (c) Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision ordinances.
 - (d) The proposed subdivision conforms to the minimum project size of 40 acres and the maximum gross density of one dwelling unit per 20 acres.
 - (e) All parcels within the conservation subdivision have been provided with permanent access by way of public road frontage or a permanent 20-foot wide access easement that connects to a public right-of-way. Landlocked parcel(s) are not created.
 - (f) Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted thoroughfare plan and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations has been made, either by the filing of a deed or the filing of a plat map.

6.316 SKETCH PLAN NOT REQUIRED FOR EXPEDITED SUBDIVISION REVIEW

A sketch plan shall not be required for divisions of land qualifying for Expedited Subdivision Review.

6.320 REVIEW OF MAJOR SUBDIVISION SKETCH PLAN

- ~~1. 4.—~~ Upon submission, the Planning Director and any Designated Administrative Agent shall have fifteen (15) working days to review and comment on the Sketch Plan. Upon completion of review, Planning Staff shall provide comments to the subdivider on any portions of the Sketch Plan that are not in compliance with the Town's Sketch Plan submission requirements or the Town's Zoning and Subdivision Ordinances. A technically deficient sketch plan shall be returned to the subdivider with comments once final adjustments are made by the applicant to address staff comments and minimum submission requirements are met, the sketch plan, shall be forwarded by the staff to the Planning Board to place on the Planning Board's agenda for their next scheduled meeting. Mailed notice about the request shall be sent to all owners of property within 250 feet of proposed subdivision prior to the Planning Board meeting. Prior to the Planning Board meeting,
- ~~2. The subdivider shall~~ must address all Planning Town Staff comments prior to refileing a revised Sketch Plan with the Planning Department file with the Planning Department. If subsequent corrections or changes to a sketch plan are necessary, the reviewer shall have fifteen (15) working days to review any revised sketch plan.
- ~~1-3. Aa~~ written report of at least one community meeting held by the subdivider must be submitted within forty-five (45) days of the initial filing of the sketch plan for review by the Planning Department. The community meeting shall not be held on regularly scheduled Town Board and Planning Board meeting nights. Notice of such a meeting shall be given to all of the following using the parcel ownership information listed in the current Mecklenburg County tax records:
 - a. Owner of each property petitioned for subdivision
 - b. Owner of each abutting property
 - c. Owner of each property within 250 feet of the petitioned property
 - d. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property

- e. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
- f. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2000 feet of any portion of the subdivision site (distance scaled on a Town of Huntersville or Mecklenburg County official map).
- g. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the subdivision petition made by the petitioner as a result of the meeting. In the event the subdivider has not held at least one meeting pursuant to this paragraph, the subdivider shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this paragraph shall be considered, ~~by the Town Board~~ but shall not be subject to judicial review.

~~If, however, a sketch plan shows only minor revisions (see 3.100.11) to a sketch plan or is consistent with or shows minor changes to a conditional zoning district plan(s) approved by the Huntersville Board of Commissioners and remaining in effect on all of the property subject to the sketch plan submittal, then the Planning Director or staff under his direction is authorized to approve the sketch plan, approve with conditions, or deny the plan. Administrative decisions to deny approval of a sketch plan may be appealed to the Huntersville Board of Commissioners.~~

~~4. 2.—Within 30 days of receiving the final Sketch Plan and community meeting report, Town staff the Planning Director or Designated Administrative Agent shall prepare a written decision report setting forth the proposed findings concerning the application's compliance with applicable regulations. If the staff decision report proposes a finding or conclusion that the application fails to comply with applicable regulations, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions. Notice of the decision to approve or deny a sketch plan shall be provided in accordance with N.C.G.S. § 160D-403. Administrative decisions to deny approval of a sketch plan may be appealed in accordance with Section 4.000.~~

~~3.—Sketch Plan documents shall be submitted in accordance with published review schedules in order to be placed on the applicable Planning Board or Town Board agenda~~

~~4.—The Planning Board shall have forty-five (45) consecutive days from their first meeting to review and make a recommendation to the Town Board on the Sketch Plan. However, the developer may request one additional regular Planning Board meeting to address any issues raised, subject to approval by the Planning Board. The Planning Board shall report to the Board of Commissioners whether it concurs in whole or in part with the staff's proposed findings, and to the extent there are differences the Planning Board shall propose its own recommendations and the reasons therefore. In response to the Planning Board's recommendations, the applicant may modify his application prior to submission to the Town Board, and the staff may likewise revise its recommendations.~~

~~5.—A Sketch Plan subdivision hearing will be conducted as a quasi-judicial hearing before the Town Board. The applicant has the burden of producing competent, material, and substantial evidence establishing that the proposed subdivision will comply with all of the applicable standards which apply. The burden of producing competent, material, and substantial evidence establishing the proposed subdivision should be denied for any of the reasons set forth in these regulations rests on the party or parties urging that the requested Sketch Plan should be denied. In considering whether to approve an application for a subdivision Sketch Plan, the Town Board shall proceed according to the following format:~~

- ~~(a) the Board shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the Board that the application is complete;~~

- (b) ~~the Board shall consider whether the application complies with all of the applicable requirements. Separate votes may be taken with respect to each requirement not met by the application. If the Town Board concludes that all applicable requirements are met, it shall approve the Sketch Plan. If the Board concludes that the application fails to comply with one (1) or more of the applicable requirements, it shall adopt a motion to deny the application for one (1) or more of the reasons set forth within this ordinance. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.~~

6.400 PRELIMINARY PLAN REQUIREMENTS

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed below. No processing or review of a preliminary plan will proceed without all of the information listed. ~~Detailed standards and specifications for~~ Construction of state standard roads shall be in accordance with NCDOT regulations, are contained in the Mecklenburg County Land Development Standards Manual available from the Mecklenburg County Land Use and Environmental Services Agency. For Town streets, the standards of Article 5 of the Huntersville Zoning Ordinance and Engineering Standards and Procedures Manual shall control.

1. ~~1-~~ The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad line, water courses, easements, or other significant features of the tract.
2. ~~2-~~ The location, size, elevations of existing sanitary sewers, storm drains, and culverts within the tract and immediately adjacent thereto.
3. ~~3-~~ Original contours, including tree lines, shown at intervals of not less than 4 feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic survey. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.
4. ~~4-~~ The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines, front build-to lines and rear and side yard dimensions for each lot, street dimensions, tentative building locations, and the location of any building restriction flood lines required by Section 7.280. The location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future)
5. ~~5-~~ The location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, and the Building Restriction Floodline and Flood Protection Elevation for each lot subject to flooding as defined in Section 7.280.
6. ~~6-~~ The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Planning Director and or Designated Administrative Agent.
7. ~~7-~~ The scale of the plan which shall not be smaller than 100 feet to the inch, north point, date.
8. ~~8-~~ Typical cross sections of internal or abutting streets showing width, sidewalk, and planting details and proposed construction of roadways.

- ~~9.~~ 9. Proposed profiles of roadways. Where a proposed street is an extension of an existing street the profile shall be extended to include 300 feet of the existing roadway and storm drains if present and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- ~~10.~~ 10. The proposed method of water supply and sewer disposal.
- ~~11.~~ 11. A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- ~~12.~~ 12. The location of any existing LCID landfills on the site and the location of any proposed LCID landfills on the site.
- ~~13.~~ 13. A timetable for estimated project completion of the area covered by the preliminary plan.
- ~~14.~~ 14. The zoning district(s) in which the project is located.
- ~~15.~~ 15. For projects in the Mountain Island Lake Watershed Overlay District, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space.
- ~~16.~~ 16. For subdivisions within which open space is required, a draft of the documents by which irrevocable preservation of open space shall be assured.
- ~~17.~~ 17. A Landscape/Preservation Plan is required for all subdivisions. Items to be included on the plan are as follows:
- (a) Project Name
 - (b) Owner Name
 - (c) Landscape Architect's seal and signature
 - (d) Tree save calculations
 - (e) Tree save areas – must also be shown on all sheets to be included within the Preliminary Plan
 - (f) Street Trees Proposed
 - (g) Additional trees to be planted to meet minimum tree save requirements and appropriate table (if any)
 - (h) Individual residential lot trees and a table showing total amount by lot type
 - (i) Internal/Perimeter landscaping for parking lots
 - (j) Landscape easements properly labeled – must also be shown on the site plan and final plat
 - (k) Notes on plan related to maintenance of street trees by individual homeowner or homeowners association – must also be noted on all preliminary plans and final plats to be recorded and documented within the homeowner's covenants and restrictions.
 - (l) Proposed utilities in relation to tree save areas.
- ~~18.~~ 18. Storm Water Permit Application. A Storm Water Permit Application shall be submitted along with preliminary plans for each proposed development. The permit application shall demonstrate compliance with [Section 8.17.6](#), Performance Criteria of the Huntersville Zoning Ordinance, unless otherwise exempted. The storm water permit application shall contain computations, drawings, soil analyses, calculations for each BMP, and overall site hydrology calculations as well as other information sufficient to describe the manner, location, and type of measures for managing storm water from the development in compliance with [Section 8.17.6](#). In addition, the

permit application shall specify those parties responsible for long-term maintenance of all BMPs. The Town Staff of Huntersville shall review the permit application to determine compliance with the approved Performance Criteria. Approval of the storm water permit application by the Town of Huntersville is required prior to the initiation of land disturbing activities and said storm water permit application shall serve as the basis for all subsequent construction.

6.500 PROCEDURES FOR APPROVAL

6.510 PRELIMINARY PLAN: SUBMISSION AND APPROVAL

A preliminary plan of the proposed subdivision developed in accordance with the specifications set forth in Section 6.400 must be submitted to the Planning Director or Designated Administrative Agent. The plan must be accompanied by an application in duplicate signed by the owner or his duly authorized agent on application forms to be furnished by the Planning Director or Designated Administrative Agent. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in Section 6.400. Application for preliminary plan approval shall be accompanied by the appropriate development review fee(s) as established by ordinance.

The Planning Director or Designee shall have twenty (20) working days to review and comment on the initial preliminary plan. If subsequent corrections or changes to the initial preliminary plan are necessary, the reviewer shall have fifteen (15) working days to review any revised plan. The preliminary plan time limits listed above do not apply to plans for which no sketch plan has been submitted, nor to plans which contain any proposed school, park, greenway, or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits. Upon determination by the Planning Director or Designee and Town Engineering Department, or such other engineering agent designated by the Town Board to review Subdivision Plans, that the preliminary plan is complete, correct, and in compliance with Section 6.200 as submitted, or has been resubmitted and found complete and correct, the plan is eligible for approval.

~~If the preliminary plan shows only minor revisions (see 3.100.11) to the approved sketch plan, the Planning Director or staff under his direction is authorized to approve the plan, approve with conditions, or deny the plan. The Planning Director or Designated Administrative Agent shall prepare a written decision setting forth findings concerning the plan's compliance with applicable regulations. Notice of the decision to approve or deny a preliminary plan shall be provided in accordance with N.C.G.S. § 160D-403.~~

~~Administrative decisions to deny approval of a preliminary plan may be appealed to the Town Board in accordance with Section 4.000.~~

~~If the preliminary plan includes major revisions (see 3.100.10) to the approved sketch plan, or if a sketch plan has not been submitted and approved by the Town Board, the Planning Director will schedule consideration of the preliminary plan before the Planning Board within 30 working days. Upon receipt of the Planning Board's recommendation, the Planning Director will, within 30 working days, place the preliminary plan and the Planning Board's recommendation for approval, denial, or approval with conditions on the agenda of the Town Board. The time limits do not apply to plans for which no sketch plan has been submitted to the Planning Director, nor to plans which contain any proposed street, school, park, greenway, or other public facility for which reservation may be required. The applicant may consent to an extension of any of the above time limits. Should the Planning Director or Designated Administrative Agent fail to respond within the time limits set out above, the application will be considered recommended for denial.~~

~~The Town of Huntersville reserves the right to approve, disapprove in whole or in part, or condition its approval of the whole or any of its parts upon such requirements of this ordinance as may be necessary for the health, safety and general welfare, and to achieve compliance with Section 6.200. If a preliminary plan is disapproved, the Planning Director will furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be appealed to the Planning Board and Town Board in accordance with the provisions of Section 4.000.~~

6.520 EXCEPTIONS: WHEN PRELIMINARY PLAN NOT REQUIRED

The required preliminary plan may be waived by the Planning Director or Designee for subdivisions defined as Minor Subdivisions or divisions of land qualifying for Expedited Subdivision Review in Section 2.100 of these regulations provided:

1. A plat of the tract being subdivided, accompanied by two (2) applications signed by the owner or his duly authorized agent has been filed with the Planning Director or Designee, and the required fee submitted; and
2. The subdivider, has provided topographic information to determine flood elevations whenever the property proposed to be subdivided, or re-subdivided, is traversed by or adjacent to a known watercourse.

The required preliminary plan may also be waived by the Planning Director for those subdivisions, including Limited Subdivisions, which do not involve the dedication of a new street or site designated for a future public facility.

However, a final plat must be prepared and recorded as provided in Section 6.600.

6.530 EFFECT OF APPROVAL OF PRELIMINARY PLAN

An approved preliminary plan will be valid for a period of two (2) years from the date of approval. If no work in furtherance of the plan except grading on the site has commenced within the two-year period, the preliminary plan approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, and such work involves any utility installations or street improvements except grading, the plan will remain valid and in force.

6.540 RELEASE OF GRADING PERMIT

Preliminary Plan approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. Once the preliminary plan is approved, further approvals under this provision are not required for grading permits for individual sites within the development, so long as grading conforms to the approved Preliminary Plan.

6.550 FINAL PLAT: SUBMISSION AND APPROVAL

Upon approval of the preliminary subdivision plan, the subdivider may proceed to comply with the other requirements of this ordinance, and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new streets shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in Section 8.400.3 prior to any final plat approval.

For Limited Subdivisions the owner shall be required to plat only the parcel to be transferred or leased and only that parcel shall be subject to the requirements of this ordinance.

Commented [ES21]: Moved up from below for better flow.

The final ~~subdivision~~ plat must be developed in accordance with the specifications set forth in Section 6.600. The official plat or plats, together with copies thereof sufficient for distribution, shall be presented for approval to the Planning Director or Designated Administrative Agent for review. The plat shall be accompanied by an application for final plat approval, submitted in duplicate and signed by the owner and/or his duly authorized agent. The reviewer shall have fifteen (15) working days to review and comment on the final plat.

The subdivider must address all Planning Staff comments prior to resubmitting a revised final plat for approval. If the final plat for a major subdivision shows only minor revisions (see 3.100.11) to the approved preliminary plan and/or sketch plan, the Planning Director or staff under his direction is authorized to approve the plat.

If the final plat for a major subdivision includes major revisions (see 3.100.10) to the approved preliminary plan and/or sketch plan, the staff's comments along with final plat copies will be forwarded to the staff to the Huntersville Planning Board for Planning Board review at their next scheduled meeting date. The staff to the Planning Board must receive the final plat and staff comments at least fourteen (14) days before the next regularly scheduled meeting of the Planning Board in order to place the final plat on their agenda. If subsequent corrections or changes to the initiala revised final plat are necessary, the reviewer shall have fifteen (15) working days to review any revised final plat.

~~The Planning Board-Director or Designated Administrative Agent shall recommend approval or, disapproval, or approval with conditions of the final said plat. The final plat and Planning Board recommendation shall within 30 working days be presented to the Town Board, which shall approve, disapprove, or approve with conditions. The Town Board shall approve the final plat if all requirements of this ordinance, including Section 6.200, have been met. The Planning Director or the Planning Director's Designee shall prepare a written decision setting forth findings concerning the plat's compliance with applicable regulations. Notice of the decision to approve or deny a final plat shall be provided in accordance with N.C.G.S. § 160D-403. Administrative decisions to deny approval of a final plat may be appealed in accordance with Section 4.000.~~

~~The Planning Director or staff under his direction is authorized to approve final plats of minor subdivisions and limited subdivisions which meet all the requirements of this ordinance, including Section 6.200. If the Planning Director determines that the final plat fails to meet any of the requirements of Section 6.200, or that the manner in which the tract is proposed for subdivision significantly affects the implementation of adopted public plans or policies, the Planning Director shall present the final plat to the Planning Board for recommendation and to the Town Board for approval, approval with conditions, or disapproval, in the manner provided in this section. For Limited Subdivisions the owner shall be required to plat only the parcel to be transferred or leased and only that parcel shall be subject to the requirements of this ordinance. If a final plat is disapproved, the Planning Director will furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be taken to the Planning Board and Town Board in accordance with the provisions of Section 4.000.~~

Upon approval, the final plat will be noted approved and made available to applicant for recordation in the Office of the Register of Deeds for Mecklenburg County, North Carolina, which such Register of Deeds is authorized to accept the plat for recordation.

6.600 FINAL PLAT REQUIREMENTS

The final plat will be prepared by a registered surveyor and must be drawn to scale not smaller than 100 feet equal 1 inch, and must contain the following information:

1. The exact boundary of the tract of land being subdivided, ~~showing clearly~~clearly showing the disposition of all portions of the tract.
2. The lines and names of all streets, alley lines, lot lines, lot and block numbers, front build-to line and side and rear yard dimensions for each lot, easements, reservations, and areas dedicated to public purposes with notes stating their purposes. In addition, on-site LCID landfills must be shown on the final plat and on deed(s) for affected lot(s). Also, the plat for all lots subject to flooding shall include a statement as follows: "This lot is subject to flooding during heavy rainfall and the construction of buildings or structures below the flood protection elevation of _____ is prohibited", as further described by Section 7.200 of this ordinance. Plats for multiple lots may include the flood protection elevations in tabular form.

In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat:

"Any construction or use within the areas delineated by floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by Floodway Regulations."

For subdivisions within which open space is required, a designation on the plat denoting the area of preservation and the limitations on its use and a reference to the recorded documents by which irrevocable preservation of open space shall be assured. A copy of such documents shall also be provided to the Planning Department.

Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

- ~~3.~~ 3. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, building line, easements required

hereunder or of record in Mecklenburg County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1: 10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.

4. ~~4.~~ Sufficient data to determine readily and reproduce accurately on the ground the location and extent of rural and/or urban open space to be preserved, the method of preservation, and any limits on use. In addition, the subdivider shall provide to the ~~Huntersville~~ Planning Staff a copy of any covenants and restrictions governing disposition and use of preserved open space.
5. ~~5.~~ "As built" drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
6. ~~6.~~ "As built" cross-sections of each town street type used in the development. Such cross-sections should show improvements in the public rights-of-way and in any easement associated with the detail of the street. Features to be shown will usually include: travel lanes, parking lanes (if any), curb and gutter (or ditch), planting strip, sidewalk, utility allocation. These drawings need not be placed on the final plat, but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
7. ~~7.~~ For projects in the Mountain Island Lake or Lake Norman Watershed Overlay Districts, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space.
8. ~~8.~~ The name of the township in which the subdivision is located, the name of the subdivision, the zoning district, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
9. ~~9.~~ Control corners and permanent markers with adequate and sufficient description to enable a surveyor to locate such control corners or markers shall be shown on the plat. One or more corners shall be designated as control corners, and shall establish two or more street center lines or offset lines within or on the street right-of-way lines to be permanently monumented at intersecting center line or offset lines, points of curvature or such other control points, which monuments shall also be designated as control corners. In addition to the above, control corners must be established along the rear property lines of lots with a minimum of two (2) per block located along a common line. Coordinates must be computed from North Carolina Plane Rectangular Coordinate System and the City of Charlotte Primary Control System monuments, as extended therefrom, provided such a control monument is within two thousand (2,000) feet of the subdivision. Design and material of the concrete monument must be in accordance with the standard detail contained in the Mecklenburg County Land Development Standards Manual. The corners of all lots and parcels must be marked with iron pins driven flush with the ground. The iron pins must be placed where lot boundaries intersect railroad and public street rights-of-way.
10. ~~10.~~ The following signed certificates (lettered or stamped) shall appear on each copy of the final plat submitted by the subdivider:
 - (a) Certificate of Ownership and Dedication:

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all sewer lines and all water lines to the Charlotte-Mecklenburg Utility Department, if applicable.

Date Owner(s)

Final written approval by the Planning Director or staff under his direction must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this ordinance. A copy of the sealed and recorded final plat must be delivered to the [Huntersville](#) Planning Department within 5 days of recording.

11. ~~11.~~ The exact boundary of all water quality best management practices shall be shown on final plats prepared by a registered surveyor. Final plats shall contain the following statement: “~~“~~This lot contains a water quality feature that must be maintained in accordance with the recorded Maintenance Covenant as specified in Section 8.17.21(a) of the Huntersville Zoning Ordinance.”

6.700 PLATS ALREADY ESTABLISHED BY SURVEY AND RECORD

Plats already established by survey and recorded in the Mecklenburg County Register of Deeds prior to the effective date of this ordinance will be eligible for development and other administrative permits without complying with the requirements of this ordinance, but must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of the approval.

A subdivision for which a preliminary plan has been approved but for which a final plat has not been recorded in the Mecklenburg County Register of Deeds prior to November 1, 1989 shall be approved for recording without complying with the requirements of this ordinance if final plats conform to the requirements of the subdivision ordinance in effect at the time of preliminary plan approval. Such subdivision will be inspected and must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of preliminary plan approval.

6.800 MULTI-BUILDING SITES

The ~~following~~ requirements [set forth in Sections 6.810 to 6.840](#) will apply for the preparation, submission, and approval of preliminary site plans for both residential and non-residential developments with more than one principal building on a single lot.

6.810 PRE-APPLICATION CONFERENCE DAYS

A ~~pre-application~~[preliminary site plan](#) conference will be arranged by the developer with both the Planning Staff and any other Designated Administrative Agent prior to the submission of a preliminary site plan for a multi-building site.

6.820 PRELIMINARY PLAN REQUIREMENTS

A developer must submit to the Planning Director or Designee a preliminary [multi-building](#) site plan and supplemental documents for review and approval. The preliminary site plan must be prepared in accordance with the requirements of Section 6.400 and must include the following additional information:

1. ~~1.~~ The use, approximate height, bulk, and location of all buildings and structures.
2. ~~2.~~ All proposed land uses and, for residential development, the densities of dwelling units.

3. ~~3-~~In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed.
4. ~~4-~~The proposed location, use, improvements, ownership, and manner of maintenance of common open space areas.
5. ~~5-~~Final drafts of legal documents dedicating and restricting the common areas and establishing the means of common area ownership and maintenance.
6. ~~6-~~Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

6.830 PRELIMINARY PLAN REVIEW CRITERIA ~~AND APPROVAL~~

The Planning Director or employees under his or her direction will review the preliminary multi-building site plan within 15 working days to ensure conformance with the requirements of the Zoning and Subdivision Ordinances. ~~The Planning Director or Designated Administrative Agent will review the preliminary site plan to insure conformance with the requirements of this ordinance.~~ In addition, the multi-building site plans will be evaluated on the standards listed below.

1. ~~1-~~The character, amount and arrangement of open space areas will meet the requirements of Article 7 of the Zoning Ordinance. ~~adequately serve the needs of residential or non-residential occupants.~~
2. ~~2-~~Proposed means of dedication, ownership, and maintenance of all common areas, the restrictions on its uses, and the organization and authority of such associations as may be established for ownership and maintenance of common areas will assure the continuance of such space for its designed purpose.
3. ~~3-~~Site planning for the overall development will provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development.
1. ~~4-~~The terms and conditions proposed for development over a period of years are sufficient to protect the interests of the public and the occupants of the development.

Commented [ES22]: Removed subjective language.

All Planning Staff comments must be addressed prior to the resubmission of any revised preliminary multi-building site plan for approval. If subsequent corrections are required, Planning Staff shall have 15 working days to review and comment on any revised preliminary multi-building site plan.

The Planning Director or staff under his direction is authorized to approve or disapprove the preliminary site plan for a multi-building site. The Planning Director or the Planning Director's Designee shall prepare a written decision setting forth findings concerning the preliminary multi-building site plan's compliance with applicable regulations. Notice of the decision to approve or deny a final plat shall be provided in accordance with N.C.G.S. § 160D-403. Administrative decisions to deny approval of a preliminary multi-building site plan may be appealed in accordance with Section 4.000.

6.840 ~~PRELIMINARY PLAN APPROVAL AND OF FINAL PLAT~~

~~The Planning Director or staff under his direction is authorized to approve, approve with conditions, or disapprove the preliminary site plan for a multi-building site which adheres to or shows only minor revisions (Section 3.100.11) to:~~

- (1) An approved parallel conditional district or overlay district zoning plan which specifies the location of open space, edge conditions, approximate location of buildings, internal circulation, and relationship to public streets; or
- (2) A sketch plan which has been reviewed by the Planning Board and approved by the Town Board in accordance with Section 6.300f.

Commented [ES23]: These are subjective and need to be removed.

For multi-building sites which do not adhere to a detailed approved plan as described in (1) or (2) above, the Planning Board will recommend and the Town Board will take action to approve, tentatively approve with conditions, or deny the preliminary site plan. When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with these conditions. If a preliminary site plan is disapproved, the Planning Director will furnish a written notice of the denial and the reasons for the denial upon request of the applicant.

Upon approval of a preliminary plan for a multi-building site, ~~t~~The final plat for ~~thea~~ multi-building site ~~or innovative housing development~~ shall be prepared in accordance with the requirements of Section 6.600 and shall contain the following additional information:

- (a) The use, height, bulk, and location of all buildings and structures;
- (b) All land uses; and
- (c) The location, use, improvements, ownership, and manner of maintenance for all open space and for all common areas.

Planning Staff shall have 15 working days to review and comment on the final plats for multi-building sites to ensure compliance with the applicable requirements. All staff comments should be addressed prior to the resubmission of a revised final plat for review. If subsequent corrections are needed, Planning Staff shall have 15 working days to review any revised final plat.

The Planning Director or the Planning Director's Designee shall prepare a written decision setting forth findings concerning the final plat's compliance with applicable regulations. Notice of the decision to approve or deny the final plat for a multi-building site shall be provided in accordance with N.C.G.S. § 160D-403. Administrative decisions to deny approval of a final plat may be appealed in accordance with Section 4.000.

~~The Planning Director or staff under his direction is authorized to approve, approve with conditions, or disapprove the final plat for a multi-building site which adheres to or shows only minor revisions (3.100.11) to an approved preliminary plan. If the final plat includes major revisions to the approved preliminary plan, it will be placed on the agendas of the Planning Board for recommendation and the Town Board for approval, approval with conditions, or disapproval.~~

~~An administrative disapproval may be appealed to the Planning Board and Town Board in accordance with the provisions of Section 4.000.~~

6.850 -TRAFFIC IMPACT ANALYSIS

When re required, a Traffic Impact Analysis shall be provided by the applicant, in accordance with Article 14 of the Town Zoning Ordinance, which are incorporated by this reference.

7.000 SUBDIVISION DEVELOPMENT REQUIREMENTS.

7.100 DESIGN STANDARDS FOR STREETS

Detailed construction standards and specifications for state standard streets are contained in the Mecklenburg County Land Development Standards Manual. For Town Streets, the standards of Article 5 of the Huntersville Zoning Ordinance and the Huntersville Land Development Standards Manual shall control.

7.110 RIGHT-OF-WAY

1. On proposed streets, right-of-way must be of sufficient width to accommodate the required cross section. However, in no case will the dedicated and/or reserved right-of-way be proposed to be less than the standards below. The Town Board, on the advice of the Town Engineer or their designee or other designated consulting engineer, may certify that special circumstances exist which make the dedication and/or reservation of the full right-of-way unnecessary or impractical.

Minimum R.O.W. by Street Classification

Street Type	Feet
Freeway	250-350
Boulevard	100-200
Other Major Thoroughfare	100-120
Minor Thoroughfare	70-100
Town Streets (Collector, Local, Alley)	Varies according to the standards of Article 5 of the Huntersville Zoning Ordinance and Town's Engineering Standards and Procedures Manual.

These street types (above) are consistent with the Comprehensive Transportation Plan (CTP)-Highway Map (as adopted by the Charlotte Regional Transportation Planning Organization (CRTPO)) and the Town Engineering Standards and Procedures Manual. These standards represent the normally required rights-of-way for highways designated on the CTP. These widths may be modified by contextual design, environmental impact studies, or other adopted planning documents. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case-by-case basis.

2. Along existing streets, neither right-of-way dedication nor reservation is required unless:

- (a) An existing street has a right-of-way less than 60 feet wide and will provide access to the subdivision, in which case a right-of-way up to 30 feet on each side of the centerline may be required to be dedicated; or
- (b) An existing street will provide access to the subdivision and volume of traffic projected to be generated by the subdivision necessitates intersection and/or other improvement(s), in which case dedication of right-of-way sufficient for the subdivision developer to make intersection and/or other improvements to serve said subdivision may be required.

The Town Board, after consulting applicable plans and programs and after consulting with appropriate county, state, and/or federal officials, is responsible for classifying streets or segments thereof within the zoning and subdivision jurisdiction of the Town of Huntersville.

7.120 FREEWAYS (NEW)

Whenever a tract of land to be subdivided includes any part of the right-of-way of a planned freeway or extension of a freeway, as shown on the adopted Comprehensive Transportation Plan, and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved, platted in the location and to the width specified in the plan, and remain undeveloped pending future acquisition by the state or other governmental unit. The subdivider is responsible for the reservation of the right-of-way in accordance with the provisions of Section 8.110, Improvement Responsibility. The entire right-of-way must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the [Zoning Ordinance](#) will be made at the edge of the full right-of-way. Right-of-way that is dedicated by the subdivider will count toward the transfer of development rights in accordance with Section 7.135.

7.130 ARTERIAL STREET RIGHT-OF-WAY (NEW STREETS)

Whenever a tract of land to be subdivided includes any part of a planned arterial or extension of an existing arterial street shown on the adopted Comprehensive Transportation Plan, and whenever a right-of-way for such a street has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. The subdivider is responsible for the dedication and/or reservation of the right-of-way in accordance with the provisions of Section 8.110, Improvement Responsibility. The entire right-of-way (that which has been reserved and that which has been dedicated) must be shown as such on the final plat.

All measurements involving minimum lot standards under this ordinance and under the zoning ordinance will be made at the edge of the full right-of-way. Arterial Street right-of-way that is dedicated by the subdivider will count toward the transfer of development rights in accordance with Section 7.135.

7.135 TRANSFER OF DEVELOPMENT RIGHTS — R/W DEDICATION

All of the area dedicated by the developer as right-of-way for any public street may be used in the computation of development rights, but may not be used for the computation of lot area or open space, or fulfill storm water detention, or any other mandatory requirement. On-street parking which is planned, provided for, and approved will, however, be applied to the mandatory parking requirement. A developer may choose to dedicate the full right-of-way and thereby use the entire dedicated area for the density calculation.

7.150 CUL-DE-SAC

Cul-de-sacs (streets designed to be permanently closed at one end), may not be longer than 350 feet and must be terminated by a vehicular turnaround design as accepted by the Town Engineering Department; provided, however, that this requirement may be waived where topographical or other unusual conditions exist.

7.170 STREET OFF-SETS

Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines should not be less than 300 feet for arterials. Offsets for other street types will be determined based upon projected traffic volumes and the applicability of traffic calming measures.

7.180 BLOCK LENGTHS AND WIDTHS

Block lengths may generally not exceed the standards established in Article 5 of the Zoning Ordinance, except as hereinafter provided. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in an arrangement of lots and public space more consistent with Articles 5 and 7 of the Huntersville Zoning Ordinance, ~~the Town Board may authorize~~ greater block lengths may be authorized.

7.200 DESIGN STANDARDS FOR LOTS

7.210 FRONTAGE ON STREET

Each lot must have frontage on a street, but with the following exceptions:

1. ~~4.~~ Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions of ~~Section Article~~ 8.1.1 of the Zoning Ordinance permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.
2. ~~2.~~ Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with ~~provisions Section 8.1.2 of the Zoning Ordinance~~ permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
3. ~~3.~~ Up to six residential lots may be served by a privately maintained easement with a minimum right-of-way designed according to the specifications of the Rural (R) and Transitional Residential (TR) Districts' Farmhouse Cluster development (Section 3.2.1(e) & Section 3.2.2(e)). Any lots created pursuant to Section 3.2.1(f) & Section 3.2.2(f), Conservation Subdivision, may also be served by a privately maintained easement with a minimum 20-foot right-of-way.
4. ~~4.~~ A site-specific development plan may be considered for approval in the TC, NC, NR, OPS, and TND-O districts where residential and/or non-residential structures front upon a private courtyard,

carriageway, or pedestrian way, where adequate access by emergency vehicles is maintained by way of a rear alley and where the off-street placement of uses does not diminish the orientation of building fronts on the public street.

5. ~~5.~~A site-specific development plan may be considered for approval in the Campus Institutional and Corporate Business Districts to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the campus and corporate development front upon public street(s) or are buffered in accordance with this ordinance. It is intended that subdivisions be primarily served by public streets and use of private drives is minimal. Private drives may be appropriate where property configuration or environmental constraints make their use a practical alternative. Private drives shall be constructed in accordance with Mixed Use/Retail and Industrial Street Standards as found in the Engineering Standards and Procedures Manual and sidewalks shall be provided on at least one side of the private drive. See the Campus and Corporate Business Districts.

6. ~~6.~~To access a lot or lots in the Highway Commercial District, where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private drive may be substituted for the interior street which cannot be connected to the public network.

7.220 SIDE LINES

Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees. The requirement of this paragraph shall not be applicable to lots in Conservation Subdivisions.

7.230 LOT SIZES

Lot dimensions and yard dimensions are controlled by the Huntersville Zoning Ordinance.

7.240 BUILDING LINES

Building lines shall be established on all lots in residential subdivisions and shall be determined on the basis of zoning district and classification of any abutting streets, existing or planned, in accordance with Section 8.15 of the Huntersville Zoning Ordinance.

7.270 DRIVEWAY CONNECTIONS

Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured from the North Carolina Department of Transportation or the Town of Huntersville, for a state or a local road respectively. However, in a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each building permit is issued and individual driveway permits will not be required on a ~~lot-by-lot~~lot-by-lot basis.

7.280 LOTS SUBJECT TO FLOODING

The Land Use and Environmental Services Agency (LUESA) will determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the 1% annual chance flood level (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the Town Engineering Department. This determination must reflect the actual conditions imposed by the completed subdivision and must give due consideration to the effects of urbanization and obstructions.

No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour, as determined by field survey, at an

elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the “Storm Water Elevation Line” (SWEL). In addition, a “Storm Water Protection Elevation” for each lot subject to flooding shall be noted on the lot plan as determined by the Huntersville Engineering Department staff based on the “Storm Water Elevation Line” (SWEL), or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater.

All habitable buildings or structures shall be located outside the “Storm Water Elevation Line”, or the lowest usable and functional part of the structure shall not be below the Storm Water Protection Elevation. “Usable and functional part of the structure” shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits, and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the Storm Water Protection Elevation.

Where only a portion of a 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 1200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the Storm Water Elevation Line.

During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek, or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and bank of the stream all debris resulting from the land development process, including logs, timber, junk, and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges, or erosion control devices will not be construed as obstructions in the stream. In areas of the county that are covered by the provisions of the Floodplain Regulations, the Floodplain Regulations will supersede the provisions of this ordinance regarding land within the Community and FEMA Special Flood Hazard Areas.

7.290 LOTS WITHIN THE MOUNTAIN ISLAND LAKE WATERSHED PROTECTION AREA

The purpose of the Mountain Island Lake Watershed Protection Area is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Protection Act and regulations promulgated thereafter.

Mountain Island Lake Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into Mountain Island Lake and which is bounded as follows: Beginning at the Mountain Island Lake Dam on the Catawba River and proceeding along the ridgeline in an easterly direction to Rozzelle’s Ferry Road and proceeding thence in a south easterly direction, along Rozzelle’s Ferry Road to the intersection of Mt. Holly-Huntersville Road, and thence proceeding along Mt. Holly-Huntersville Road in a northeasterly direction to the intersection of Hambright Road and thence proceeding in an easterly direction along Hambright Road to N.C. 115 and thence proceeding in a northerly direction along N.C. 115 to the intersection of N.C. 73 and thence in a westerly-southwesterly direction along N.C. 73 to the Lake Norman Dam and thence proceeding in a southerly direction along the Catawba River to the beginning point.

A map showing the Mountain Island Lake Watershed Protection Area and the subareas CA1, CA2, CA3, CA4, PA1, PA2, and PA3 is incorporated into the Official Zoning Map. In any event of any difference or inconsistency between the areas as depicted on the map and the definition, the map or definition which describes or depicts the greater geographical area shall control. Should these subareas be more specifically defined in the Huntersville Zoning Ordinance by use of major landmarks such as roads and property lines to adjust the subarea boundaries, the subarea boundaries as described in the Zoning Ordinance shall control over those described in this ordinance.

1. EXCEPTIONS TO APPLICABILITY.

- (a) ~~(a)~~ Existing development, as defined in this section, is not subject to the requirements of the Mountain Island Lake Watershed Overlay District.

(a)(b) An existing lot owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of sub-sections 3. or 4. of this section, whichever is applicable; however, this exemption is not applicable to multiple contiguous lots under single ownership.

(b)(c) Existing public utilities may expand without being subject to the restrictions of this part provided that:

(i) (i) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and

(ii) (ii) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

(d) This Section 7.290 shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in N.C.G.S. § 143-214.5(d3) and as further described in Article 3 of the Town of Huntersville Zoning Ordinance.

Commented [JS24]: Required per HB 218 Statute Amendment

Commented [ES25R25]: Made separate paragraph

2. DEFINITIONS.

For the purpose of this section, the following terms will have the definitions indicated below.

BMPs. Best Management Practices.

A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMPs.

Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMPs.

Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. Structural BMPs allowed for use under the High Density Option are those which have been approved by the North Carolina Division of Water Quality and Mecklenburg County. These are wet detention ponds, extended dry detention ponds, and grass swales.

Buffer.

A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Built-upon Area (B.U.).

Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking

lots, paths), recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area.

The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area of the Mountain Island Lake Watershed Protection Area is divided into four subareas as follows:

CA1 - Lower Gar Creek.

From normal pool elevation of Mountain Island Lake extending up Gar Creek to Beatties Ford Road and to approximately the ridgeline along the north side of Gar Creek and to Mt. Holly-Huntersville Road on the south side of Gar Creek.

CA2 - Upper Gar Creek.

From Beatties Ford Road upstream along Gar Creek to the limits of the Gar Creek drainage basin and to approximately the ridgeline along either side of Gar Creek.

CA3 - McDowell Creek.

From normal pool elevation of Mountain Island Lake extending one mile upstream on McDowell Creek and to approximately the ridgeline along either side of McDowell Creek.

CA4 - Lake Front.

Extending landward ~~one-half~~^{one-half} mile from normal pool elevation along Mountain Island Lake and the Catawba River between Cowan's Ford Dam and Mountain Island Lake Dam.

Discharging Landfill.

A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

Existing Development.

Existing development, as defined for the purpose of this section, means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the amendment incorporating Water Supply Watershed Regulations into the Huntersville Subdivision Ordinance based on at least one of the following criteria:

- (1) ~~(4)~~ Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (2) ~~(2)~~ Having an outstanding valid building permit; or
- (3) ~~(3)~~ Having an approved site specific or phased development plan under the provisions of Section 2.2.2 of the Huntersville Zoning Ordinance.

Nonconforming Lot of Record.

A lot described by a plat or added that was recorded prior to the effective date of this ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this ordinance.

Normal Pool Elevation.

The Mountain Island Lake normal pool elevation which is at contour interval 648 feet above the Mean Sea Level, United States Geological Survey (U.S.G.S.) Datum.

Perennial Stream.

A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. They are identified on United States Geological Survey Quadrangle Maps by solid blue lines.

Protected Area.

The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area. The Protected Area is divided into three subareas as follows:

PA1

The area extending from the outer limits of the critical areas to five hydrologic miles from the normal pool elevation and draining to Mountain Island Lake.

PA2

The area extending from the outer limit of the PA1 area where it intersects with N.C. 73 and running in a north-northeasterly direction along N.C. 73 to the intersection of I-77 and thence proceeding in a southerly direction along I-77 to the intersection of Gilead Road and thence in an easterly direction along Gilead Road to the intersection of N.C. 115 and thence in a southerly direction along N.C. 115 to the intersection of Hambright Road and thence in a westerly direction along Hambright Road to the intersection of Mt. Holly-Huntersville Road and thence in a northwesterly direction along the outer limits of the CA2 and PA1 areas to the beginning point.

PA3

The area extending from the outer limits of the PA2 area to the limits of the Mountain Island Lake Watershed.

Septic Tank System.

A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Watershed.

The entire land area contributing surface drainage into a stream, creek, lake, or other body of water.

Water Dependent Structures.

Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads, and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

3. CRITICAL AREA DEVELOPMENT STANDARDS.

Only development activities that require an erosion/ sedimentation control plan under Mecklenburg County regulations, as may be amended from time to time, are required to meet the development standards of this subsection.

For individual buildings or for development projects within the Critical Areas, the following **impervious area limitations** are established on a building or project basis, respectively:

CA1	6% B.U. ¹
CA2	12% B.U. ¹
CA3	12% B.U. ¹
CA4	24% B.U. ¹

1 Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Up-on Area (density) under the water supply watershed rules if all of the following circumstances apply:

- 1) ~~(1)~~ The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
- 2) ~~(2)~~ The property has not been combined with additional lots after January 1, 2021.
- 3) ~~(3)~~ The property has not been a participant in a density averaging transaction as provided in Article 3 of the Zoning Ordinance.
- 4) ~~(4)~~ The current use of the property is nonresidential.
- 5) ~~(5)~~ In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
- 6) ~~(6)~~ The remaining vegetated buffers on the property are preserved in accordance with this Section.

Commented [JS26]: Required by HB 218 State Statute

Vegetative buffers are required in the Critical Areas along the shoreline of Mountain Island Lake, measured from the normal pool elevation, and along all perennial streams, measured from the bank on each side of the stream.

CA1	100 feet or 100-year flood plain boundary, whichever is greater
CA2	100 feet or 100-year flood plain boundary, whichever is greater
CA3	100 feet or 100-year flood plain boundary, whichever is greater
CA4 (lake shore)	100 feet

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- a. No trees larger than ~~2-inch~~2-inch caliper are to be removed except for dead or diseased trees. Undergrowth and trees less than 2 inch caliper may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County Water Quality Program guidelines and as approved on a plan submitted to the Mecklenburg County Water Quality Program.
- b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Mecklenburg County Water Quality Program.
- c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
- d. The Town can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on the most recent edition of the "Watershed Buffer Guidelines for Mecklenburg County, NC".

4. PROTECTED AREA DEVELOPMENT STANDARDS.

Only development activities that require an erosion/sedimentation control plan under the Town of Huntersville regulations, as may be amended from time to time, are required to meet the development standards of Section 7.290.4 of this ordinance.

For individual buildings or for development projects within Protected Areas 1 and 2, the following **impervious area limitations** are established on a building or project basis, respectively:

PA1 and PA2, low density option	24% B.U. with curb and gutter streets ¹ 36% B.U. without curb and gutter streets ¹
PA1 and PA2, high density option, where permitted**	70% B.U. with BMP

¹ **Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant**

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Up-On Area (density) under the water supply watershed rules if all of the following circumstances apply:

- 1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
- 2) The property has not been combined with additional lots after January 1, 2021.
- 3) The property has not been a participant in a density averaging transaction as provided in Article 3 of the Zoning Ordinance.
- 4) The current use of the property is nonresidential.
- 5) In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
- 6) The remaining vegetated buffers on the property are preserved in accordance with this Section.

Commented [JS27]: Required by HB 218 State Statute

Vegetative buffers are required in the Protected Areas along all perennial streams, measured from the bank on each side of the stream.

** STRUCTURAL BMP^{§§}. Wet detention ponds, or alternative stormwater management measures limited to extended dry detention ponds and grass swales, are required where the **High Density** Option is permitted within the Protected Area. Other types of Structural BMP's may also be required.

PA1, low density option	50 feet
PA2, low density option	30 feet; 50 feet for agricultural uses
PA1, high density option	100 feet
PA2, high density option	100 feet

In the PA1 and PA2 subareas non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.

High-density option is permitted in subareas PA1 and PA2.

5. POSTING OF FINANCIAL SECURITY REQUIRED

When Structural BMPs (wet detention ponds and all other BMPs) are required under the High-Density Option, the approval of the High-Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

7.295 LOTS WITHIN THE LAKE NORMAN WATERSHED PROTECTION AREA

The purpose of the Lake Norman Watershed Overlay District is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Protection Act and regulations promulgated thereafter.

The Lake Norman Watershed Protection Area is that area within the jurisdiction of the Town of Huntersville which contributes surface drainage into that portion of the Catawba River known as Lake Norman and its tributaries. The Lake Norman Watershed Protection area is specifically defined on the Huntersville Zoning Maps with the designation LN-O (Lake Norman Overlay District).

1. EXCEPTIONS TO APPLICABILITY.

- (a) Existing development, as defined in Section 7.290, subsection 2., is not subject to the requirements of the Lake Norman Watershed Overlay District.
- (b) An existing lot owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of subsection 3. of this section; however, this exemption is not applicable to multiple contiguous lots under single ownership.
- (c) Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - (i) ~~(i)~~ Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
 - ~~(i)(ii)~~ ~~(ii)~~ Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

~~(d) This Section 7.290 shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in N.C.G.S. § 143-214.5(d3) and as further described in Article 3 of the Town of Huntersville Zoning Ordinance.~~

Commented [JS28]: Required per HB 218 Statute Amendment

Commented [ES29R29]: Make separate paragraph

2. DEFINITIONS.

The definitions below supplement the definitions of section 7.290, subsection 2.

Lake Norman Watershed Critical Area

The Lake Norman Critical Area is defined as the land area which begins at the normal pool elevation of Lake Norman and extends one-half mile inland or to the ridgeline, whichever is closest, as shown more specifically on the Huntersville Zoning Maps. Lake Norman Normal Pool Elevation.

The Lake Norman normal pool elevation, which is at contour interval 760 feet above Mean Sea Level, as determined by United States Geological Survey (U.S.G.S.) Datum.

3. LAKE NORMAN CRITICAL AREA DEVELOPMENT STANDARDS

Only development activities that require an erosion/sedimentation control plan under the Town of Huntersville regulations, as may be amended from time to time, are required to meet the development standards of this subsection.

For individual buildings or for development projects within the Lake Norman Watershed Critical Area, the following impervious area limitations are established on a building or project basis, respectively:

CA, low density option	24% B.U. ¹
CA, high density option	50% B.U. with Structural BMP ¹

¹ Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Up-on Area (density) under the water supply watershed rules if all of the following circumstances apply:

- 1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
- 2) The property has not been combined with additional lots after January 1, 2021.
- 3) The property has not been a participant in a density averaging transaction as provided in Article 3 of the Zoning Ordinance.
- 4) The current use of the property is nonresidential.
- 5) In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
- 6) The remaining vegetated buffers on the property are preserved in accordance with this Section.

Commented [JS30]: Required by HB 218 State Statute

Vegetative buffers are required along the shoreline of Lake Norman measured from the normal pool elevation and along each side of all perennial streams measured from the top of stream bank. Minimum buffer widths are:

CA, low density option	50 feet
CA, high density option	100 feet

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- a. No trees larger than 2-inch caliper are to be removed except for dead or diseased trees. Undergrowth and trees less than ~~2-inch~~ 2-inch caliper may be removed to be replaced by an effective stabilization and filtering ground cover based upon the most recent edition of the "Watershed Buffer Guidelines for Mecklenburg County, NC" and as approved by the Mecklenburg County Water Quality Program.
- b. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Mecklenburg County Water Quality Program.

- c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
- d. The Town can require enhancement of the existing vegetation in the buffer, if necessary, so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Water Quality Program guidelines.
- e. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer if located a minimum of 30 feet from the stream bank.

High-density option is permitted in the Lake Norman Critical Area.

4. POSTING OF FINANCIAL SECURITY REQUIRED

When Structural BMPs (wet detention ponds and all other BMPs) are required under the High-Density Option, the approval of the High-Density Development permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

7.300 DESIGN STANDARDS FOR S.W.I.M. (SURFACE WATER IMPROVEMENT AND MANAGEMENT) STREAM BUFFERS

1. PURPOSE.

The purpose of a stream buffer network is to filter pollutants, store floodwaters, provide habitat, and contribute to the "green infrastructure." Stream systems are comprised of each stream and its respective drainage basin.

- Streams have the primary natural functions of conveying storm and ground water, storing floodwater, and supporting aquatic life.
- Vegetated lands adjacent to the stream channel in the drainage basin serve as "buffers" to protect the stream's ability to fulfill its natural functions. Buffers have the primary natural functions of protecting water quality by filtering pollutants, providing intermittent storage for floodwaters, allowing channels to meander naturally, and providing suitable habitat for wildlife.

2. DEFINITIONS.

For the purposes of this section, the following words and phrases shall be defined as specified below:

Best Management Practices (BMPs)

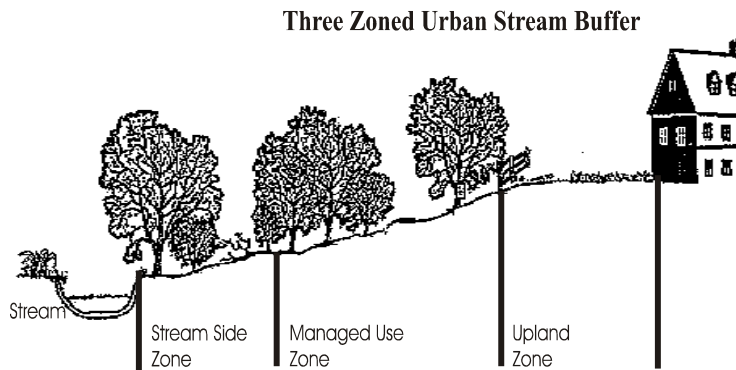
A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Buffer.

A vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

Buffer Zones.

Buffer widths are measured in three (3) zones as shown below. The buffer width is measured horizontally on a line parallel to the surface water, landward from the top of the bank on each side of the stream.



Drainage Basin.

The area of land which drains to a given point on a body of water.

Floodway.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the allowable surcharge (currently one foot).

Flood Fringe.

The land area located between the limits of the floodway and the maximum elevation subject to inundation by the base (1% chance) flood.

Floodplain.

The low, periodically flooded lands adjacent to rivers and lakes. For land use planning purposes, the regulatory floodplain is usually viewed as all alongside a watercourse that would be inundated by the base (1% chance) flood; the floodway plus the flood fringe.

Mitigation.

Actions taken on-site and/or off-site to offset the effects of temporary or permanent loss of a buffer.

Top of Bank.

The landward edge of the stream channel during high water, ~~bankfull~~bank full conditions at the point where water begins to overflow onto the floodplain.

3. APPLICABILITY.

- (a) All properties shall comply with the buffer requirements of this Section except those which, as of the effective date of October 19, 1999, have previously secured a right to proceed by:
 - Being subject to a recorded subdivision plat;
 - Being subject to a subdivision sketch plan ~~approved by the Board of Commissioners~~ prior to the effective date of this Section;

- Being subject to a site specific development plan defined under [Section 2.2.2](#) of these ~~Zoning Ordinances~~; or
- Having otherwise secured a vested property right under state law.

(b) Redevelopment or expansion of development projects included in a), above, shall comply with the buffer requirements of this Section; however, uses and structures previously approved and constructed in a buffer may remain.

(c) A site-specific vesting plan amended ~~by action of the Board of Commissioners~~ subsequent to adoption of this Section shall comply, in its amended form, with the S.W.I.M. buffer requirements. However, uses and structures previously approved for construction in a buffer may remain.

~~(e)~~(a) Where stream buffers are also required as part of the Lake Norman or Mountain Island Lake Watershed Overlay Districts, the more stringent of the stream buffer requirements shall apply.

4. BUFFER DELINEATION.

S.W.I.M. Stream Buffers, throughout the jurisdiction of the Town of Huntersville shall be delineated **for the purposes of land development permits by an on-site stream delineation prepared by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology, which has been approved by the Town. Delineation** by Mecklenburg County through its geographic information system (GIS) ~~using the most current digital elevation model (DEM) of no greater than 10-foot cells~~ **is allowed for development not requiring a land development permit.** This stream buffer delineation including buffer widths shall be periodically updated as new data becomes available. The most recent delineation shall be provided for public use through Mecklenburg County's website.

Commented [JS31]: Consistent with Zoning Ordinance TA 21-08

5. MINIMUM BUFFER WIDTHS.

All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual. All perennial and intermittent streams draining greater than or equal to 50 acres and less than 300 acres shall have a 35-foot buffer with two (2) zones, including a 20-foot stream side and 15-foot upland zone. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including a 20-foot stream side, 20-foot managed use and 10-foot upland zone. Buffers for streams draining greater than or equal to 640 acres shall be a 100 feet in width or include the entire floodplain, whichever is greater. This buffer shall consist of a 30-foot stream side, 45-foot managed use and 25-foot upland zone or the entire FEMA floodplain, whichever is greater. All buffers shall be measured from the top of the bank on both sides of the stream. A summary of minimum buffer widths is provided in the table below.

Table of Minimum Buffer Widths by Basin Size and Buffer Zone

Area Designation	Stream Side Zone	Managed Use Zone	Upland Zone	Total Buffer Width each side of Stream	Notes
< 50 acres	N/A	N/A	30	30 feet	(1), (2)
> 50 acres	20 feet	None	15 feet	35 feet	(2)
> 300 acres	20 feet	20 feet	10 feet	50 feet	(2)
> 640 acres	30 feet	45 feet	25 feet or balance of floodplain, whichever is	100 feet or entire floodplain, whichever is	(2), (3)

			greater	greater	
--	--	--	---------	---------	--

Notes:

1. All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual.
2. Buffer widths are surveyed horizontally on a line parallel to the surface water, landward from the top of the bank on each side of the stream.
3. Floodplain and buffer calculations will be based upon the FEMA flood fringe and floodway encroachment lines, as locally adopted and as may be amended from time to time.

6. BUFFER DESCRIPTION.

Buffer function, vegetation and use vary according to the different buffer zones and are described in the following table.

Table of Buffer Treatment by Buffer Zone

	Stream Side Zone	Managed Use Zone	Upland Zone	Notes
Function	Protect the integrity of the ecosystems	Provide natural filter; provide distance between upland development and the stream side zone	Prevent encroachment and filter runoff	
Land Disturbance/ Vegetative Requirements	<u>Undisturbed (no cutting, clearing or grading).</u> If existing tree density is inadequate, reforestation is required.	<u>Limited clearing (no grading).</u> Existing tree density must be retained to a minimum of 8 healthy trees of a minimum 6-inch caliper per 1,000 square feet. If existing tree density is inadequate, reforestation is encouraged.	<u>Herbaceous ground cover,</u> including grass, is allowed; maintenance of existing forest or reforestation is encouraged. <u>Limited grading</u> that does not change the functionality or extent of the floodplain is permitted.	(1)
Development Uses	<u>Very restricted.</u> Limited to flood control structures and bank stabilization (where permitted) as well as installation of parallel or near perpendicular ($\geq 75^\circ$) water and sewer utilities and near perpendicular road crossings ($\geq 75^\circ$) with stabilization of disturbed areas as specified in Section 7.300.10.	<u>Restricted.</u> Limited to those allowed in the Stream Side Zone, as well as bike paths and greenway trails up to 10 feet in width.	<u>Restricted.</u> Limited to those allowed in Stream Side and Managed Use Zones, as well as gazebos, non-commercial storage buildings less than 150 square feet, limited grading that does not change the functionality or extent of the floodplain, and storm water structural best management practices (BMPs) if approved in accordance with Section 7.300 11. b), as a condition of a buffer width variance or if they are located a	(2), (3), (4)

			minimum distance of 100 feet from the stream bank.	
--	--	--	--	--

Notes:

- (1) When reforestation of disturbed buffers is required, tree planting shall be as specified in the Water Quality Buffer Implementation Guidelines.
- (2) Fill material **cannot** be brought into any required buffer. In the Upland Zone only, limited grading that does not change the extent or functional characteristics of the floodplain is permitted. Uses permitted in the buffer zones should be coordinated to ensure minimal disturbance of the buffer system. For example, if it is necessary to install utilities within the buffer, then if greenway trails are built they should follow these cleared areas instead of necessitating additional clearing.
- (3) Notwithstanding the uses and structures permitted in the "Upland Zone", the stricter standards of floodway regulations, if applicable, shall apply.
- (4) Greenway Trails referenced in this table refer exclusively to those approved by and dedicated to the Town of Huntersville or Mecklenburg County Parks and Recreation Departments. Other paths or trails in the buffer shall be in accordance with the Charlotte-Mecklenburg SWIM Stream Buffer Implementation Guidelines.

7. DIFFUSE FLOW REQUIREMENT.

Diffuse Flow Requirement. Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow through the use of level spreaders or other such devices to create sheet flow and by reestablishing vegetation. Techniques for providing diffuse flow are specified in the Charlotte-Mecklenburg BMP Design Manual.

- Maximum drainage area size shall be no greater than 10 acres for all outfalls discharging directly into a stream buffer.
- When practical, a drop structure should be installed prior to the last section of outfall pipe discharging to a buffer. A short length of outfall pipe should be laid flat (0% Slope Energy Dissipater), prior to the riprap apron or other energy dissipater.
- Concentrated runoff from ditches or other manmade conveyances shall be diverted to diffuse flow before the runoff enters the buffer.
- Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to impede the formation of erosion gullies

8. PONDS THAT INTERSECT THE STREAM CHANNEL.

Ponds that intersect the stream channel shall have the same buffers as the original stream. Buffer requirements do not apply to wet ponds used as structural BMPs.

9. BUFFER DELINEATION.

The following buffer delineations are required:

- a) Buffer boundaries including all buffer zones must be clearly delineated on all site-specific plans for Board of Commissioner approval, on all construction plans, including grading and clearing plans, erosion and sediment control plans, and site plans.
- b) The surveyed outside buffer boundary, including all buffer zones, must be clearly marked on-site with orange "tree-protection" or "high-hazard" fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this Ordinance. Where existing trees are to be preserved in a buffer zone, the limits of grading shall equal the drip line of those trees plus an additional five (5) feet on the upland side of the buffer. All Specimen and Heritage trees require a tree survey prior to land-disturbing activity and shall be saved in all buffer zones.
- c) The surveyed outside boundary of the buffer must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line on each parcel following the completion of land disturbing activities and prior to occupancy. Properties greater than 200' in width shall be marked at a maximum of 100' intervals.
- d) Separate buffer zones must be permanently marked at highway stream crossings.
- e) Buffer boundaries including all buffer zones as well as all buffer requirements must be specified on the record plat, on individual deeds, and in property association documents for lands held in common.

10. BUFFER IMPACTS PERMITTED UNDER SECTION 7.300.

The following buffer impacts are permitted, but design and construction shall comply with the specifications provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines and/or Design Manual for stabilization of disturbed areas to minimize negative effects on the quality of surface waters.

- Near perpendicular (75° or greater) road crossings for connectivity or transportation links where the Town of Huntersville has granted site plan approval.
- Near perpendicular (75° or greater) utility crossings as approved by Charlotte-Mecklenburg Utilities.
- Parallel water and sewer utility installation as approved by Charlotte-Mecklenburg Utilities, where a logical and appropriate basis for the impact is demonstrated, where disturbance of the Stream Side Zone is minimized to the maximum extent practicable, and where guidelines for restoring vegetation within buffers disturbed as a result of parallel utility installation are met. These guidelines are specified in the Charlotte-Mecklenburg Buffer Implementation Guidelines.
- Public paths and trails parallel to the creek outside the Stream side Zone and near perpendicular stream crossings in any zone. Pathways must use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. To the extent possible, pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate storm water.
- Incidental drainage improvements/repairs for maintenance.
- Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.
- New domesticated animal trails (farming) where existing trails are lost as a result of action beyond the farmer's control. Stream crossings should be constructed to minimize impacts to

the Stream Side Zone and be maintained with fencing perpendicular to and through the buffer to direct animal movement.

- Mitigation approved by a state or federal agency acting pursuant to Sections 401 or 404 of the federal Clean Water Act.

11. APPEALS AND VARIANCES.

- a) An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of [Section 4.000](#) of these ordinances as well as the requirements of the Huntersville Zoning Ordinance.
 - b) Special Variance Provisions/Mitigation Techniques.
 - When a “unnecessary hardship” would result from adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the [Huntersville](#) Planning Staff in compliance with the procedures of [Section 4.300](#).
 - The Standards for Granting a Variance, as set out in [Section 4.400](#) of these ordinances shall be met. Site-specific mitigation plans using the techniques below, and approved by the designated agency, shall constitute conditions relating to the intent and standards of this ordinance, and may be attached to variance approval by the Town Board. Specifications for these mitigation techniques are provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines. The techniques below are not construed to offset the requirement of Section 7.300 6. for diffuse flow.
- (1) Installation of Structural BMPs. The installation of an on-site structural BMP designed to achieve specified pollutant removal targets will allow for all proposed stream buffer impact on the specific site. The BMP must remain outside of the Stream Side Zone and Managed Use Zone. A detailed BMP design plan must be submitted to Charlotte-Mecklenburg Storm Water Services for approval based on specifications contained in the Charlotte-Mecklenburg Buffer Implementation Guidelines. This plan must also include a long-term maintenance strategy for the BMP, complete with the establishment of adequate financing to support the proposed maintenance practices.
 - (2) Stream Restoration. The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by Charlotte-Mecklenburg Storm Water Services on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Stream Side and Managed Use Zone re-vegetation, in accordance with the Charlotte-Mecklenburg Buffer Implementation Guidelines and receive approval from the Charlotte-Mecklenburg Storm Water Services.
 - (3) Stream Preservation. The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the Town of Huntersville, Mecklenburg County, or conservation trust, with a plan approved from the Charlotte-Mecklenburg Storm Water Services.
 - (4) Wetlands Restoration. On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area), the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements and the implementation of structural or non-structural BMPs to achieve

specific pollutant removal targets within the impacted area. Restoration plan must be approved by Charlotte-Mecklenburg Storm Water Services.

- (5) Bottom Land Hardwood Preservation. On a 2:1 acreage basis for impacted stream and buffer area 2 acres of bottomland hardwood for each acre of disturbed area), the owner may provide a combination of the preservation of existing bottom land hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area. Plan to be approved by Charlotte-Mecklenburg Storm Water Services.
- (6) Controlled Impervious Cover for Disturbance landward of Stream Side Zone. The owner may commit to, and provide, a specific site development plan for the parcel with requested buffer disturbance. The plan shall limit overall site impervious cover to less than or equal to 24%. Preservation of the Stream Side Zone is still required. Plan to be approved by Mecklenburg County Land Use and Environmental Services Agency.
- (7) Open Space Development. The submission of a site-specific development plan that preserves 50% of the total land area as undisturbed open space. Plan to be approved by Charlotte-Mecklenburg Storm Water Services.
- (8) Mitigation Credits: The purchase of mitigation credits through the Stream Restoration Program on a 1:1 basis, utilizing linear feet of stream impacted and the prevailing rate of purchase as established by the Charlotte-Mecklenburg Buffer Implementation Guidelines. Mitigation credits purchased under any other program (i.e., U.S. Army Corp of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to the appropriate local government agency.
- (9) Alternative mitigation. The list of mitigation techniques shall not prevent the creative development of alternative mitigation plans that achieve the purposes of this section.

12. POSTING OF FINANCIAL SECURITY REQUIRED.

When structural BMPs (set detention ponds and other BMPs) are approved for mitigation of a buffer disturbance, the approval will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to Charlotte-Mecklenburg Storm Water Services, in a form which is satisfactory to the County Attorney, guaranteeing the installation and maintenance of the required structural BMPs until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMPs, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be submitted by the owner to Charlotte-Mecklenburg Storm Water Services. The owner must also verify the adequacy of the maintenance plan for the BMPs, including the necessary financing to support the proposed maintenance practices. Charlotte-Mecklenburg Storm Water Services will inspect the structural BMPs and verify the effectiveness of the maintenance plan; if both are found to be satisfactory, the department will notify the owner within 30 days of the date of notice.

13. MAINTENANCE REQUIREMENTS FOR STRUCTURAL BMPS – CIVIL PENALTIES.

Maintenance of all structural BMPs will be the responsibility of the property owner or his designee. Any ~~person-responsible party~~ who fails to maintain the required BMPs in accordance with the approved maintenance plan will be subject to a civil penalty of not more than \$5,000. Each day that

the violation continues shall constitute a separate violation. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action.

14. REQUEST FOR DETERMINATION OF BUFFER REQUIREMENT.

When a landowner or other affected party believes that the S.W.I.M stream buffer delineation maps described in Section 8.25.4 inaccurately depict buffer requirements, he or she shall request a determination from the Storm Water Administrator. Such determinations shall be made by the Storm Water Administrator based on an on-site evaluation using the U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology for stream delineation as well as information from databases maintained for stream delineation by Mecklenburg County. Such determinations can also be made at the discretion of the Storm Water Administrator in the absence of a request from a landowner or other concerned party. The buffer requirements of this ordinance shall apply based on determinations made by the Storm Water Administrator. Surface waters that appear on the maps shall not be subject to this ordinance if an on-site determination by the Storm Water Administrator shows that they fall into one of the following categories.

- (1) Ditches and manmade conveyances other than modified natural streams.
- (2) Manmade ponds and lakes that are not intersected by a buffered stream segment and that are located outside natural drainage ways.
- (3) Ephemeral (storm water) streams.

8.000 REQUIRED WORK ON THE GROUND

8.100 STANDARDS AND SPECIFICATIONS

1. Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the Town or the State Department of Transportation, minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by the Town Engineering/[Public Works](#) Departments, or other designated engineer, in accordance with the standards and specifications of the Land Development Standards Manual or Article 5 of the Huntersville Zoning Ordinance, whichever applies. Minimum improvements not completed and approved must be guaranteed in accordance with the provisions of Section 8.400.3 prior to final plat approval.
2. The intent of the specifications set out in this sub-section is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the Town Engineering/[Public Works](#) Departments, will qualify streets in the town to be accepted for maintenance by the town and streets in the extraterritorial jurisdiction to be accepted for maintenance by the town upon annexation or, in the case of state-standard streets, to be considered for maintenance by the state.

8.110 STREET IMPROVEMENT RESPONSIBILITY

In order to facilitate the provision of street rights-of-way and necessary improvements, the following sections establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner in return for the transfer of development rights, as

provided for in Section 7.100 of this ordinance. In addition, all streets built by the developer will be credited to the developer for the transfer of development rights.

Freeway-:

- New or extension of existing -Freeway or street:
 - **Right-of-way** — Entire width reserved by developer for future acquisition, provided the certification in Section 8.115 can be made
 - **Improvements** — Installed by public
- Existing Freeway:
 - No right-of-way or improvements required of developer

Boulevard:

- **Right-of way**— For new Boulevard, the developer is responsible for the dedication of up to 200 feet of right-of-way (100 feet each side of the centerline).

Other Major Thoroughfare:

- **Right-of-way** — For new Other Major Thoroughfare, the developer is responsible for the dedication of up to ~~400-120~~feet of right-of-way (~~50-60~~ feet each side of the centerline). Along existing Other Major Thoroughfare, any development which requires specific improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
- **Improvements** — Installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet vehicular and/or traffic needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be responsible. The developer has the option, after consultation with the Town Manager and Town Engineering Department, to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new ~~Class III streets or extensions of Class III~~ Other Major Thoroughfare streets must limit access points to public streets or specifically approved street type entrances.

Commented [JS32]: Consistent with Comprehensive Transportation Plan and Section 7.110

Minor Thoroughfare

- **Right-of-way** — For new -Minor Thoroughfare streets the developer is responsible for the dedication of up to ~~70-100~~ feet of right-of-way (~~35-50~~ feet each side of the centerline). Along existing -Minor Thoroughfare streets any development which requires improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
- **Improvements** — Installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the vehicular and/or pedestrian access needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the Town Manager and Town Engineering Department, to

Commented [JS33]: Consistent with Comprehensive Transportation Plan and Section 7.110

construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new ~~Class IV streets or extensions of Class IV~~ Minororor Thoroughfare streets must limit access points to public streets or specifically approved street type entrances.

Town Streets:

- **Right-of-way** -- Dedicated by the developer.
- **Improvements** -- Constructed by the developer.

All streets must be constructed to comply with the minimum standards shown in the Land Development Standards Manual or Article 5 of the Huntersville Zoning Ordinance, whichever applies, and all applicable town or state requirements. Public improvements will be made in accordance with adopted plans, programs, and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs.

In lieu of required street construction, ~~and subject to approval by the Town Board of Commissioners,~~ a developer may provide the Town with funds to use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development, and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the Town pursuant to this provision shall be used only for development of roads, including design, land acquisition, and construction. The Town may undertake these activities in conjunction with the Department of Transportation under an agreement between the Town and the Department of Transportation. The amount of funds the developer pays in lieu of required street construction ~~shall be based on the trips generated from the subdivision or development.~~ A combination of partial payment of funds and partial dedication of constructed streets may be permitted when the Town Board determines that a combination is in the best interests of the citizens of the area to be served

Commented [ES34]: Only partial dedication and partial construction requires town board approval.

Commented [ES35]: We still need a formula for this calculation.

8.115 RESPONSIBILITY FOR STATE ROADS

No dedication or reservation of right-of-way for a new street or highway within a corridor for a street or highway on a plan established and adopted pursuant to N.C.G.S. § 136-66.2 for a street or highway that is included in the Department of Transportation's "Transportation Improvement Program" will be required by the provisions of this ordinance unless and until the Town Manager has determined and certified in writing: (1) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (2) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the land remaining in the original tract, or the impact of the dedication or reservation is mitigated by measures provided in this ordinance. For these purposes the term 'original tract' will mean all contiguous land owned by the applicant. The ability of the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

8.120 DRAINAGE

1. Storm drainage adequate to accommodate a 10-year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe, and the necessary easements to provide access to the drainage facilities, in accordance with the standards of the Town and the Town Engineering Department ~~have, and has~~ been dedicated and accepted or otherwise conveyed to the Town, the Town will assume the responsibility for maintenance of the drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and on deeds for the affected lots.

2. In addition to drainage improvements as required by this section, the subdivider may provide for storm water detention to serve the entire subdivision as part of the drainage plan to be approved by Town Engineering Department. For the purposes of this subsection, the subdivision shall include the streets, sidewalks, driveways, rooftops, and other impervious surfaces proposed to be constructed upon completion of the subdivision.
3. Reserved.

8.130 CURB AND GUTTER

Curb and gutter is required on all arterial and collector streets and on all Town streets with the exception of alleys, lanes, and other rural street applications. Location and type of curb and gutter is determined through the design process outlined in Article 5 of the Zoning Ordinance. Standard curb and gutter is recommended for curb and gutter installations on all street types. However, valley (mountable) curb and gutter may be used in lieu of standard curb and gutter on collector streets; and on Town streets that serve less urban purposes, such as Residential Local and Collector streets. Standard curb and gutter is required where formal parking is used.

8.140 SIDEWALK

Sidewalk width should be established using the Design Process found in Article 5 of the Zoning Ordinance and in accordance with the Engineering Standards and Procedures Manual (ESAPM) or thoroughfare design process. In all cases, a minimum of a five (5) foot wide sidewalk is required on both sides of new or existing collector streets, on both sides of local streets except lanes, alleys, and on the developed side of Residential Local streets with Greenway/Belt. Installation of sidewalks is the responsibility of the developer. However, to reduce impervious cover and promote [Low Impact Development](#), sidewalks on one side of Town streets may be waived by the [Town](#) in the Rural Zoning District.

Sidewalks are required on both sides of new or existing arterial streets with installation by developer to meet the pedestrian access requirements of the development. Sidewalk construction may be waived [by the Town Board](#) when accessibility by pedestrians does not now exist and is not expected to exist in the future. Conservation Subdivisions are exempt from the requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing arterials

Location. Approval of sidewalk construction plans must be obtained from the Town Engineering Department as part of the subdivision review process. Town Engineering will review and comment on the location of the required facilities at the time of plan review. Except in unusual circumstances, sidewalks may not be located less than [75](#) feet, but preferably 7-10 feet, from the back of the curb or [a minimum of 22' from the](#) edge of pavement when no curb and gutter is required. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement. While in most instances a sidewalk will be placed parallel to and offset from the curb line, developers are encouraged and expected to meander sidewalks to preserve existing trees of significance. Adjustments may be made in the field to accommodate such circumstances. [Sidewalk location on NCDOT maintained state streets is governed by NCDOT requirements and guidelines where applicable.](#)

8.150 STREET TREES

The developer shall install street trees along all streets within a development and along the abutting side of streets forming the perimeter of the development. Street trees shall be placed between the sidewalk, if present, and the back of curb or back of ditch, when no curb and gutter is required. Street trees must be planted in accordance with the applicable standard found in the Engineering Standards and Procedures Manual (ESAPM) and NCDOT Guidelines. Large maturing trees should be planted 40' on center; small maturing trees should be planted 30' on center. Street tree plantings conceived to produce a clear vertical edge to a street or plaza may require denser spacing. The planting plan shall adhere to Article 7 of the Huntersville Zoning Ordinance. In Conservation Subdivisions where existing, mature trees are to be preserved as a condition of the conservation easement, the requirement for street tree planting shall be waived.

8.160 STREET LIGHTS

Street lighting will be installed in each new subdivision pursuant to a street lighting plan which shall be submitted to the Town for approval. This shall be the responsibility of the developer. Street lights compatible in height and scale with the streetscape are strongly recommended. Further,

1. Street lights shall, in all cases, use fully shielded fixtures except that decorative street light fixtures shall be designed with caps so that light does not shine upward at more than a 135-degree angle measured above straight down (three-quarters of the way between straight down and straight to the top) from the pole or mounting wall.
2. Fixtures with minimal across-road and "house side" waste shall be used, ~~especially in residential areas~~, taking into consideration the details of roadway geometry and width.
3. ~~Low pressure sodium lights are strongly encouraged.~~
4. ~~3.~~ A street lighting plan must be approved by the Town prior to Preliminary Plan or Commercial Site Plan approval.

8.170 STREET MARKERS AND BARRICADES

1. Standard street markers must be installed by the developer at one corner of all street intersections, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location, and installation of the signs must be in accordance with standards specified in the Engineering Standards and Procedures Manual unless an alternative design is approved. Alternatives to the standard design for street markers may be submitted by the developer for consideration by the Town Board. If an alternative design is approved by the Town Board, responsibility for the installation, maintenance, and replacement of non-standard street markers remains with the developer and subsequently with the homeowners. If maintenance and replacement of non-standard street markers is not provided by the developer or homeowners, the Town shall install standard street markers as replacements are needed. All standard street markers will be maintained and replaced by the Town once initial installation has been completed and streets are accepted for maintenance.
2. Barricades must be installed at the end of all dead-end streets except cul-de-sac streets which have been improved with a permanent turnaround as required by this Ordinance. Design, material, and installation of the barricades must be in accordance with the Engineering Standards and Procedures Manual (ESAPM).

8.200 NO SERVICE UNLESS STREET ACCEPTED/APPROVED

No department, officer, agent, or employee of the Town will accept for maintenance, lay out, open, improve, grade, pave, or light any streets or authorize the laying of water mains, sewers, electrical service extensions or other facilities or utilities in any street within the Town unless:

1. Such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of this ordinance; or
2. For any new street, such street corresponds in its location and lines with a street shown on an ~~approved final subdivision plat~~ preliminary subdivision plan, tentatively approved by the Town Board or Designated Administrative Agent; or
3. Such street has been accepted as a public street by a vote of a majority of all the members of the Town Board or by the State of North Carolina; or
4. ~~4.~~ Such street has been accepted as a public street by the State of North Carolina; or
5. Such street is an approved private street built in conformance with the provisions of all applicable ordinances.

8.300 OTHER PUBLIC FACILITIES

Reserved.

8.400 MODIFICATION OF REQUIREMENTS; PERFORMANCE GURANTEE

1. In subdivisions adjoining already established streets that have been accepted for maintenance by the North Carolina Department of Transportation, the requirements of Section 8.000 will apply as hereinafter provided; those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable; where the adjoining established street is a part of the North Carolina Department of Transportation's street system, the adjoining street must be improved in accordance with either the requirements of Section 8.000 and the requirements of the Town of Huntersville or the North Carolina Department of Transportation, whichever establishes the higher standard.
2. Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the Town Board or the North Carolina Department of Transportation or which have been accepted for maintenance by the North Carolina Department of Transportation, but have not been improved with a paved roadway, will be eligible for final approval when the requirements of Section 8.000 have been complied with as closely as may be reasonably required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.
3. Where the improvements required by the Zoning Ordinance and Subdivision Ordinance (i.e. streets, alleys, improved open space, landscaping, drainage, etc.) have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner providing a performance guarantee in the form of a surety bond, irrevocable letter of credit, or other form of guarantee that provides equivalent security to a surety bond or letter of credit with the Town Manager or designated agent. The amount of the performance guarantee shall be in an amount determined by the Town Manager in consultation with the Town Engineer or their designee, and affected agencies such as the department of Environmental Health, sufficient to guarantee the installation of the required improvements, allowing credit for improvements completed prior to the submission of the final plat. The amount so determined shall not to exceed 125% of the reasonably estimated cost of completion of the required improvements at the time the guarantee is issued. For landscaping required by this ordinance, the developer shall provide a contractor's estimate for provision and installation of such landscaping, the estimate shall be reviewed for adequacy, and a performance guarantee sufficient to guarantee the provision and installation of required landscaping shall also be filed in the manner provided above. Upon completion of the improvements and the submission of 'as built' drawings, written notice thereof must be given by the subdivider to the Town Engineering/[Public Works](#) Departments and the Town of Huntersville Planning Department. The Engineering/[Public Works](#) Departments and Huntersville Planning Department will arrange for an inspection of the improvements. If the improvements are found satisfactory, the Town Manager will be notified who will, within 30 days of the date of such notification, authorize in writing the release of the performance guarantee, subject to the warranty requirement below.
4. Warranty. All improvements required by this ordinance shall be warranted against defects in workmanship and materials by the subdivider for a period of not less than one (1) year, but not more than two (2) years from the date of the filing of the final plat or the date of the completion of the improvement, whichever is later. The subdivider shall file with the Town Manager a warranty surety listing the Town as beneficiary in an amount of 15% of the estimated value of the warranted development-related improvements for the warranty period.

8.500 INSPECTION

1. Town Engineering/[Public Works](#) Departments must be notified two days in advance of the work to be started so that an authorized representative of the Town [Engineer or their designee](#) or other responsible agency may be assigned to make any and all necessary inspections of the work performed.
2. The inspector must be allowed access to all parts of the work and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in compliance with the specifications.
3. No materials may be placed, nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.
4. In the case of any disputes arising as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

9.000 ENFORCEMENT

1. After the effective date of this ordinance, any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this ordinance, subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds of Mecklenburg County shall result in the assessment of a civil penalty of \$500.00 per offense and may result in other enforcement actions as allowed by law. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town of Huntersville through the Town Attorney may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. All administrative actions relating to such land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action as allowed by law. Each day's continuing violation shall be a separate and distinct offense.
2. In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from Mecklenburg County and the Town of Huntersville. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance. Building permits required pursuant to [N.C.G.S. § 160D-1110](#) may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the

unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

10.000 APPLICATION AND PROCESSING FEES

Fees for the submittal of preliminary and/or final subdivision plats shall be established, and from time to time revised, by the Board of Commissioners of the Town of Huntersville and shall be collected when a subdivision application is submitted. Fees shall be collected by the Town Manager, employees under his or her direction, or an Administrative Agent designated by the Board of Commissioners to administer the subdivision ordinance.

Fees for variances and appeals of administrative decisions or interpretations shall be in accordance with the fee schedule established by the Huntersville Board of Commissioners and shall be collected by the Town Manager or employees under his or her direction at the time a variance or appeal is submitted.

SECTION 2

That this ordinance shall become effective November 1, 1989.

TA 22-05 ZONING ORDINANCE AMENDMENTS (ATTACHMENT 2)

Section 3.2.1(d)(2)(h) and (i)

h. In order to preserve the low intensity development character found in the Rural zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. ~~The Board of Commissioners may allow modification to the buffer width when special site conditions exist such as topography or the site has multiple road frontages.~~ The buffer shall be in common area and shall be counted towards meeting open space requirements.

i. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision. ~~Modification to this standard may be allowed by the Board of Commissioners in the interest of traffic safety.~~

Section 3.2.1(e)(11)

- 1) A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by ~~the Town Planning Board Staff~~ and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.

Section 3.2.2(e)(11)

- 1) A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by ~~the Town Planning Board Staff~~ and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.

Section 3.2.2(d)(2)(h) and (i)

h. In order to preserve the low intensity development character found in the Transitional Residential zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. ~~The Board of Commissioners may allow modification to the buffer width when special site conditions exist such as topography or the site has multiple road frontages.~~ The buffer shall be in common area and shall be counted towards meeting open space requirements.

i. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision. ~~Modification to this standard may be allowed by the Board of Commissioners in the interest of traffic safety~~

3.2.3 GENERAL RESIDENTIAL DISTRICT (GR)

Intent: The General Residential District is coded to permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form ~~by the Town Planning Staff~~ Huntersville Board of Commissioners prior to the effective date of these regulations ~~or by the Charlotte-Mecklenburg Planning~~

~~Commission under the prior jurisdiction of Mecklenburg County.~~ The application of the General Residential District is not intended for development projects in the Huntersville jurisdiction which are initiated after the effective date of this ordinance (November 19, 1996).

Section 3.2.13(d)(5)

5) A master subdivision sketch plan shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, approximate unit count, square footage on non-residential buildings and uses, proposed building heights, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted. ~~Notwithstanding the provisions of Section 6.320 of the Huntersville Subdivision Ordinance, A~~approval of the master sketch plan will be administrative.

Section 3.2.14(d)(3)

3) A master subdivision sketch plan in compliance with this district shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, approximate square footage of office/commercial buildings and uses, residential unit count, proposed building heights, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted. ~~Notwithstanding the provisions of Section 6.320 of the Huntersville Subdivision Ordinance, A~~approval of the master sketch plan will be administrative.

Section 5.2

5.2 Blocks, Intersections, and Traffic Calming

a. Blocks

Street blocks defined by public streets are the foundation of traditional neighborhoods. Block dimensions are as follows:

New Development Type	Linear feet as measured between cross streets
Urban Conditions	250 to 500 feet
Major Residential Subdivisions	Not to exceed 800 feet
Large Lot Subdivisions/Industrial Areas	Not to exceed 1500 feet

The block pattern should continue to establish the development pattern at the project edge. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in an arrangement of street connections, lots, and public space ~~that comply more consistent~~ with this Article and Article 7 of these regulations, ~~the Town Planning Board Staff may authorize up to 30% greater block lengths at the time of subdivision sketch plan review and approval. Any block length extension beyond 30% shall be processed as a subdivision variance in accordance with 4.000 of the Subdivision Ordinance.~~

Commented [JS1]: This language is changed to remove subjectivity.

Section 7.5.3

~~Except where street connectivity between subdivisions is required by block length standards found in Article 5, appropriate for high quality neighborhood design, the Town Board may reduce or waive the required buffer yard.~~

Commented [JS2]: Change reflects current standards and is less subjective.

Section 8.15

.1 Minimum Setbacks Along Thoroughfares. The build-to or set back line for any lot which abuts a thoroughfare classified on the Comprehensive Thoroughfare Plan shall be measured from the proposed right-of-way line, if existing right-of-way is of lesser width. The Proposed Right-Of-Way Line established for each classification of thoroughfare is as follows:

Thoroughfare Classification	Feet
Freeway or Expressway	250-350
Boulevard	<u>100-200</u>
Other Major Thoroughfare	100- 150 <u>120</u>
Minor Thoroughfare	<u>70-100</u>
Town Streets (Collector, Local, Alley)	Varies according to the standards of Article 5 of the Huntersville Zoning Ordinance and the Town's Engineering Standards and Procedures Manual

Commented [JS3]: Changes to match Comprehensive Transportation Plan and 7.110 of Subdivision Ordinance

8.25.3(c)

c) A site-specific development plan amended ~~by action of the Board of Commissioners~~ subsequent to adoption of this Section shall comply, in its amended form, with the S.W.I.M. buffer requirements, however uses and structures previously approved for construction in a buffer may remain.

8.25.9(a)

a) Buffer boundaries including all buffer zones must be clearly delineated on all site-specific plans for ~~Board of Commissioner~~ approval, on all construction plans, including grading and clearing plans, erosion and sediment control plans, and site plans.

Section 11.3.3

3. Standards for Granting an Administrative Waiver

a) Purpose and Intent

Unless otherwise provided in the Zoning Ordinance, The Zoning Administrator (which term shall include an administrative official designated by the Town Manager to perform these functions) is authorized to grant an administrative waiver of minor deviations from measurable and quantifiable standards of this ordinance subject to the following limitations:

- 1) The standard for which the waiver can be granted must be a quantifiable and/or measurable standard set forth in the ordinance. Such standards may include, but are not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, signage requirements and other similar measurable and quantifiable standards.
- 2) The Zoning Administrator shall grant such waiver only after the requesting party has demonstrated that such minor deviation was a result of an unintended error or unique conditions of the property, does not and will not violated the spirit and harmony of the ordinance, and does not and will not adversely affect the rights of other property owners in any material manner.
- 3) The minor administrative waiver may not deviate by more than three percent (3%) any of the standards for which the waiver is given.

Construction. The authority given to the Zoning Administrator to grant such waivers shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to make such waiver, and instead, require that the applicant seek a variance from the Board of Adjustment. The Zoning Administrator may not grant any waiver affecting the use or zoning classification; however, this shall not be construed as limiting the zoning Administrator's duties and rights under the ordinance, and whose decisions are appealable to the Board of Adjustment.

Commented [JS4]: To acknowledge the 30% block length provision in Section 5.2

Section 11.4.2(d)

b) d) Powers and Duties.

- 1) The Planning Board shall serve as the advisory board on all requests for changes in the zoning regulations and ordinances of the Town of Huntersville (the "Town"). As such, and pursuant to any authorities set forth in the Zoning Ordinance, the Planning Board shall hear all requests for zoning changes or other zoning action and shall, upon such hearings, make a recommendation to the Town Board as to any requested changes or action regarding this ordinance. Hearings on zoning petitions may, by joint decision of the Town Board and the Planning Board, be held at joint meetings, or may be held separately. The Planning Board is hereby empowered to set procedures for the filing of zoning petitions so long as said procedures do not conflict with or are not in derogation of the then existing regulations and ordinances of the Town.
- ~~2) The Planning Board shall review and make recommendations on applications for approval of subdivisions pursuant to the Subdivision Ordinance, and shall make such recommendations as may be permitted by said subdivision ordinance and as the Planning Board deems to be in the best interest of the Town.~~
- ~~3)~~ 2) The Planning Board is empowered to make recommendations to the Town Board or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the Town and its environs.

Section 14.2.3

14.2.3 TIA Submission and Completion Requirement

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA scoping. Once the TIA scoping is complete, the applicant may proceed with the TIA, in accordance with the terms of the most recent version of the *Town of Huntersville TIA Process and Procedures Manual*, as approved by the Town Engineer and all applicable Zoning Ordinance and Subdivision Ordinance requirements. The draft TIA shall be submitted to Town staff 30 days prior to ~~either the Town Board Public Hearing (for rezoning cases) or the Planning Board Meeting (subdivisions)~~ or as provided in the Subdivision Ordinance. Resubmittals of TIAs shall be submitted a minimum of 20 business days prior to the scheduled Town Board final action. The final sealed TIA shall be completed and accepted by Town staff prior to final action by the Town Board or permit issuing authority.

Section 14.3

14.3 Impact Study Area

The impact study area designates the intersections for a TIA study where potential increases in traffic from the development may cause degradation of levels of service. Where traffic from the proposed development is anticipated to increase a signalized or major unsignalized intersection single approach by 40 vehicles in a peak hour or increase the total of all approaches by 70 vehicles in a peak hour, the intersection shall be studied in the TIA. Should an intersection be considered at its ultimate buildout laneage or configuration or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) prior to final action taken by the Town Board or permit issuing authority, the Town Engineer may waive the requirement to include the intersection for study in the TIA.



Text Amendment Application

Date of Application March 1, 2022

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☒ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Subdivision & Zoning Article(s): See attached Section(s): See attached

Current Ordinance See attached

Proposed Text See attached

Reason for Proposed Change To remove the quasi-judicial subdivision process (Planning Board recommendation, Town Board decision) and make it an administrative approval. Also includes minor adjustments to clarify standards and comply with 160D

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name Jack Simoneau

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Staff member on behalf of Town Board

Signature Jack Simoneau Date March 1, 2022

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant 105 Gilead Road

Property Owner (if different than applicant)

* Printed Name N/A

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

**Town of Huntersville
Planning Department**
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: March 1, 2022

Staff Initials: JS

2018 Survey Report: Adoption and Administration of Local Development Regulations, Conditional Zoning, and Subdivision Administration

David W. Owens

Table B19. Use of Discretionary Standards in Subdivision Regulations

Population size	Total respondents	Only objective standards (%)	Discretionary standards also included (%)
Municipalities	206	75	25
1–999	35	74	26
1000–9999	105	74	26
10,000–24,999	35	69	31
25,000+	31	84	16
Counties	69	65	35
1000–24,999	16	69	31
25,000+	53	64	36
All jurisdictions	275	72	28

Subdivision Process For Neighboring Cities/Towns

JURISDICTION	SKETCH PLAN	Neighborhood Meeting	Staff Approval	Planning Board Recommend	Town Board Decision
Huntersville CURRENT	Yes	Yes	No; Recommendation	Yes	Yes
Charlotte	Recommended	No	Yes	No	No (Preliminary Plan approved by staff)
Mint Hill	Yes	No	Yes	No	No
Pineville	Yes	No	Yes, if under 100 lots	No	Yes, conditional approval if 100+ lots
Matthews	Yes	No	Yes	No	No
Davidson	Yes (called Master Plan)	Yes, if required by Planning Director	Yes	Optional, comment only	No
Cornelius	No	No	No	No	Over 4 lots CD rezoning required
City of Concord	No	No	No	No	No (Preliminary Plan approved by staff)

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met virtually at 3:30 p.m. on Thursday, May 5, 2022.

Call to Order/Roll Call

Chairman Jones called the virtual meeting to order at 3:30 pm.

Voting Members Present: M. Jones, T. Taylor, T. Finlay, F. Gammon, A. Hallman, K. Jones, J. Kluttz, B. Skelly, H. Whittaker

Non-Voting Members Present: Commissioner Munger, J. Simoneau, E. Sloop, T. Barron

Approval of Minutes

Item 2A. Consider approval of the April 7, 2022, Regular Meeting Minutes

Motion: B. Skelly made a Motion to Approve the April 7, 2022, minutes. A. Hallman seconded the motion.

Vote: The motion passed unanimously (9-0).

Public Comments

No comments.

Action Agenda

Item 4A: Consider a recommendation on TA22-05, a request by Huntersville Town Board to remove quasi-judicial process for major subdivision sketch plans and make it an administrative staff approval. There are also several minor edits related to state statute references that are rewording of provisions that are not substantive in nature.

J. Simoneau, Planning Director reviewed that this request is being proposed at the request of the Huntersville Town Board that would require extensive changes to the Subdivision Ordinance and Zoning Ordinance.

The Town Board continued the Public Hearing on this item to June 6, 2022. There were a lot of questions regarding this proposed change.

The School of Government states that the subdivision process must be either objective or if any standards are subjective, requiring judgment or discretion, then it must be quasi-judicial. The state statutes state that if the decision is administrative then it may be assigned to staff or any appointed Board. However, if the decision is quasi-judicial it has to be assigned to a governing Board, Planning Board or Board of Adjustments that is appointed pursuant to the chapter.

The UNC report from December 2020 containing the results of the 2018 survey showed that 72% of the 275 jurisdictions that were surveyed had only objective standards, 28% had subjective/discretionary standards.

Subdivision of land is a three-step process. The sketch plan is general in nature and reflects roads, lot layouts, and concepts for stormwater. The developer holds a neighborhood meeting. The Planning Board makes a recommendation and then it goes to the Town Board as a quasi-judicial decision. Once that subdivision is approved then the developer prepares a preliminary plan. Once that is administratively approved the infrastructure is installed and then the applicant returns for a final plat.

This proposal is to create objective standards for the subdivision sketch plan process, maintain the neighborhood meeting to notify nearby residents of what is being developed, and then administratively approve the development if it meets the standards.

Staff reviewed the current Section 6.200 General Requirements which are things the developer shall do. The proposed amendment would create a Section 6.200(A) Guidelines and a Section 6.200(B) Requirements.

Staff drew attention to the current Section 6.200, Item 1. Consistency with adopted public plans and policies which staff and the Legal department have reviewed as an item that could be moved to the proposed Section 6.200(B) Requirements. Additionally, any requests to modify traffic impact standards; variances, appeals, interpretation from the Subdivision Ordinance would continue as they are currently to be Town Board decisions.

Chairman Jones requested that Commissioner Munger relate a synopsis of the Town Board discussion related to this topic from the Town Board May 2, 2022, meeting. Commissioner Munger stated the Board struggles with this topic greatly. There is a desire to have some input as to what type of developments can be approved and have some negotiating ability and the difficulty of not having any discussions prior to the hearing causes a lot of angst among the Board and residents. Additionally, one of the issues is someone who wants to come before the Board during quasi-judicial must have a determination of standing which is not always clear. There has been discussion about moving these hearings to the Board of Adjustments which would allow the Town Board to have discussion prior to the hearing but they would have no say in how the Board of Adjustments decides and their decision is final.

It appears that there are three options related to the proposed amendment to the process. To either leave it with the Town Board as quasi-judicial, shift it to the Board of Adjustments as quasi-judicial, or join the 72% of the state and make it an administrative decision with objective standards and essentially if you check all the boxes, you can build it. Currently he has not formed an opinion as to what he thinks would be the best decision and he looks forward to hearing what the Ordinance Advisory Board discussion is on this.

F. Gammon restated that one of his questions was if the quasi-judicial process moved to the Board of Adjustments, if the Town Commissioners could then speak with constituents which from Commissioner Mungers comments sounded like they could though they would have no impact on the Board of Adjustments decision.

F. Gammon then asked if the hearing went to the Planning Board is there an appeal process to their decision? E. Sloop responded that it depends on if it remains quasi-judicial. All quasi-judicial appeals go to the court.

F. Gammon asked if the process becomes administrative if Planning Staff takes the Community Plan, Small Area Plan and impact upon residents into the consideration or if the standards are strictly the Ordinances. Staff confirmed that the current Section 6.200, Item 1. Consistency with adopted plans and policies, could be adjusted to fall under Section 6.200(B) General Requirements as something administration would consider in approval. This would include the Huntersville 2040 Community Plan.

E. Sloop followed up to point out that if this item is moved and becomes a General Requirement then there would only be two remaining items that would be Guidelines; Conformity and Relation to topography. All other standards would become objective decisions under General Requirements.

A. Hallman asked if the General Guidelines would be relevant if this process becomes administrative as the developer would not be required to apply those. Staff stated that there are recommendations within the ordinances to highlight their importance but the developer is not required to do them. E. Sloop stated that all proposed projects under conditional rezoning would be able to discuss/negotiate for changes in the development plan for that individual site. A. Hallman asked if this conditional rezonings are a legislative versus quasi-judicial process. E. Sloop confirmed that is correct and stated many proposed subdivisions complete a conditional rezoning first and then submit a subdivision plan.

A. Hallman asked how a developer would find themselves under a quasi-judicial hearing. Staff responded that the current standards are discretionary which requires the process to be quasi-judicial. E. Sloop stated that it is largely due to how some of these requirements are worded. She provided an example of the current language which states, "as so far as practicable" which is a subjective standard versus a objective standard such as "20 foot setback" that you either meet or you do not.

A. Hallman asked if sketch plans would still be required if the process is no longer quasi-judicial. Staff confirmed that we would still have the requirement, but it would be an objective approval either by staff, a technical review committee, or a Board. E. Sloop added that if the standards were objective and approved administratively then if the decision were appealed it would be run through the Board of Adjustment which hears all appeals of administrative decisions made by staff. If you have the administrative decision, go to the Town Board then it would no longer be appealed through the Board of Adjustment it would have to go straight to court. E. Sloop followed up and stated that if the standards become objective, we are not recommending that the decision be made by the Town Board as it would add time to a non-subjective decision, and it removes the Board of Adjustment appeal process.

A. Hallman asked for clarification on the differences between objective and subjective related to wiggle room/negotiations/conversations. E. Sloop stated that when it is purely objective the decision is black and white, either you meet it or you don't. There is no wiggle room in that. However, even when it is quasi-judicial in a by-right subdivision (meaning there is not a conditional rezoning), as long as they meet the requirements they must be approved. Under the current ordinances there really are only a few subjective standards and that is the only current place where there is any wiggle room.

Staff reviewed an example of Mayes Road subdivision and the neighborhood meeting requesting additional buffer due to the existing neighboring lots being much larger. The developer met the minimum requirement. Staff reviewed the conformity section of the ordinance which states it shall be most advantageous to neighborhood. The developer was advised that the neighbors would have standing and could come speak at the meeting to state they don't think the development complies with conformity and the developer would be risking being turned down for the entire development. The developer modified their plan and created the additional buffer.

H. Whittaker stated he has confidence that staff can handle what is being proposed. He expressed concern about the Town Board only being to approve and removing them from the decision altogether does not seem to be what the public would want.

H. Whittaker asked if either the existing or proposed process would allow more citizens to have input. Staff stated that it is their opinion that the neighbors have more input in a quasi-judicial process. E. Sloop stated that simply being a neighbor does not mean that they automatically have standing at an evidentiary hearing. Typically standing is simply the Town, the applicant or property owner, and someone who can prove special damages. Special damages must be proven with specificity. To fully participate in the quasi-judicial hearing the parties must have standing. The neighborhood meeting is an opportunity for the citizens to come out and speak and share their concerns which is a meeting format that is being recommended to continue even if the process becomes an administrative objective process.

K. Jones stated that she watched the quasi-judicial hearing for The Hills subdivision on Asbury Chapel Road and asked E. Sloop to clarify how someone is determined to be a person with standing versus an interested party. E. Sloop responded that the statutes only allow parties that can establish standing to fully participate in the hearing. Once they have established standing they can call witnesses, present evidence, offer rebuttal, etc. If you are a person of interest then you may not participate in the hearing. The Town may allow you to speak in their discretion but anything that someone says typically is not something the Board can rely on to make their decision. The decision must be based on information that is competent material, substantial evidence in the record and typically persons that are just interested are not offering that type of evidence. There may be an occasion where the interested person states something that is not objected to by an actual party.

K. Jones asked what a witness is allowed to say versus an interested party. E. Sloop stated that an interested party with standing may call witnesses. An interested person may be allowed to speak but may not present evidence. Staff stated that following The Hills quasi-judicial case there were great concerns from the Town Board related to staff attending and addressing more of the neighborhood concerns at the neighborhood meeting and to communicate and provide the residents with more information related to how the quasi-judicial process works.

F. Gammon followed up with stating again that the only way the Town Board can have any influence is for the process to remain quasi-judicial so that at least those with standing and possibly interested parties can express themselves to the Board. While either process has their own set of frustrations and limitations, at least the Board gets to communicate with their constituents through the hearing process. Staff responded that if it became administrative the Town Board would be able to attend the neighborhood meetings to listen/speak with people.

Commissioner Munger stated that he appreciates the dialogue. He described the current quasi-judicial setting as the illusion of choice. Unless the item being requested has a fundamental issue with expert testimony and compelling evidence as to why it should be denied, it will be approved. Based on the discussion and the point E. Sloop provided that an administrative decision could be appealed to the Board of Adjustments versus the court, he stated he is leaning towards an administrative decision being the way to go.

A. Hallman asked if the neighborhood meeting would become more of a for your information setting if quasi-judicial goes away. Staff stated that technically the neighborhood meeting is a for your information event now. They referred back to the Mayes Subdivision example and stated that if the process changes to administrative, staff would not have the conformity statement to request plan adjustments

A. Hallman asked how the standing is determined. E. Sloop responded that the state statutes define who has standing and it is the Town, the Town Board, the applicant/land owner and anyone who can establish special damages. More than one person can establish special damages, its just that they have to be established with specific showings of evidence.

A. Hallman recommended that additional examples/education be provided to explain quasi-judicial and what qualifies as standing so that residents can understand the process to identify how they can be heard and perhaps get something done.

T. Finlay stated that the quasi-judicial process seems to protect and make it an even playing field where Board members do not have the ability to impact and influence things as much, he then asked staff if the process becomes administrative what protections would be in place so that Board members would not have the ability to influence staff in the decision. Staff responded that for the decision to be administrative the standards must be objective. They are black and white or yes and no, if it meets the standards then it would be approved, there is no wiggle room or subjectivity.

K. Jones asked if modifications may still be requested of developers if the process becomes administrative. Staff responded they would still request it but the developer would not be required to comply, they would only have to meet the minimums. In the event an issue was identified repeatedly then the only means of change would be to adjust the objective standard in the ordinance.

K. Jones asked if “Conformity” standards as listed in the Subdivision Ordinance could be moved to General Requirements as well since this is one of the main ways that citizens can express their concern and be heard. Staff responded that under the current language it is too subjective. M. Jones followed up and said that defining things like a detrimental effect, most advantageous development, etc. must become objective standards.

K. Jones asked if under the quasi-judicial process the Town Board members are not allowed to have any ex-parte communications, why the minutes from the neighborhood meetings are included in the agenda packets. Staff stated that the Board Members can be provided the information but they are not allowed to use that to make a determination. E. Sloop confirmed that they can use that information to review what questions were raised but it is not considered evidence that they can base their decision on.

K. Jones asked if the process changes to administrative if minutes of the neighborhood meeting will still be recorded and provided with the staff report, and if staff verifies that all relative information is included in the minutes. Staff stated that there would no longer be a need to take the minutes as the decision would become objective and staff, Town Board and Planning Board would be invited to attend the meetings. The nature of a neighborhood meeting is that there are multiple conversations going on at once and the minutes recorded are not verbatim, the goal is to cover the gist of what was discussed and issues that were raised that addresses main topics covered.

K. Jones asked if it is possible to keep the quasi-judicial process but allow citizens to have input. Staff stated that in the past the Town Board has allowed interested parties to provide commentary to understand where the citizens are coming from. E. Sloop added that if everyone is allowed to speak at a quasi-judicial hearing it is a slippery slope because it becomes difficult to determine if a Board member, after hearing so many different things from people without standing, can remain impartial when making the quasi-judicial decision. She referenced the findings emailed to the NC Supreme Court fining Board members for compensatory damages when even one member of a Board is biased in a quasi-judicial decision.

K. Jones expressed her concerns on behalf of the citizen and requirements to be an expert witness, costs involved in hiring someone, and what is required to be heard. Staff responded that there are zoning, lighting, storm water, landscaping, and parking standards to protect the public. M. Jones commented that many of these standards are more restrictive than most of the neighboring municipalities as well. Staff commented that these development standards are in place and developers have the right to develop land as well, if they meet the standards then it is going to get approved.

H. Whittaker asked if a final version of the proposed changes would be provided prior to making a decision and it would be his preference to keep the Town Board involved. E. Sloop recommended the Board first consider if they want the process to remain quasi-judicial or become administrative; and if administrative is selected, then you determine who would make that decision. As discussed, based on the School of Government recommendation, it is recommended that an administrative decision be made by staff to not unnecessarily delay the developer in waiting for a Town Board meeting when it is a simple yes or no decision; and in the event of an appeal, if the decision is made by staff then the appeal would go to the Board of Adjustment versus going straight to court if the decision is made by the Town Board.

Motion: F. Gammon made a Motion to Approve the Subdivision Approval process remain a Town Board conducted quasi-judicial process as stated within the ordinance. K. Jones seconded the motion.

F. Gammon commented that he thinks that the public will have more input if the process remains quasi-judicial and the primary reason for this process to change was out of Commissioner frustration.

A. Hallman agreed that the major frustration was the citizen outcry and it does not seem to get resolved with an administrative decision. At the moment she is not sure the citizens or the Board members can get the communication with either option but at least there is a small amount in the quasi-judicial format.

Vote: The motion failed (4-5) with T. Taylor, T. Finlay, J. Kluttz, B. Skelly, M. Jones opposed.

Motion: T. Finlay made a Motion to Approve the Subdivision Approval process of sketch plan, preliminary plat and final plat move to an administrative process for approval. J. Kluttz seconded the motion.

M. Jones recommended an amendment to the motion with the additional caveat that some of the overriding issues be commented on and the text be thoroughly reviewed in the next meeting. T. Finlay and J. Kluttz accepted the amendment.

M. Jones restated that we are voting only on whether the process should go from quasi-judicial to administrative and not the final version of the proposed text, which we will discuss further at the next meeting.

Vote: The amended motion passed (5-4) with F. Gammon, A. Hallman, K. Jones, and H. Whittaker opposed.

Other Business

T. Finlay asked about returning to in-person meetings. H. Whittaker, K. Jones, T. Taylor, J. Kluttz, F. Gammon, and B. Skelly expressed their support for returning to in-person. Staff stated they

would investigate what option for in-person meeting and streaming are available and report back to the Board. The Board was unanimous to return to in-person meetings (9-0).

Adjourn

Motion: M. Jones made a Motion to Adjourn. A. Hallman seconded the motion.

Vote: The motion passed unanimously (9-0).

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Lora Mastrofrancesco, Transportation Engineer/Project Manager

Date: June 6, 2022

Subject: Traffic Calming Measures on Greenway Drive

EXPLAIN REQUEST:

Public Hearing regarding Traffic Calming Measures on Greenway Drive.

ACTION RECOMMENDED:

Discussion.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Greenway Dr - Options

Greenway Drive
Approximate Speed Hump
Layout - Alternate 1

GILEAD ROAD

Future Road
Connection

Suggested
location of Speed
Humps

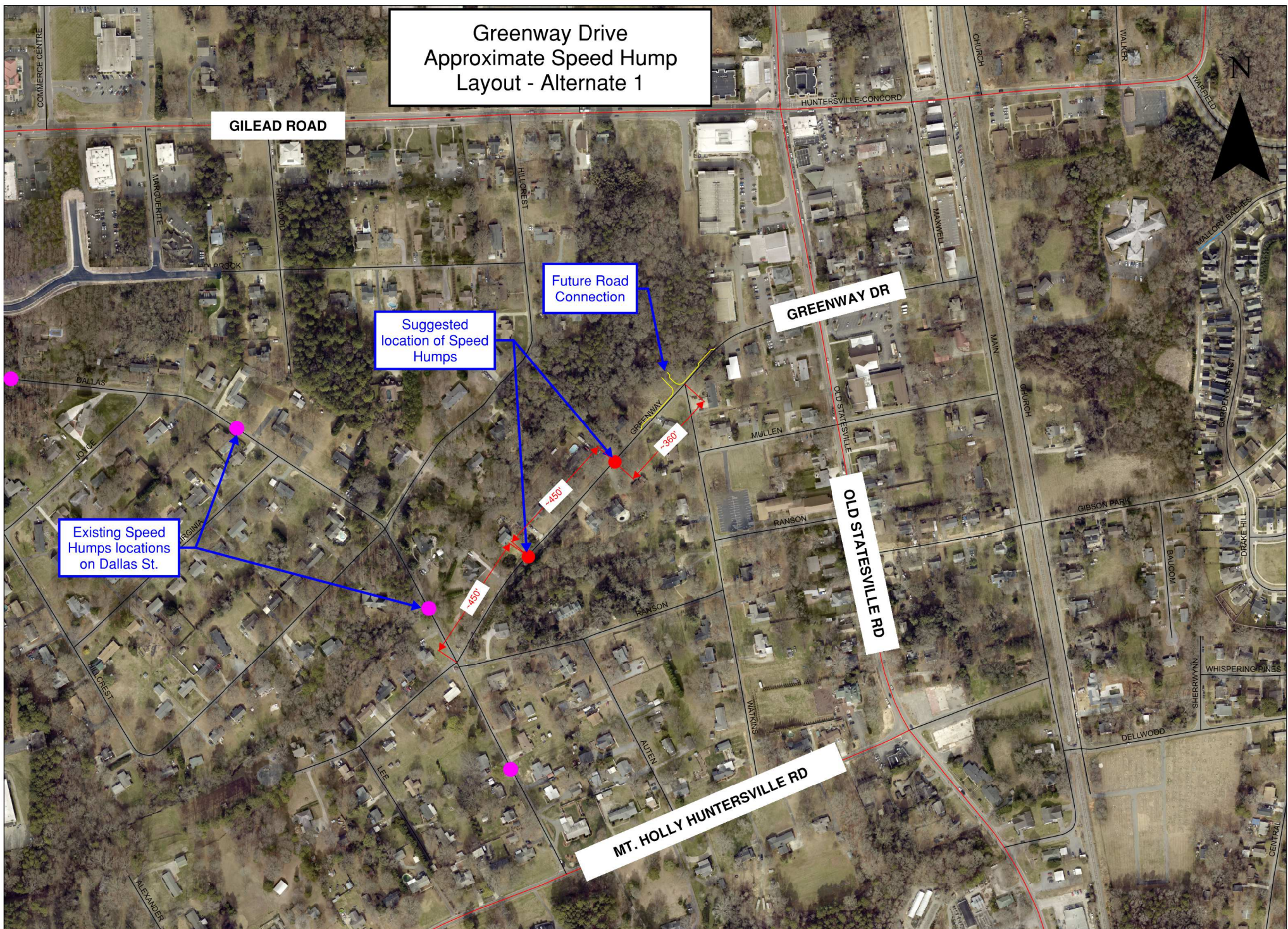
Existing Speed
Humps locations
on Dallas St.

GREENWAY DR

OLD STATESVILLE RD

MT. HOLLY HUNTERVILLE RD

N





Future Road
Connection

Suggested
location of Speed
Humps

GREENWAY DR

OLD STATESVILLE
RD

MULLEN

RANSON

GREENWAY

RANSON

OLD STATESVILLE RD

~360'

~450'

~450'

Greenway Drive
Approximate Speed Hump
Layout - Alternate 2

GILEAD ROAD

Future Road
Connection

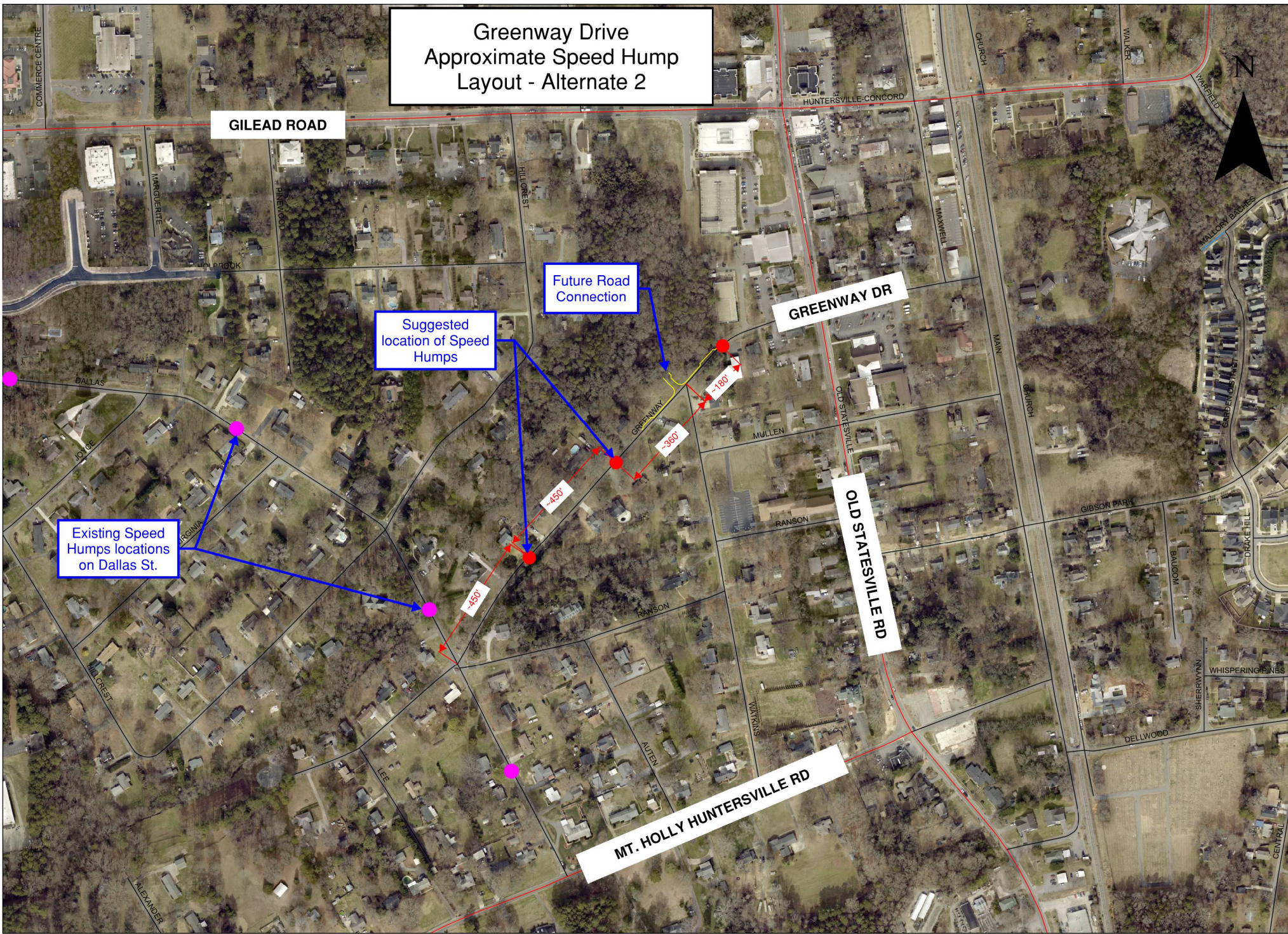
Suggested
location of Speed
Humps

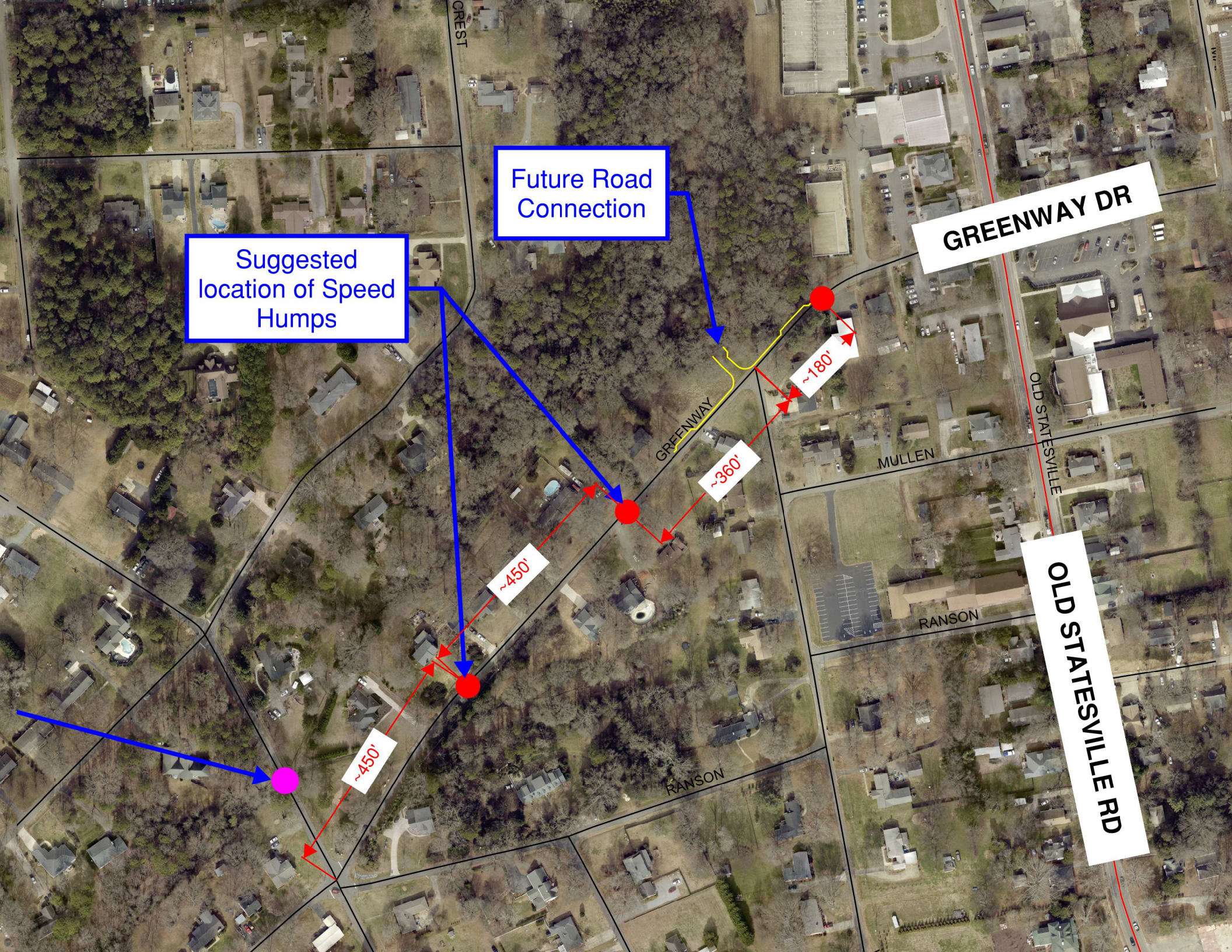
Existing Speed
Humps locations
on Dallas St.

GREENWAY DR

OLD STATESVILLE RD

MT. HOLLY HUNTERVILLE RD





Suggested
location of Speed
Humps

Future Road
Connection

GREENWAY DR

OLD STATESVILLE RD

~360'

~180'

~450'

~450'

CREST

OLD STATESVILLE

MULLEN

RANSON

RANSON

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Anthony Roberts, Town Manager

Date: June 6, 2022

Subject: Proposed budget for FY 2023

EXPLAIN REQUEST:

Conduct continuation of public hearing to receive public comments on the proposed budget for FY 2023. The Manager's Recommended Budget can be viewed online at [Manager's Recommended Budget](#).

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: June 6, 2022

Subject: FY 2023 Budget Ordinance

EXPLAIN REQUEST:

The attached ordinance represents budget as discussed at the May 16 public hearing with the following changes:

- 1) Fire department salary increase budgeted at \$1 per hour
- 2) Removal of transportation van in the Police department
- 3) Town employee salary increases of 5% COLA and up to 4% merit budgeted at 3.5%
- 4) ARPA grant revenue and supplanted Police salary expenditures of \$4,809,066 offsetting entry per auditor/authoritative guidance

ACTION RECOMMENDED:

Approve FY 23 original budget ordinance.

FINANCIAL IMPLICATIONS:

Set the tax rate at \$.24.

ATTACHMENTS:

1. Budget Ordinance - 2022-2023

2022-2023 BUDGET ORDINANCE TOWN OF HUNTERSVILLE

WHEREAS the Town of Huntersville is required by the North Carolina Local Government Budget and Fiscal Control Act to adopt an annual balanced budget;

AND WHEREAS a balanced budget has been prepared for the Town of Huntersville for the fiscal year 2022-2023 under the provisions set forth in the above referenced legislation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Huntersville adopts the following budget ordinance:

BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina:

Section 1A – The following amounts are hereby appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Expenditures	
Governing Body	\$ 459,288
Lake Norman Reg. Economic Dev. Corp	335,517
Business Investment Grants	44,500
Administration	4,123,880
Capital Projects	7,865,513
Town Center/Parking Deck	290,770
Planning	1,727,325
Police	17,072,960
Engineering	5,361,790
Public Works	7,404,600
Parks and Recreation	4,281,063
Fire and Safety	5,303,990
Powell Bill	2,900,000
Storm Water	1,650,000
Tourism Tax	2,744,495
Debt Service	3,872,560
	\$ 65,438,251

Section 1B – It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

	Revenue	
Ad Valorem Taxes	\$	22,747,873
Vehicle Tax		1,898,265
Rental Vehicle Tax		36,000
Penalties & Interest		50,000
Fire Tax		1,302,000
Local Option Sales Tax		8,000,000
Transportation Sales Tax		4,000,000
Utilities Franchise Tax		2,480,000
Tele/Satellite Sales Tax		720,000
Beer & Wine Tax		260,000
ABC Revenue		125,000
Solid Waste Fee		2,545,000
Waste Disposal Fee		40,000
School Resource Officer		625,525
Police Revenue		64,500
Policing ETJ		1,380,000
Recreation Fees		825,100
Rent from Electricities		70,000
Electric Admin. Fund		55,000
HFFA Admin. fees		40,000
Planning & Zoning		55,000
Investment Earnings		50,000
Rental Income		30,001
Misc. Revenue		427,450
Hotel/Motel		560,000
Prepared Food Tax		1,100,000
U Drive it		120,000
Powell Bill		1,600,000
Storm Water		1,200,000
Reimbursement LNREDC		335,517
Mecklenburg County		67,400
Equity Distribution		150,423
ARP/CSLFRF Grant Funds		4,809,066
Powell Bill Reserve		1,300,000
Storm Water Reserve		450,000
Tourism Reserve		964,495
General Fund Reserve		4,954,636
Total Revenue	\$	65,438,251

Section 1C – There is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of the property as listed for taxes as of January 1, 2022, for the purpose of current year property taxes listed under “Ad Valorem Taxes” in the General Fund in Section 1B. This rate is based on an estimated total valuation of property for the purposes of taxation of \$10,559,536,631 and an estimated rate of collection of ninety-eight point five (98.50%).

Section 1D – There is hereby levied a fee of \$126 annually for the purpose of solid waste collection.

Section 2A – The following amounts are hereby appropriated in the Electric Fund for the operation of the Town’s electrical system for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Electrical System Expenditures	\$ 30,703,290
Total Expenditures	\$ 30,703,290

Section 2B – It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Charges for Electricity	\$ 27,514,123
Other Revenues	3,189,167
Total Revenue	\$ 30,703,290

Section 3A – The following amounts are hereby appropriated in the Huntersville Family Fitness and Aquatics Center Fund for the operation of the Town’s Fitness and Aquatics Center for the fiscal year beginning July 1, 2022 ending June 30, 2023:

Huntersville Family & Aquatics Expenditures	\$ 3,634,248
Total Expenditures	\$ 3,634,248

Section 3B – It is estimated that the following revenues will be available in the Huntersville Family Fitness and Aquatics Center Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Joining/Monthly Fees	\$ 1,728,248
Other Revenues	1,906,000
Total Revenue	\$ 3,634,248

Section 4A – The following amounts are hereby appropriated in the Special Revenue Fund for the operation of the Transportation Reserve Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Transportation Reserve Expenditures	\$ 1,984,699
Total Expenditures	\$ 1,984,699

Section 4B – It is estimated that the following revenues will be available in the Special Revenue Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023 based on a fee of \$20 per vehicle.

Vehicle Registration Fee	\$ 945,000
Transportation Fund balance	1,039,699
Total Revenue	\$ 1,984,699

Section 5A – The following amounts are hereby appropriated in the Special Revenue Fund for the operation of the Commerce Station Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Commerce Station Expenditures	\$ 564,805
Total Expenditures	<u><u>\$ 564,805</u></u>

Section 5B – It is estimated that the following revenues will be available in the Special Revenue Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Ad Valorem Tax	\$ 330,000
Commerce Station Fund balance	<u>234,805</u>
Total Revenue	<u><u>\$ 564,805</u></u>

Section 6A – The following amounts are hereby appropriated in the Special Revenue Fund for the operation of the Land Development Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Land Development Expenditures	\$ 849,585
Total Expenditures	<u><u>\$ 849,585</u></u>

Section 6B – It is estimated that the following revenues will be available in the Land Development Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Land Development revenue	\$ 849,585
Total Revenue	<u><u>\$ 849,585</u></u>

Section 7 – The North Carolina Local Government Budget and Fiscal Control Act allows the Board of Commissioners to amend the Budget Ordinance any time during the fiscal year, so long as it complies with the North Carolina General Statutes.

Section 8 – All capital items, (items exceeding \$5,000), are to be approved in accordance with the adopted annual budget. The Finance Officer will maintain a list of approved capital outlay items and any changes must be approved by the Town Manager.

Section 9 – Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding encumbrances as of June 30, 2022 added to each appropriation, as it appears in order to account for the expenditures in the fiscal year they are paid.

Section 10 – A copy of this Budget Ordinance shall be furnished to the Director of Finance and Administration for the Town of Huntersville to be kept on file for direction in the disbursement of funds.

Adopted this 6th day of JUNE 2022

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: June 6, 2022

Subject: David Kenny Farm Traffic Calming

EXPLAIN REQUEST:

Discussion and potential action on the David Kenny Farm Traffic Calming Request.

ACTION RECOMMENDED:

Discussion and Decision

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Emily Sloop, Town Attorney

Date: June 6, 2022

Subject: Social District Ordinance

EXPLAIN REQUEST:

The Town Board directed the Legal Department to draft a Social District Ordinance for consideration that would designate a social district in Birkdale Village.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. Birkdale_SocialDistrictWindowDecal
2. BV_SocialDistrict_Map blk font.1
3. Birkdale Social District Cup
4. Birkdale Social District Maintenance and Operations Plan 5-23-22
5. Participation agreement
6. Waiver agreement
7. Social District Ordinance Clean Copy 4-18-2022

TAKE YOUR DRINK TO GO

This establishment is an ABC Permittee
participating in the Social District.





Limits of SOCIAL DISTRICT

Hours of consumption: 11AM - 10PM

ALE Division: 828.466.5550

Huntersville Police: 704.464.5400

Alcoholic beverages purchased for consumption in a Social District must be consumed and disposed of within the Social District.

 *Defined area for Social District*



BIRKDALE VILLAGE

Drink Responsibly. Be 21.
Poured by Red Rocks Cafe.

BIRKDALE VILLAGE SOCIAL DISTRICT
MAINTENANCE AND OPERATIONS PLAN

MAINTENANCE AND OPERATIONS PLAN

I. Introduction

Pursuant to the provisions of Sections 160A-205.4 and 18B-904.1 of the North Carolina General Statutes, local governments may establish “social districts” within their jurisdictions. Social districts are defined outdoor, common areas in which a person may consume alcoholic beverages sold by permitted establishments (e.g., bars, breweries, restaurants) in designated containers.

DDRTC Birkdale Village, LLC (the “Owner”) requested that the Town of Huntersville (the “Town”) establish a social district encompassing the Birkdale Village shopping center. The Town passed an ordinance on [REDACTED] establishing the social district, designated as the “Birkdale Village Social District” (the “Social District”).

In this maintenance and operations plan (the “Plan”), the management and maintenance of the designated Social District is outlined. The Social District shall be maintained in a manner that protects the health and safety of the general public.

The Plan, along with a detailed rendering of the boundaries of the Social District (the “Social District Map”) as approved by the Town, will be posted on the Town’s website. The Town shall submit the Social District Map to the North Carolina Alcoholic Beverage Control (“ABC”) Commission prior to consumption of alcoholic beverages in the Social District.

II. Definitions

- (a) “ABC Permittee” means and refers to a person holding any of the following permits issued by the North Carolina ABC Commission established under N.C.G.S. § 18B-200:
 - (1) An on-premises malt beverage permit issued pursuant to N.C.G.S. 18B- 1001(1).
 - (2) An on-premises unfortified wine permit issued pursuant to N.C.G.S. 18B- 1001(3).
 - (3) An on-premises fortified wine permit issued pursuant to N.C.G.S. 18B- 1001(5).
 - (4) A mixed beverages permit issued pursuant to N.C.G.S. 18B-1001(10).
 - (5) A distillery permit issued pursuant to N.C.G.S. 18B-1100(5).
- (b) “Person” means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.
- (c) “Premises” means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

III. Participation

A. Participation Agreements

ABC Permittees wishing to participate in the Social District shall be required to execute an annual participation agreement with the Owner and the Town agreeing to abide by the rules, regulations, and requirements promulgated by this Plan, the ABC Commission, and all applicable federal, state, and local laws (“Participation Agreement”). It shall be the responsibility of the Owner to coordinate the ABC Permittee’s signature for the Participation Agreement. Once the ABC Permittee and Owner have signed the Participation Agreement, the Owner will forward the Participation Agreement to the Town for the Town’s execution. The Participation Agreement, as drafted by and as may be amended from time to time by the Town, is attached hereto and incorporated herein as “Exhibit A.”

Prior to the execution of any Participation Agreement, the Owner shall verify that the requesting participant has a valid ABC permit. Only lawfully permitted ABC Permittees may participate in the Social District. It shall be the duty of all participating ABC Permittees to inform the Owner of any changes in the status of their ABC Permit within three (3) business days of the change. Participating ABC Permittees shall also be required to post a notice as provided by the Owner, and approved by the Town, at the entrance of their Premises indicating that the ABC Permittee is participating in the Social District.

The Owner shall maintain copies of all executed Participation Agreements for a period of no less than two (2) years from the execution date, or as otherwise required by law. The Town Clerk shall retain the original copies of all executed Participation Agreements in accordance with the Town’s retention schedule. Permittees are prohibited from participating in the Social District until such time as their Participation Agreement has been fully executed. A Permittee’s violation of the terms and conditions of the Participation Agreement may result in termination of the Permittee’s participation in the Social District by the Town or Owner.

B. Waiver of Participation

Businesses located within the boundaries of the Social District who do not wish to participate in the Social District, or who are otherwise not lawfully permitted to participate in the Social District, shall sign a waiver of participation (“Waiver”). It shall be the responsibility of the Owner to coordinate the waiving business’s signature for the Waiver. Once the waiving business and Owner have signed the Waiver, the Owner will forward the Waiver to the Town for the Town’s execution. The Waiver, as drafted by and as may be amended by the Town from time to time, is attached hereto and incorporated herein as “Exhibit B.” The execution of such Waivers shall not affect the boundaries of the Social District. Unless otherwise required by law, the Owner shall maintain copies of all executed Waivers through the duration of the Social District’s operation or two years from the date that such Waivers may be replaced by a Participation Agreement. The Town Clerk shall retain the original copies of all executed Waivers in accordance with the Town’s retention schedule. A business’s unlawful participation in the Social District may subject the business to criminal penalties.

IV. District Boundaries

The Social District Map is attached hereto as “Exhibit C.” The boundaries of the Social District shall be clearly defined with dual-sided signs posted in conspicuous locations along the perimeter of the social district (“Boundary Signs”) indicating:

- (a) areas included in the Social District;
- (b) the days and hours during which alcoholic beverages may be consumed in the Social District (the “hours of operation”);
- (c) the telephone number for the ALE Division and the local law enforcement agency with jurisdiction over the area comprising the Social District; and
- (d) that an alcoholic beverage purchased for consumption in a Social District shall:
 - (1) only be consumed in the Social District; and
 - (2) be disposed of before the person in possession of the alcoholic beverage exits the Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

The Town has determined the number and location of Boundary Signs required to be posted along the perimeter of the Social District as depicted on Exhibit C. The Owner, at its sole expense, shall be responsible for designing, producing, installing, and maintaining the required number of Boundary Signs in the designated locations.

The design of the Boundary Signs must be pre-approved by the Town and the Town reserves the right to reject the design at its sole discretion. The Owner shall ensure that the Boundary Signs are maintained in good condition and repair at all times. All signs and notices shall comply with the requirements of the Town’s Zoning Ordinance.

To the greatest extent possible, and as further described in Section VIII. below, the Owner shall prevent persons with alcoholic beverages from entering parking areas or areas outside of the Social District boundaries depicted on Exhibit C.

V. Hours of Operations

The Social District will operate Monday through Sunday between the hours of 11:00 a.m. to 10:00 p.m. (the “hours of operation”). Outside of the defined hours of operation, participating ABC Permittees are prohibited from selling alcoholic beverages to be consumed in the defined outdoor, common areas of the Social District. Notwithstanding the foregoing, ABC Permittees may sell and allow the consumption of alcoholic beverages outside of the defined hours of operation pursuant to the specific terms and conditions of their ABC permit and applicable federal, state, and local laws.

VI. Beverage Containers and Rules of Use

During the Social District’s hours of operation, a participating ABC Permittee may sell alcoholic beverages for consumption within the designated Social District boundaries in accordance with the following requirements:

- (a) The ABC Permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (b) The ABC Permittee shall only sell alcoholic beverages for consumption in the Social District in a container, as designed and provided by the Owner, that meets all of the following requirements:
 - (1) The container clearly identifies the ABC Permittee from which the alcoholic beverage was purchased.
 - (2) The container clearly displays a logo or some other mark that is unique to the Social District.
 - (3) The container shall be comprised of recyclable material other than glass.
 - (4) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
 - (5) The container shall not hold more than 16 fluid ounces.
- (c) The ABC Permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the ABC Permittee.

VII. Requirements for Possession and Consumption

The possession and consumption of an alcoholic beverage in the Social District is subject to all of the following requirements:

- (a) Only alcoholic beverages purchased from a permittee located in or contiguous to the Social District may be possessed and consumed in the Social District.
- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth in Section VI. above.
- (c) Alcoholic beverages shall only be possessed and consumed during the Social District's hours of operation.
- (d) Nothing in this Plan shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in N.C.G.S § 18B-1010.
- (e) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

VIII. Security and Enforcement

To the greatest extent possible, the Owner shall ensure compliance with the requirements of this Plan, including, but not limited to:

- (a) ensuring compliance with the terms of this Plan and executed Participation Agreements by participating ABC Permittees;
- (b) ensuring patron compliance and safety; and
- (c) reporting any violations of this Plan to the proper agency.

The Owner shall hire and provide a minimum of two (2) private security guards¹ for patrol, protection, and enforcement of this Plan during the Social District's hours of operation. The Huntersville Police Department shall also respond to calls for assistance as part of its general policing duties.

The Owner shall have access to all footage from any security cameras in the Social District and shall provide camera footage to law enforcement agencies upon request, unless otherwise prohibited by law.

Should an ABC Permittee's participation in the Social District be terminated by the Town or the Owner pursuant to Section III. of this Plan, the Owner shall be responsible for ensuring that the ABC Permittee no longer participates in the Social District as of the effective date of the termination.

IX. Sanitation

Owner shall provide trash and recycling receptacles throughout the Social District to encourage patrons to properly dispose of their used containers and unconsumed alcohol.

X. Special Events

If an event is hosted in the Social District that allows the sale of alcoholic beverages, the rules and requirements of this Plan, including the Social District boundaries as depicted on Exhibit C, shall apply unless otherwise agreed upon in writing by the Town. ABC Permittees will be required to serve in the designated containers for the Social District as required in Section VI. above. Patrons can move about the Social District with alcohol purchased at the event, but will not be allowed to consume or possess alcohol not purchased at the event. All other necessary permits as required by law must be obtained.

¹ Private security guards shall not be construed to mean off-duty law enforcement officers. The Town reserves the right to adjust the number of required private security guards at any time.

XI. Insurance

The Owner shall obtain the following insurance for its management and operation of the Social District:

Bodily Injury:	\$1,000,000 per occurrence/ \$2,000,000 aggregate
Professional Liability:	\$1,000,000 per occurrence/ \$2,000,000 aggregate
Property Damage:	\$1,000,000 per occurrence/ \$2,000,000 aggregate

Or,

Bodily Injury and Property Damage, combined single limit (CSL): \$1,000,000 per occurrence / \$2,000,000 aggregate.

XII. Financing, Marketing, and Promotion

All costs of establishing and managing the Social District will be funded by the Owner at its sole expense including the design, installation, and maintenance of required signage and notices and the design and production of containers to be used in the Social District. The containers shall satisfy all requirements of N.C.G.S. § 18B-904.1(d). Marketing and promotion of the Social District will also be provided at the sole cost of the Owner.

XIII. Indemnification

To the greatest extent allowed by North Carolina law, the Owner and participating ABC Permittees shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims") resulting from the operation of the Social District, unless the Claim is a result of the negligence of the Town, or the Town's officers, employees, or agents. In the event that performance of the Owner or participating ABC Permittees under the Plan shall be defective in any respect whatsoever, the Owner shall indemnify and save harmless the Town, its officers, employees, agents, and assigns from all Claims, but only to the extent allowed by law.

Nothing contained in this Plan shall waive the constitutional limitation on the Town indemnifying obligations of other parties.

XIV. Governmental Immunity

Nothing contained in this Plan shall constitute a waiver of the Town's governmental immunity or of the Town's limitation on liability or damages created by law.

XV. Applicable Laws and Courts

This Plan shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Plan, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County,

North Carolina. The Owner represents and warrants that it shall comply with all other applicable federal, state, and local laws, regulations, and orders.

XVI. Breach

The Social District shall at all times be operated in compliance with this Plan and all applicable federal, state, and local laws, rules, and regulations. If a participating ABC Permittee is found to have violated any section of this Plan, the Owner shall notify the Town and the appropriate enforcing agency. Violations may subject the Owner and/or permittee(s) to civil penalties, injunctions, and/or criminal charges.

XVII. Amendment

This Plan may only be amended by the Town. The Town reserves the right to amend the terms of this Plan at any time in its sole discretion.

XVIII. Assignment

Owner may not assign, pledge, or in any manner encumber Owner's rights under this Plan or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.

XIX. Relationship of the Parties

Owner is not an employee of the Town. This Plan shall not be construed as establishing a joint venture, partnership, or any principal-agent relationship for any purpose between the Owner and the Town. Employees of the Owner shall remain subject to the exclusive control and supervision of the Owner, which is solely responsible for their compensation.

XX. Strict Compliance

The Town may at any time insist upon strict compliance with these terms and conditions of this Plan notwithstanding any previous course of dealing or course of performance between the Town and the Owner to the contrary.

XXI. Termination of Social District

The Town may, by ordinance, terminate, amend, or restrict the Social District at any time.

[Signature Page Follows]

In witness thereof, the parties, by their authorized agents, affix their signatures and seals at Huntersville, North Carolina, this _____ day of _____, 2022.

Owner

Town of Huntersville

Name:

Name of Owner (type or print)

Town Manager

By:

(Signature)

Attest: _____

Town Clerk

Title:

Attest:

(Secretary, if a corporation)

PARTICIPATION AGREEMENT

This PARTICIPATION AGREEMENT (“Agreement”) is made and entered into to be effective _____, 2022 by and between _____ (“Owner”), _____ (“Participant”), and the Town of Huntersville (the “Town”).

WHEREBY, the Town of Huntersville established a social district encompassing the Birkdale Village shopping center on _____, designated the Birkdale Village Social District (the “Social District”); and

WHEREBY, a Maintenance and Operations Plan (the “Plan”) has been established for the Social District, establishing certain rules and procedures for the Social District; and

WHEREBY, the Participant has agreed to participate in the Social District; and

WHEREBY, as part of the Participant’s participation in the Social District, Participant further agrees to the following terms and conditions.

NOW, THEREFORE, based upon the recitals, the mutual promises contained herein and other valid and sufficient consideration, the parties agree as follows:

1. Participant agrees to follow all rules and procedures as described in the Plan.
2. Participant agrees to post notice of its participation in the Social District on its Premises as provided by Owner and as approved by the Town.
3. Participant represents and warrants that it shall comply with all applicable ABC Commission regulations and federal, state, and local laws, regulations, and orders.
4. Participant acknowledges that it is voluntarily participating in the Social District as an ABC Permittee. In return for the opportunity to participate, Participant voluntarily waives, releases, indemnifies, and holds harmless the Town and its representatives from any liabilities, claims, damages, injuries, losses, and expenses including reasonable attorneys’ fees and costs whatsoever, including those for personal injury, death, or property damage, which may arise from or in connection with the operation of the Social District and Participant’s participation therein.
5. Upon any default of this Agreement or the Plan by the Participant, the Town or Owner may terminate this Agreement and Participant’s participation in the Social District. Should the Participant’s participation be terminated, the Participant agrees to cease participating in the Social District.
6. The Town reserves the right to amend, terminate, or restrict the Social District at any time.
7. This Agreement shall be binding upon and shall inure to the benefit the Town, Owner, and the Participant and their respective successors and assigns as permitted under this Agreement.

8. The Town may amend this Agreement at any time and shall provide notice of any amendment to the Owner and Participant.
9. This Agreement may not be assigned without the written consent of the Town.
10. This Agreement shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of this Agreement, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina.
11. This Agreement shall not constitute a waiver of the Town's governmental immunity or of the Town's limitation on liability or damages created by law.

[Signature Page Follows]

Owner

Town of Huntersville

Name:

Name of Owner (type or print)

Town Manager

By:

(Signature)

Attest: _____

Town Clerk

Title:

Attest:

(Secretary, if a corporation)

Participant

Name: _____

Name of Participant (type or print)

By: _____

(Signature)

Title: _____

Attest: _____

(Secretary, if a corporation)

WAIVER OF PARTICIPATION AGREEMENT

This WAIVER OF PARTICIPATION AGREEMENT (“Agreement”) is made and entered into to be effective _____, 2022 by and between _____ (“Owner”), _____ (“Non-Participant”), and the Town of Huntersville (the “Town”).

WHEREBY, the Town of Huntersville established a social district encompassing the Birkdale Village shopping center on _____, designated the Birkdale Village Social District (the “Social District”); and

WHEREBY, a Maintenance and Operations Plan (the “Plan”) has been established for the Social District, establishing certain rules and procedures for the Social District; and

WHEREBY, the Non-Participant is located within the Social District, but does not wish to participate in the Social District and/or is not otherwise allowed by law to participate (i.e., does not have a qualifying ABC permit) in the Social District.

NOW, THEREFORE, based upon the recitals, the mutual promises contained herein and other valid and sufficient consideration, the parties agree as follows:

1. Non-Participant agrees that it shall not participate in the Social District.
2. Should the Non-Participant later wish to participate in the Social District or become lawfully permitted to participate in the Social District, Non-Participant agrees to execute a Participation Agreement prior to participating in the Social District.
3. Non-Participant represents and warrants that it shall comply with all applicable ABC Commission regulations and federal, state, and local laws, regulations, and orders.
4. Non-Participant acknowledges that it is located within the Social District but voluntarily waives participation in the Social District. Non-Participant voluntarily waives, releases, indemnifies and holds harmless the Town of Huntersville and its representatives from any liabilities, claims, damages, injuries, losses, and expenses including reasonable attorneys’ fees and costs whatsoever, including those for personal injury, death, or property damage, which may arise from or in connection with the operation and location of the Social District.
5. Non-Participant shall not allow social district patrons to consume alcoholic beverages inside its premises.
6. This Agreement shall be binding upon and shall inure to the benefit the Town, Owner, and the Non-Participant and their respective successors and assigns as permitted under this Agreement.
7. The Town may amend this Agreement at any time and shall provide notice of any amendment to the Owner and Non-Participant.

8. This Agreement may not be assigned without the written consent of the Town.
9. This Agreement shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of this Agreement, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina.
10. This Agreement shall not constitute a waiver of the Town's governmental immunity or of the Town's limitation on liability or damages created by law.

[Signature Page Follows]

Owner

Town of Huntersville

Name:

Name of Owner (type or print)

Town Manager

By:

(Signature)

Attest: _____
Town Clerk

Title:

Attest:

(Secretary, if a corporation)

Non-Participant

Name:

Name of Non-Participant (type or print)

By:

(Signature)

Title:

Attest:

(Secretary, if a corporation)

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE

CODE OF ORDINANCES

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 113.01 of the Town of Huntersville Code of Ordinances, Sunday Sales, is hereby amended as follows:

Sec. 113.01 - Sunday sales.

Pursuant to the authority granted by Session Law 2017-87, any establishment located in the Town of Huntersville and holding an ABC permit issued pursuant to G.S. § 18B-1001 is permitted to sell beverages allowed by its permit beginning 10:00 a.m. on Sundays. Nothing in this Section 113.01 shall be construed to extend the days and hours that alcoholic beverages may be consumed in designated social districts as authorized pursuant to Chapter 911.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 130.02(A) of the Town of Huntersville Code of Ordinances, Public possession, consumption, is hereby amended as follows:

- (A) *Public possession, consumption.* It shall be unlawful for any person to display or consume any wine, beer, liquor or alcoholic beverage upon any public street, alleyway, or sidewalk within the town limits or upon the private or public property or premises of another without permission of the owner or person in control of such property or premises, except as allowed in Chapter 911.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Chapter 911 of the Town of Huntersville Code of Ordinances, Social Districts, is hereby added as follows:

CHAPTER 911.- SOCIAL DISTRICTS

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 911.01 of the Town of Huntersville Code of Ordinances, Purpose, and Intent, is hereby added as follows:

Sec. 911.01 - Purpose and Intent

- (a) Pursuant to the provisions of Sections 160A-205.4 and 18B-904.1 of the North Carolina General Statutes, one or more social districts may be designated within the Town.
- (b) The physical boundaries of each social district shall be clearly defined with dual-sided signs posted in conspicuous locations along the perimeter of the social district

("Boundary Signs") indicating:

- (1) which area is included in the social district;
- (2) the days and hours during which alcoholic beverages may be consumed in the social district (the "hours of operation");
- (3) the telephone number for the ALE Division and the local law enforcement agency with jurisdiction over the area comprising the social district; and
- (4) that an alcoholic beverage purchased for consumption in a social district shall:
 - (i) only be consumed in the social district; and
 - (ii) be disposed of before the person in possession of the alcoholic beverage exits the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

The number and location of Boundary Signs required to be posted pursuant to this subsection shall be determined by the Town, in its sole discretion, for each designated social district. The Town reserves the right to approve the format and design of the Boundary Signs to be posted in designated social districts. The Town, in its sole discretion, shall also designate the hours of operation for each social district in accordance with N.C.G.S. § 18B-1004.

- (c) Before designating any social district, the Town shall establish a management and maintenance plan for the social district (the "Plan"). The operation of the Social District must be in compliance with the terms and conditions of the Plan at all times. The Plan, including a detailed map of the designated social district's boundaries (the "Social District Map"), shall be posted on the Town's website. The social district shall be maintained in a manner that protects the health and safety of the general public.
- (d) The Town must submit the Social District Map and hours of operation of each designated social district to the North Carolina Alcoholic Beverage Control ("ABC") Commission before consumption of alcoholic beverages is allowed in the designated social district.
- (e) The Town hereby creates and designates the Birkdale Village Social District as shown on the Birkdale Village Social District Map. The signage required by Subsection B of this section shall be posted along the perimeter of the designated social district clearly delineating the boundaries of the social district prior to commencing operation of the social district. The Birkdale Village Social District shall begin operation within 30 days of the Town submitting the Social District Map to the ABC Commission as required by Subsection D of this Section. The Social District Map and Plan for the Birkdale Village Social District are available in the Office of the Town Clerk and posted on the Town's website. The Birkdale Village Social District shall be created, designated, and managed in accordance with the requirements of Section 160A-205.4 and Chapter 18B of the North Carolina General Statutes.

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 911.02 of the Town of Huntersville Code of Ordinances, Definitions, is hereby added as follows:

Sec. 911.02 – Definitions

- (a) "Social district" means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises, or an extended area allowed under N.C.G.S. § 18B-904(h).
- (b) "ABC Permittee" means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under N.C.G.S. § 18B-200:
 - (1) An on-premises malt beverage permit issued pursuant to N.C.G.S. § 18B-1001(1).
 - (2) An on-premises unfortified wine permit issued pursuant to N.C.G.S. § 18B-1001(3).
 - (3) An on-premises fortified wine permit issued pursuant to N.C.G.S. § 18B-1001(5).
 - (4) A mixed beverages permit issued pursuant to N.C.G.S. § 18B-1001(10).
 - (5) A distillery permit issued pursuant to N.C.G.S. § 18B-1100(5).
- (c) "Person" means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.
- (d) "Premises" means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 911.03 of the Town of Huntersville Code of Ordinances, Application, is hereby added as follows:

Sec. 911.03 – Hours of Operation of Social Districts

- (a) The hours and operation of each social district shall be between the hours of 11:00 AM and 10:00 PM, Monday through Sunday, unless specifically stated otherwise in the social district's Plan. At all other times outside of the designated hours of operation for the social district, the provisions and terms contained in this Chapter are not in effect and all provisions of State and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 911.04 of the Town of Huntersville Code of Ordinances, Requirements for Sale of Alcoholic Beverages is hereby added as follows:

Sec. 911.04 - Requirements for Sale of Alcoholic Beverages in Social Districts

An ABC Permittee located in or contiguous to the designated social district may sell alcoholic beverages for consumption within the designated social district it is located in or contiguous to in accordance with the following requirements:

- (a) The ABC Permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (b) The ABC Permittee shall only sell alcoholic beverages for consumption in the designated social district in a container that meets all of the following requirements:
 - (1) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - (2) The container clearly displays a logo or some other mark that is unique to the designated social district.
 - (3) The container is composed of a recyclable material that is not glass.
 - (4) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
 - (5) The container shall not hold more than 16 fluid ounces.
- (c) Participating ABC Permittees shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

Section 8. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 911.05 of the Town of Huntersville Code of Ordinances, Requirements for Possession and Consumption of Alcoholic Beverages, is hereby added as follows:

Sec. 911.05 - Requirements for Possession and Consumption of Alcoholic Beverages in Social Districts

The possession and consumption of an alcoholic beverage in the designated social district is subject to all of the following requirements:

- (a) Only alcoholic beverages purchased from a permittee located in or contiguous to the designated social district may be possessed and consumed.

- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth in Section 911.04.
- (c) Alcoholic beverages shall only be possessed and consumed inside the social district boundaries and during the social district's hours of operation.
- (d) Nothing in this ordinance shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in N.C.G.S § 18B-1010.
- (e) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the designated Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

Section 9. Penalty

Any person who violates any section of this Chapter, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$200.00.

This Chapter may also be enforced by any other remedy as authorized in N.C.G.S. § 160A-175, including the imposition of civil penalties, the ordering of appropriate equitable relief, including injunctions, or a combination of such remedies.

Each day's continuing violation shall be a separate and distinct offense.

Section 10. Severability

If any section, phrase, sentence, or portion of this ordinance is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 11. Effective Date.

This ordinance shall become effective upon the date of adoption.

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Jack Simoneau, Planning Director

Date: June 6, 2022

Subject: Planning Board Appointments

EXPLAIN REQUEST:

Three board seats filled by Jeff Sny, Greg Baber, and Trina Loomis are expiring on June 30, 2022. The current members have expressed a desire to be considered for reappointment. We have confirmed that they are eligible for an additional term.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. PB June22 Appointment Pkg



To: Board of Commissioners
From: Jack Simoneau
CC: Mayor Bales, Town Manager Anthony Roberts
Date: 05/26/2022
Re: **Planning Board Members**

Comments: The following Planning Board seat terms will expire on June 30, 2022.

- Jeff Sny: Eligible for 2nd full term
- Greg Baber: Eligible for 2nd full term
- Trina Loomis: Eligible for 1st full term, currently filling unexpired term

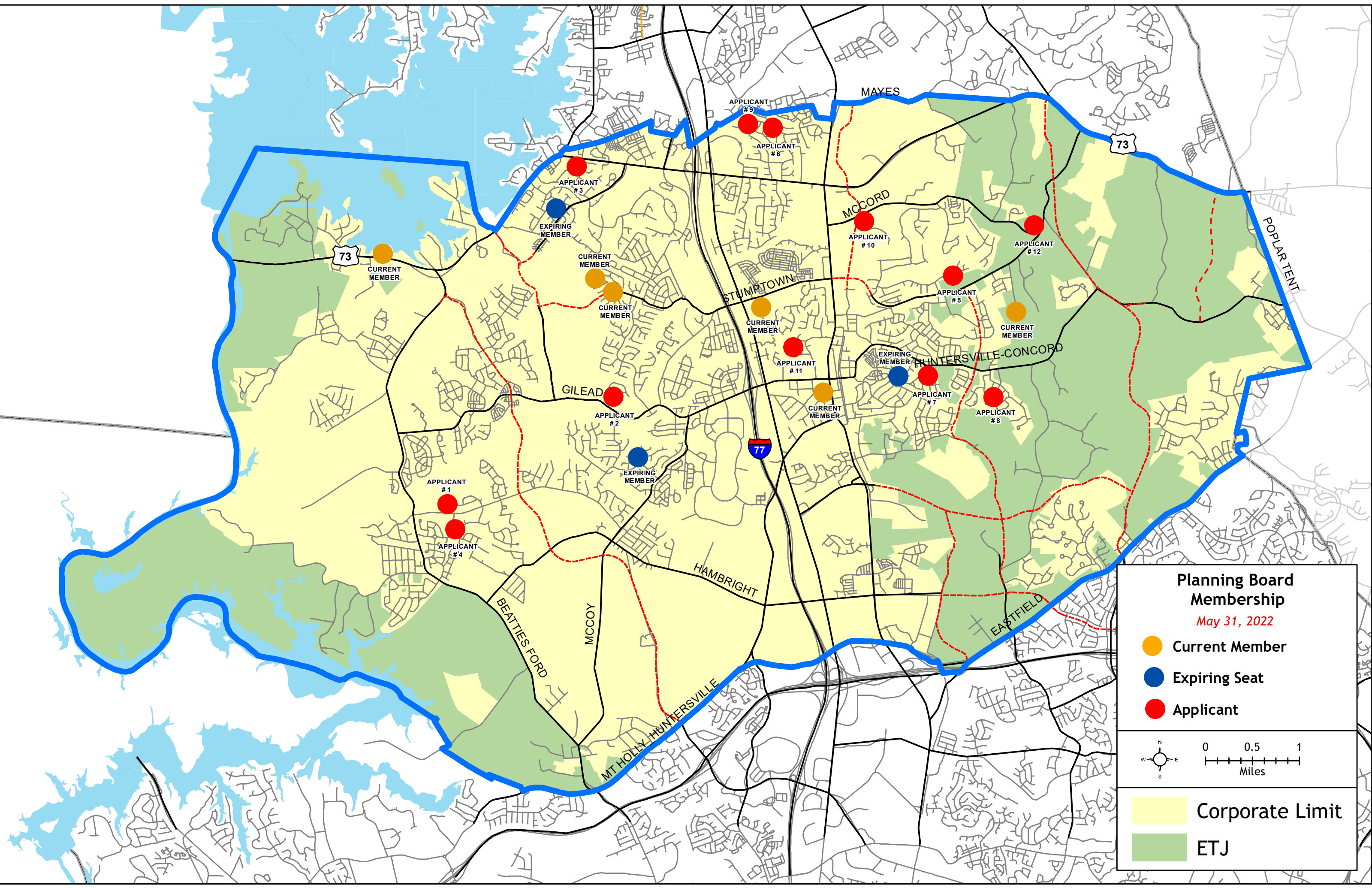
All three Board members have confirmed that they would like to be considered for reappointment. They are each eligible for another term. Their attendance records are included for your consideration.

Planning Board Attendance – Regular Meetings 2021-2022

Name	July 2021	Aug	Sept	Oct 14	Oct 26	Nov	Dec	Jan. 2022	Feb	March	Apr	May	June
Boyd, Chris	X	X	X	X	X	X	X	X	X	X	A	X	
Davis, Jennifer (July- Feb) Henson, Jay (Mar-Jun)	X	X	X	X	X	A	X	X	Withdrew	X	X	X	
Gammon, Frank	X	X	X	X	X	X	X	X	X	X	X	X	
Graffy, Catherine (July – Nov) T. Loomis (Dec-June)	X	X	x	X	X	Withdrew	X	X	X	X	X	A	
Hensley, Scott	X	X	X	X	X	X	X	X	X	X	X	X	
Baber, Greg	X	X	X	X	X	X	A	X	X	X	X	X	
Sny, Jeff	X	X	X	X	X	X	X	X	X	X	X	X	
Swanick, Stephen	X	X	X	X	X	X	X	X	X	X	X	A	
Partee, Derek (July- Nov) Wright, Jodi (Dec- June)	X	X	X	X	X	Elected to TB	X	X	X	X	X	X	

X = Present

A = Absent



Online Form Submittal: Planning Board Application

noreply@civicplus.com <noreply@civicplus.com>

Fri 3/19/2021 10:24 AM

To: Tracy Barron <tbarron@huntersville.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Board Application

Step 1

Notification for Service for the Town of Huntersville Planning Board

Name	Applicant #1
Home Phone	7045789079
Home Address	
Cell Phone	7045789079
Do You Reside in the Town Limits?	Yes
Do You Reside in the ETJ?	No
Present Occupation	Architect/ Project Manager
Work Phone	Field not completed.
Place of Employment	LITTLE Diversified Architectural Consulting.
Email Address	
Approximate Hours Available Per Month for Serving on Advisory Board	15
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:	American Institute of Architects: Charlotte
Education	Masters of Architecture: The University of North Carolina at Charlotte
Business and Civic Experience	Habitat for Humanity of Charlotte LOVE America Foundation
Areas of Expertise and Interests / Skills	NC Building Code Sustainable Design Building Information Modeling Commercial Design

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent

(75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date 3/19/2021

Step Two: Questionnaire

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

- | | |
|--|--|
| 1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere. | I currently serve on the AIA Charlotte Board of Directors with an overarching mission to provide support for Architects and planners in the Charlotte area. I am in charge of leading Architecture licensure efforts as well as organizing various community events that bring together the local architecture community and the general public. |
| 2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community? | As a resident of Huntersville, and as an active architect, I have a vested interest in seeing my town grow and prosper over the next decade and further into the future.
I believe that Huntersville is in a unique position that allows it to benefit from future developments following the Charlotte 2040 Comprehensive Masterplan. On one hand, Huntersville would greatly benefit from a holistic interconnected transportation system that serves as an artery connecting it to its neighbouring cities. On the other hand, Huntersville is perfectly suited to become an employment hub with proximity to a multitude of housing options all while preserving existing cultural assets and enhancing access to recreation and art. |
| 3. What obstacles do you see to achieving this vision? | Growth, if chaotic, causes undesirable and irreversible consequences. Once growth patterns begin to form based on short-term needs only, it is then virtually impossible to undo such patterns. One of the biggest obstacles that we face is striking a balance between the short-term needs of the city compared to the long-term vision. Balancing those two elements is no easy task, but with mindful planning and proper execution, Huntersville can become a model town. |
-

Step 3

- | | |
|---|--|
| 4. What special opportunities could be used to achieve your vision? | Capitalizing on the Charlotte 2040 Comprehensive Masterplan by focusing on specific projected access nodes.
Revisiting the Zoning density ordinance in order to stimulate growth in certain areas (surrounding I77) and discourage growth in more remote areas. |
|---|--|

Focus on encouraging taller developments that take into consideration open site space and mixed-use occupancies

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

A particular challenge is walkability and transit-oriented development which is now lacking within the Huntersville contexts.
As Huntersville grows, it could tremendously benefit from a gradient of downsized street sizings ranging from the highway to much smaller/walkable streets as we move towards the deeper parts of the town.

Other Comments:

Thank you for your consideration. Looking forward to serving in any capacity available.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Email not displaying correctly? [View it in your browser.](#)

Online Form Submittal: Planning Board Application

noreply@civicplus.com <noreply@civicplus.com>

Mon 3/15/2021 3:25 PM

To: Tracy Barron <tbarron@huntersville.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Board Application

Step 1

Notification for Service for the Town of Huntersville Planning Board

Name	Applicant #2
Home Phone	704-661-6217
Home Address	
Cell Phone	704-661-6217
Do You Reside in the Town Limits?	Huntersville
Do You Reside in the ETJ?	Yes
Present Occupation	Architect
Work Phone	980-267-3630
Place of Employment	McMillan Pazdan Smith Architecture
Email Address	1
Approximate Hours Available Per Month for Serving on Advisory Board	25-30
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:	None
Education	BS - Architectural Design - Clemson University
Business and Civic Experience	Belk, Inc. (1989-2004) - Director of Design/VP Real Estate Crosland (2004-2010) - VP Design & Construction WT DuBois Construction - (2010 - 2012) VP Construction Myers & Chapman Construction - (2012-2018) - Director of Preconstruction McMillan Pazdan Smith Architecture (2018 - Present) Charlotte Office Director Member of Rock Hill City Zoning Board (2000 - 2004) City of Charlotte Tree Ordinance Committee Member
Areas of Expertise and Interests / Skills	Architecture/Design Land Planning Real Estate Development

Commercial Construction
Ability to read construction/design documents, site plans,
renderings, etc.

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date 3/15/2021

Step Two: Questionnaire

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

- | | |
|--|---|
| 1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere. | While a resident of Rock Hill, SC, I sat on the Zoning Board of Appeals for 2 terms. I've also been asked to sit on several civic committees in Charlotte to discuss the Tree Ordinance, Transit Oriented Development Zoning and others. I also volunteer with Make A Wish Foundation, Habitat for Humanity and coached basketball in the HYAA leagues for 3 seasons in Huntersville. I'm currently a member of Class 42 in Leadership Charlotte. |
| 2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community? | Being part of the Charlotte MSA, Huntersville is in a unique position of growth. With a strategic vision for growth, I feel like Huntersville can continue to attract high profile developments while also maintaining its own identity of community. The next 10-15 years will be critical to set the parameters around smart growth by implementing focused measures on infrastructure, schools, transportation and commercial development. In this next decade, Huntersville can position itself and set the standard for intentional development and while at the same time, promoting a pro-business culture to grow our base. I see Huntersville having real opportunities to create more of a Town Center while also encouraging more corporate and commercial development to create a hub for company headquarters. We need to be selective on the amount of residential development to minimize the impacts on roads and infrastructure. |
| 3. What obstacles do you see to achieving this vision? | I continue to see small communities around Charlotte being reactionary in their growth vs having a proactive approach to development. Without a strategic plan in place, and abiding by the parameters of that plan, most communities are |

overwhelmed by traffic issues, inferior infrastructure and real demands on schools, police and fire as growth occurs. There is a limited source of land that can be developed and now is the time to create a focused plan around that inevitable growth.

Step 3

4. What special opportunities could be used to achieve your vision?

I believe in the input of the citizens we serve. You tend to get people on board with a plan or vision if they feel they have a say in the process. Encourage design sessions with the citizens. Have them let you know what does and doesn't work from a practical standpoint. Listen to the people who work and live in Huntersville. The police and fire departments know what works and doesn't work. Enlist the help of design professionals to assist in the creation the vision plan. They work in the areas of land planning on a daily basis. They know how to incorporate sustainable growth while at the same time promoting a positive, pro-business, approach.

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Our roads are quickly becoming overwhelmed. Adding traffic signals at every major development isn't always the best solution. Focus on present and future growth corridors. Not all standards apply across the board so planning officials should be receptive to remain flexible in order to achieve the best solution for specific cases. Mass transit will continue to be a hot topic and Huntersville has to be willing to participate in the solution there.

Other Comments:

I appreciate the opportunity to submit my application for consideration. I believe I bring a background of both design and development skills to this position. I'm encouraged by the direction of Huntersville to get its arms wrapped around the expected growth and would like to contribute my time towards shaping its future. Please don't hesitate to reach out to me with any questions.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Email not displaying correctly? [View it in your browser.](#)

Online Form Submittal: Planning Board Application

noreply@civicplus.com <noreply@civicplus.com>

Thu 5/20/2021 5:43 PM

To: Tracy Barron <tbarron@huntersville.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Board Application

Step 1

Notification for Service for the Town of Huntersville Planning Board

Name	Applicant #3
Home Phone	704-303-1279
Home Address	
Cell Phone	704-303-1279
Do You Reside in the Town Limits?	Yes
Do You Reside in the ETJ?	Field not completed.
Present Occupation	OSP Fiber Optic Engineering
Work Phone	704-303-1279
Place of Employment	Conterra Broadband Networks
Email Address	
Approximate Hours Available Per Month for Serving on Advisory Board	25+
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:	N/A
Education	South Mecklenberg HS Montreat College Associate Degree in Business/Cyber Security Pursuing B.A.
Business and Civic Experience	Board of Directors, Uptown Homeless Shelter Charlotte Chamber International Business Advisory (Commercial Real Estate)
Areas of Expertise and Interests / Skills	Telecommunications 8 years Commercial Real Estate 12 years Good understanding of Zoning and Federal, State and Local Objectives for Planning and Development

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if

appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date 5/20/2021

Step Two: Questionnaire

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

-
- | | |
|--|---|
| 1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere. | Worked with all humanitarian agencies to develop and run the largest homeless shelter between Washington DC and Miami, at that time.
Advised new International prospects working with the Charlotte Chamber of Commerce |
| <hr/> | |
| 2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community? | I think we will become a diverse community both in commercial and residential development.
We must continue to try and locate and retain a vibrant and functional environment for our residents and business partners. Transportation, quality of life, preservation of our history must be maintained while promoting the area proactively to high quality business prospects. Open space and environmentally pro-active stance |
| <hr/> | |
| 3. What obstacles do you see to achieving this vision? | Over-development, fiscal reliance on unrealized growth potential, short sighted traffic projections and insufficient initiatives and planning to handle the growth we need when it comes to traffic and high density development. |
-

Step 3

- | | |
|---|--|
| 4. What special opportunities could be used to achieve your vision? | <i>I think more input from the community as well as interaction with other communities facing similar challenges.</i> |
| <hr/> | |
| 5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to | <i>I believe that we must have a vision for the future while honoring the history and charm of our past. We should embrace our new reality as a large and successful "bedroom" community of the Charlotte area. It is vital to maintain and preserve our past as have some of the other area communities. We also need a focus on where we are going in the future with the opportunities and challenges we will be presented with. Our history of family farms is a huge part of how we became what we are. Every effort should be made to be sure we make it possible to continue to have them supported by every way that we can. It is equally important to preserve any lands or physical structures that are symbols of our history.</i> |

change, and/or anything you
find particularly appropriate
to Huntersville.

Other Comments: *Field not completed.*

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE

ATTN: Tracy Barron

P.O. BOX 664

HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Email not displaying correctly? [View it in your browser.](#)

Online Form Submittal: Planning Board Application

noreply@civicplus.com <noreply@civicplus.com>

Tue 5/4/2021 8:20 PM

To: Tracy Barron <tbarron@huntersville.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Board Application

Step 1

Notification for Service for the Town of Huntersville Planning Board

Name	Applicant #4
Home Phone	7046198889
Home Address	
Cell Phone	7046198889
Do You Reside in the Town Limits?	Yes
Do You Reside in the ETJ?	No
Present Occupation	Banking
Work Phone	7046198889
Place of Employment	Wells Fargo Bank
Email Address	
Approximate Hours Available Per Month for Serving on Advisory Board	5
Name of Any Town or County Boards/Committees/Commissions You Are Presently Servng on:	Currently no boards
Education	Western Carolina University
Business and Civic Experience	Huntersville Board of Adjustments. Planning Board . Huntersville police citizens academy. Huntersville 101. Fraternity Chapter Treasurer.
Areas of Expertise and Interests / Skills	Huntersville VP neighborhood HOA Past.. Mooresville President HOA.

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

5/4/2021

Step Two: Questionnaire

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

- | | |
|--|--|
| 1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere. | Huntersville police citizens academy. Huntersville 101. TannersCreek homeowners association. I'm still planning board. Huntersville board of adjustments. |
| 2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community? | I like the concept of the Huntersville 2040 plan. Our infrastructure must be considered as we need to make sure our local citizens find homes available. We need to look at industry for additional growth and we must have apartments for those who are transit and prefer to rent. |
| 3. What obstacles do you see to achieving this vision? | The cost of building additional roads and schools could cause high tax rates. |
-

Step 3

- | | |
|--|--|
| 4. What special opportunities could be used to achieve your vision? | Community involvement and additional civic organizations. |
| 5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville. | While I appreciate the rapid growth, I like the country and city nearby. Hopefully the greenways will provide the communities a better place to live. I would hope more would use the greenways to walk or ride bikes to the store rather than use their car. I would like to see the downtown reviewed to show off Huntersville instead of Birkdale . |
-

Other Comments: I would appreciate the opportunity to serve.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Email not displaying correctly? [View it in your browser.](#)

Online Form Submittal: Planning Board Application

noreply@civicplus.com <noreply@civicplus.com>

Tue 9/14/2021 4:54 PM

To: Tracy Barron <tbarron@huntersville.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Board Application

Step 1

Notification for Service for the Town of Huntersville Planning Board

Name	Applicant #5
Home Phone	Field not completed.
Home Address	
Cell Phone	704-796-7588
Do You Reside in the Town Limits?	Yes.
Do You Reside in the ETJ?	Field not completed.
Present Occupation	Vice President of Manufacturing
Work Phone	7048928107
Place of Employment	Poly-tech Industrial
Email Address	
Approximate Hours Available Per Month for Serving on Advisory Board	10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Servng on:	Park and Recreation; Term expires 12/21
Education	B.S. Industrial Relations, Six Sigma training
Business and Civic Experience	10 years as a Human Resources Mgr, followed by 22 years as a General Mgr/Plant Mgr/VP Mfg; 15 years as a small business owner concurrent to my employment; Greenway Commissioner, Currently on Park and Rec Commission; 13 years as a volunteer coach; soccer club board member
Areas of Expertise and	Operations, financial management, leadership, process

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

9/14/2021

Step Two: Questionnaire

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

I have enjoyed participating in both the Greenway and Park and Recreation Commissions.

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

We need to continue to connect all residents, not only with improved traffic flow, but with connected sidewalks and greenways. Small, well-placed connections can readily help residents, particularly those needing to get to buses for work and shopping needs. I think our car-centric mindset leaves the non-car owners behind. My wife and I, like most residents, are car owners, but I feel for the folks standing at unprotected bus stops or walking on roads with no shoulders.

3. What obstacles do you see to achieving this vision?

Money and imagination. By asking questions, we can open up one another to creative ways of solving these problems. I have made a big impact at every job I have ever had. Mostly, by simply collecting my colleagues great ideas, and driving them to completion. Recognize them for their ideas. Repeat. Nothing important is easy! Are there creative ways to use money that is currently required of developers to build sidewalks that currently go nowhere. Why not build from the inside out instead of the scattered way we build sidewalks?

Step 3

4. What special opportunities could be used to achieve your vision?	I would like to ensure we are exploring all opportunities to use funds available to the town to stage projects that connect the most people to the most work/bus/retail locations.
5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.	I think the growth is great. It just doesn't match our buildout capabilities (constrained by time and money). I think need to slow what growth we can (mainly housing) so it marries up better with the timing of our road enhancements. This does not me "no growth." We have a very desirable area so we can pick and choose what AND when. Additionally, we have to continue with blending housing for all income levels and continue the commercial/industrial growth of the last 20 years Our economic base is very diversified and we need to actively keep working in that direction.
Other Comments:	We have enjoyed our 17+ years in Huntersville and I want to give back. I have plenty of experience working all types of initiatives (opening plants, closing plants, importing new products, overhauling technology, relaying out equipment, processes, cost cutting, etc.). I've worked and lived in 8 states. Each time I came upon a new set of circumstances. I've learned one has to listen first, then listen some more... before spouting off on one's own ideas!

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE

ATTN: Tracy Barron

P.O. BOX 664

HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Email not displaying correctly? [View it in your browser.](#)

Online Form Submittal: Planning Board Application

noreply@civicplus.com <noreply@civicplus.com>

Mon 5/24/2021 9:53 PM

To: Tracy Barron <tbarron@huntersville.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Board Application

Step 1

Notification for Service for the Town of Huntersville Planning Board

Name	Applicant #6
Home Phone	6199294405
Home Address	
Cell Phone	Field not completed.
Do You Reside in the Town Limits?	Yes
Do You Reside in the ETJ?	Field not completed.
Present Occupation	Construction compliance consultant
Work Phone	7043402055
Place of Employment	Path Light Pro
Email Address	
Approximate Hours Available Per Month for Serving on Advisory Board	5-10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:	None
Education	Bs Environmental Sciences from UNC Chapel Hill
Business and Civic Experience	12 years in construction/environmental compliance. Currently working as General Manager for Southeast so I have obtained knowledge on revenue reports and efficiency planning.
Areas of Expertise and Interests / Skills	Erosion control, residential construction, leadership

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

5/24/2021

Step Two: Questionnaire

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

NA

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

I would love to see Huntersville keep its small town feel and plenty of green spaces and recreation while continuing to attract new business. Traffic and schools will be large issues in the next decade.

3. What obstacles do you see to achieving this vision?

There is limited space to work with within city limits in order to meet goals like keeping traffic at a manageable level. Population will continue to rise quickly and strain resources.

Step 3

4. What special opportunities could be used to achieve your vision?

To be determined.

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Traffic, schools and community resources have been mentioned above. I would like to help plan how to stay ahead of these issues instead of reacting to them after they have happened.

Other Comments:

Field not completed.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate

qualified persons for membership. Nominations may be sent to:
TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Email not displaying correctly? [View it in your browser.](#)

Planning Board Application - Submission #10236

Date Submitted: 1/26/2022

Notification for Service for the Town of Huntersville Planning Board

Name

Applicant #7

Home Phone

6789147995

Home Address

Cell Phone

Do You Reside in the Town Limits?

Huntersville

Do You Reside in the ETJ?

N/A

Present Occupation

Retired

Work Phone

6789147995

Place of Employment

N/A

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

4-8 or what ever is responsible.

Name of Any Town or County Boards/Committees/Commissions You Are Presently Servng on:

N/A

Include Expiration Date

Education

Associates

Business and Civic Experience

20+ years of business

Areas of Expertise and Interests / Skills

Community unity.

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

1/26/2022

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

During my military service I was responsible for communicating with all newly assigned sailors the workings of the electrical department onboard our ship. Doing inspections throughout the ship making sure that everyone was safe and abiding by the rules there was no one left out everybody mattered.

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

I vision a community that is thriving and growing together there is a way that we can move forward to a bigger better Huntersville with everyone benefiting as former president George Bush put it no person left behind.

3. What obstacles do you see to achieving this vision?

The only obstacle is whether we value money over people.

4. What special opportunities could be used to achieve your vision?

I think we could actually learn from our residents in our community we can grow together this can be the safest community to live in in the state, we are in a prime location so we as a community can maximize our position and grow together.

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

I, like everyone in our town love the growth but the most important thing to me are the residents of Huntersville it's no longer that farming land up it's prime real estate but just because its prime real estate doesn't mean that it has to lose it's small town feeling we can grow and keep everyone in Huntersville that wants to be a part of the amazing lifestyle that is offered here.

Other Comments:

I'm just happy to be a citizen in the great town of Huntersville. Let's grow together.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Planning Board Application - Submission #9623

Date Submitted: 11/8/2021

Notification for Service for the Town of Huntersville Planning Board

Name

Applicant #8

Home Phone

14802537087

Home Address

↑

Cell Phone

480-253-7087

Do You Reside in the Town Limits?

Huntersville

Do You Reside in the ETJ?

no

Present Occupation

Risk Management Consultant

Work Phone

480-253-7087

Place of Employment

Abriego

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

15

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:

None

Include Expiration Date

Education

Bachelors of Science in Information Technology and Cyber Security, CFE, CAMS certified

Business and Civic Experience

20 years of Risk and Project Management experience, Lobbyist for the Mortgage Bankers Association, ran for Board of Commissioners 2021

Areas of Expertise and Interests / Skills

Project and Risk Management, Financial Crimes and Fraud Investigation, enjoy outdoor activities, travel and community involvement / engagement

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

11/8/2021

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

Recently ran for Huntersville Board of Commissioners, Currently working on producing a documentary on the Colonial Pipeline Spill which I hope to release in 2022 - project is dependent on funding.

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

My vision for Huntersville's future:
- Have individuals located in the ETJ's be allowed to vote in municipal elections,
- Assist the Pottstown community in restoring the Torrance Lytle school into either a museum or Library or both,
- preserve more of our tree canopy and open spaces
- less high density housing and increased acreage per unit requirements
- Bring our roads and infrastructure into the 21st century
- addition of a local Magistrate
-

3. What obstacles do you see to achieving this vision?

Many of my goals will require lobbying to the state and or Mecklenburg County, Possible zoning changes and issues with use-right laws

4. What special opportunities could be used to achieve your vision?

Lobbying- with the proper amount of influence it is possible to foresee legislative changes that can benefit our community. I have seen and have first hand experience in lobbying for legislative changes in Washington DC

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Again I return to preserving open spaces- land owners should not be punished for holding on to large chunks of undeveloped land or farm land- they should receive additional tax breaks / incentives to ensure its preservation. Town should invest in more land and designate it for parks.
Road and infrastructure improvement is paramount to what is already an out of control problem.
More should be done about the growing safety concerns in our local schools.

Other Comments:

I would like to see the town take more action in schools - HB 514 should be given serious consideration. I believe CMS should break off and allow an elected school board to exist here which would increase parent involvement as well as ensure class sizes remain manageable for our teachers and students.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE

ATTN: Tracy Barron

P.O. BOX 664

HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Planning Board Application - Submission #10312

Date Submitted: 2/7/2022

Notification for Service for the Town of Huntersville Planning Board

Name

Applicant #9

Home Phone

7046619973

Home Address

1

Cell Phone

7046619973

Do You Reside in the Town Limits?

Yes

Do You Reside in the ETJ?

Present Occupation

Small Business Owner

Work Phone

7045894928

Place of Employment

MFR Cleaning Services LLC

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

16

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:

Downtown Plan Steering Committee

Include Expiration Date

Education

B.S. Business Administration, Minor Economics
MBA (Marketing Concentration)

Business and Civic Experience

Chairman LKN Chamber of Commerce (2015); Board Of Elections Precinct Judge (2008-2015); Davidson UMC Trustees Chairman, Administration Council & Finance Committee (2010-2018); YMCA Y-Guides Program Chairman (2008-2009). Navigator United States Navy, Desert Storm Veteran.
Held various leadership positions in Sales & Marketing over a 20 year career culminating in starting my own business in May 2019.

Areas of Expertise and Interests / Skills

I have project management, financial and leadership skills. I am interested in planning / zoning issues and the impact on quality of life, traffic and infrastructure.

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

2/7/2022

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

Chairman LKN Chamber of Commerce (2015); Board Of Elections Precinct Judge (2008-2015); Davidson UMC Trustees Chairman, Administration Council & Finance Committee (2010-2018); YMCA Y-Guides Program Chairman (2008-2009).

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

A vibrant community that is welcoming to business, both small and large, well connected and welcoming to people of all income levels. A major challenge is mobility; roads, public transportation options and bike and pedestrian friendly.

3. What obstacles do you see to achieving this vision?

Limited NCDOT funding for road infrastructure to keep up with rapid residential development. Lack of CATS resources for north Mecklenburg county. Lack of affordable housing.

4. What special opportunities could be used to achieve your vision?

Leverage relationships with CRTPO and Raleigh to maximize NCDOT funding. Work with Cornelius and Davidson to challenge CATS to increase service levels and explore alternative public transportation options run / funded by the Town. Explore partnerships / grants for an affordable housing initiative.

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

It appears the rate of development is accelerating at a rapid pace. Is the town properly staffed, funded and have the appropriate technology to handle this influx?

Other Comments:

Thank you for your consideration.
Regards,

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Planning Board Application - Submission #10244

Date Submitted: 1/27/2022

Notification for Service for the Town of Huntersville Planning Board

Name

Applicant #10

Home Phone

7045725586

Home Address

Cell Phone

Do You Reside in the Town Limits?

Yes

Do You Reside in the ETJ?

Present Occupation

Landscaper

Work Phone

Place of Employment

Uncommon Grounds Landscaping

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

12-15 - more where necessary

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:

n/a

Include Expiration Date

Education

BS Agricultural Science / Biological and Agricultural Engineering - NC State University - 2012

Business and Civic Experience

Owner - Uncommon Grounds Landscaping, LLC - based in Huntersville, NC
NC Licensed Landscape Contractor, NC Licensed Irrigation Contractor, International Society of Arboriculture Certified Arborist,
Certified Stormwater / Erosion Control Inspector, Licensed NC Real Estate Agent
Past Member / Lieutenant - North Meck Volunteer Rescue Squad - 2011-2017
Huntersville Native
Graduate of North Mecklenburg High School - 2009

Areas of Expertise and Interests / Skills

-Involved in numerous contracts with City of Charlotte Landscape Management - passionate about the care and preservation of the Urban Landscape
-Charlotte Mecklenburg Stormwater Division contractor - clean water initiative, water quality contractor, well versed in the care and implementation of Stormwater Control Measures
-Previously served on new development architectural review boards with a green industry perspective

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

1/27/2022

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

- Member/Lieutenant - North Mecklenburg Volunteer Rescue Squad - 2011-2017 - Volunteer/Paid Part Time Rescue Technician, Building Lieutenant
- FF/EMT - Davidson Fire Department - 2012-2016 - Volunteer / Paid Part Time Firefighter/EMT
- First Baptist Church, Huntersville - 1991-2014 - served and volunteered in numerous aspects of the church - missions, facilities maintenance, outreach groups, Lydia's Loft Clothing Closet, Inception and implementation of community garden to benefit Angels and Sparrows Soup Kitchen
- New Development Architectural Review Boards - served with developers and HOA staff to provide a green industry perspective for new construction under architectural review to meet and exceed CCR's
- Stumptown Tractor Club, Huntersville, NC - various philanthropic activities centered around antique farm machinery and equipment - benefiting St. Jude's Children's Hospital and Hospice of Mecklenburg and Cabarrus counties
- Power Of The Past Tractor Club, Huntersville, NC - various philanthropic activities centered around antique farm machinery and equipment - benefiting Holy Angels of Belmont, NC

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

As a lifelong Huntersville native, and a front row witness to the exponential growth Huntersville has seen during my lifetime, I've come to adopt the old adage that "change is inevitable, it's the progress that's optional." Though I possess a passion for "green space" at its highest and best use, I fully understand the necessity for HEALTHY growth in my town. An understanding, however, that is accompanied by what could hopefully be perceived as a neutral perspective. A perspective that may differ from a corporate developer, multi million dollar real estate agent, or similar, but an informed and thorough perspective to hopefully balance and complement a new or existing planning board. In short, my perceived vision for Huntersville in the next 10-15 years could be described as careful, growth conscious to account for many infrastructure and economical variables, and open-minded.

3. What obstacles do you see to achieving this vision?

The largest obstacle I can foresee to achieving this vision in a balanced and well-timed manner would simply be the population influx and growth that our town has seen and will arguably continue to see. We have managed to become very "attractive" to those from neighboring municipalities, counties, states, etc. In my humble opinion, this is GREAT! However, where do a booming economy and a steady, healthy growth pattern find common ground? Hopefully, my prospective seat on the Planning Board would help to answer this question.

4. What special opportunities could be used to achieve your vision?

I would humbly appreciate the opportunity to bring a green industry based and centered mindset to the Planning Board. It would be my hope that my extensive background and knowledge of urban landscape planning/implementation, clean water initiatives, and growth/developmental environmental impacts would be a necessary methodology to the existing Planning Board.

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

As mentioned, and as an aside to the infrastructure upgrades we desperately need to see / are beginning to see, my efforts would be channeled towards our duty to the urban landscape as citizens of the town. Our duty is to preserve, maintain, and seek to continually mandate the care and concern for our rapidly evolving urban landscape. This often overlooked charge to developers and property owners should be visited regularly, and I would seek to accomplish that where necessary in a prospective seat on the Planning Board.

Other Comments:

I appreciate the opportunity to provide a short insight as to my intention to serve on the Town of Huntersville Planning Board. In short, I feel that my lifelong tenure in the area coupled with my strong green industry and infrastructure perspective would be a valuable addition to the board.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Planning Board Application - Submission #8192

Date Submitted: 5/31/2021

Notification for Service for the Town of Huntersville Planning Board

Name

Applicant #11

Home Phone

7048758763

Home Address

Cell Phone

7048402790

Do You Reside in the Town Limits?

HUNTERSVILLE

Do You Reside in the ETJ?

no

Present Occupation

retired

Work Phone

n/a

Place of Employment

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

20

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:

Include Expiration Date

Education

B.A. Business Administration

Business and Civic Experience

37 years with IBM
5 years production and engineering
15 years accounting and financial analysis
14 years finance management
3 years sales - bid and proposal
Ten months of attending every town board meeting and most planning board meetings, virtually or in-person, speaking on behalf of residents who feel unheard, organizing and holding meetings with various members of town staff and committees

Areas of Expertise and Interests / Skills

logistics, project management, accounting, finance

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

5/31/2021

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

United Way volunteer work connected to IBM service
20-year member and current president of the Rocky River Road Club, LKN's oldest bicycle advocacy group
We raise money for local charities, including Ada Jenkins, Davidson Housing Coalition, and Trips for Kids, annually.
Leadership role in grassroots effort to refocus Downtown Huntersville from overdevelopment of apartments and townhomes
Huntersville 101 graduate, spring 2021

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

My vision for Huntersville is smart growth, including retail and commercial opportunities that provide services and experiences for residents, rather than sending them to Charlotte for all their recreation and leisure needs. Huntersville should not be the bedroom community for Charlotte, nor should it focus solely on residential and industrial development. If we are to become a town of 80,000+ people, residents need a place to go, be, and do. To shape the growth of our community we must balance "by right" land development with maintaining a desirable place to live.

3. What obstacles do you see to achieving this vision?

population growth and short sightedness

4. What special opportunities could be used to achieve your vision?

land preservation, "down-zoning," civic uses of properties to create a focal point for our downtown, correcting the use of rail transit as a density intensifier, revisiting our Community Plans to ensure they do not keep us beholden to overdevelopment

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

We have opportunity to shape our town now, but it is fleeting. We need to think long term and not sell all our land holdings in an effort to have one corner of our town center. While I don't think Huntersville should be in the real estate business, one way to control land development is to own the land. We need to act quickly and gain control of our town center before it's too late.

Other Comments:

As a resident for the last 23 years and a focused civic-minded leader for the last ten months, I believe I still have a lot to learn, and I believe I have shown that I am willing to put in the work. As a retired person, I have no personal nor professional interest, nor investment in what or how our town is developed.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Planning Board Application - Submission #10288

Date Submitted: 2/3/2022

Notification for Service for the Town of Huntersville Planning Board

Name

Applicant #12

Home Phone

9802483976

Home Address

↑

Cell Phone

9802483976

Do You Reside in the Town Limits?

Yes

Do You Reside in the ETJ?

Yes

Present Occupation

Executive Director

Work Phone

Place of Employment

Corvian Community School

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

6-10 hours

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:

None

Include Expiration Date

Education

Bachelor of Science in Accounting at George Mason University

Business and Civic Experience

- Member & Advisor on North Carolina State Superintendent Mark Johnson's COVID-19 school reopening task force team.
- Secured & closed a \$20 million bond with BB&T in November 2017.
- Secured & closed a \$23 million bond with BB&T in November 2019.
- Negotiates all facility & land purchases.
- Managed \$850,000 renovation on the Middle School Building.
- Managed a \$14 million new construction build for the high school facility (70,000 sq. ft).
- Managed a \$5.8 million turf Athletic Complex new build.
- Received accreditation from Cognia (formerly SACS) in 2020.
- Maintains School Report Card grade of "B".
- Awarded 2017 Waste Management Award in Mecklenburg County.
- Won Charlotte Business Journal Heavy Hitters Real Estate Award in 2018.
- Articulates mission, vision, values, and behavioral expectations that define the Corvian culture to all necessary stakeholders.
- Leads 200 faculty and staff in maintaining a climate of excellence, accountability, and respect.
- Develops, articulates, and maintains policies and procedures that are consistent with the School's mission and vision.
- Actively recruits a diverse donor base of individuals, businesses, and foundations.
- Ensures compliance of all relevant laws and regulations pertaining to the School, including compliance with all terms and conditions with the School's charter.

Areas of Expertise and Interests / Skills

- * Maintains Net Surplus of over \$4 million.
- * Stable and Accurate Forecasting
- * Zero Findings in Financial Audits
- * Maintains Adequate Cash Flow Reserves
- * Team Building and Leadership
- * Contract Negotiations
- * Student Retention in excess of 93%
- * Builds Strong Community Relations
- * Meets Annual Fundraising Expectations
- * Completed LDP at The Center for Creative Leadership

I, the undersigned, acknowledge that this application and questionnaire will remain active for a two (2) year period, unless withdrawn by me, the applicant, and if appointed, the Town Board may remove members who do not meet attendance requirements pursuant to the Rules of Procedure : must attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Signature of Applicant

Date

2/3/2022

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Planning Board, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

Planning Board consists of nine (9) total members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, and in no instance be less than one (1) ETJ member appointed by the Board of County Commissioners. The Planning Board acts as an advisory body to the Board of Commissioners on all matters related to the growth and development of Huntersville. The Planning Board considers the facts relative to rezoning applications, new subdivisions and site plans, and ordinance amendments, among other issues. The Board formulates a recommendation on each matter, which in turn goes to the Commissioners for final action.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

Volunteer on annual community events in the North Charlotte area which includes community members from Huntersville, Cornelius, Davidson and Charlotte.
-5K Green on the Green
-Golf Tournament
-Auction Events

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

To seek sustainable growth that protects our natural resources, improves quality of life and enhances the climate and culture of our community. In the next 10-15 years, funding, road improvements and building/maintaining community spaces for residents will be important factors as we grow.

3. What obstacles do you see to achieving this vision?

Funding will always be an obstacle while achieving the mission and vision for Huntersville. Prioritizing projects and developments will be crucial.

4. What special opportunities could be used to achieve your vision?

Clear and concise communication with the Town of Huntersville, community members and developers will be ideal for the growth of Huntersville.

5. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Infrastructure and school capacity can be an issue while developments and road improvements are underway. The rapid growth the Charlotte area is experiencing and maintaining the mission and vision of Huntersville can be a challenge.

Other Comments:

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Jack Simoneau, Planning Director

Date: June 6, 2022

Subject: Board of Adjustment Appointments

EXPLAIN REQUEST:

Three board seats filled by Michelle Bennett as a regular seated member; Kevin Bray and John Carbonell as alternate members have terms expiring June 30, 2022. Michelle Bennett and John Carbonell have confirmed they would like to be considered for reappointment. They are both eligible for additional terms.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. BOA Appointment Packet June 2022



To: Board of Commissioners
From: Jack Simoneau
CC: Mayor Bales, Town Manager Anthony Roberts
Date: 05/26/2022
Re: **Board of Adjustment Appointments**

Comments: The following Board of Adjustment seat terms will expire on June 30, 2022.

- Michelle Bennett – Eligible for 1st full term, serving unexpired term
- John Carbonell – Eligible for 1st full term, serving unexpired term
- Kevin Bray – Not seeking reappointment

Their attendance records are included for your consideration.

Board of Adjustment Attendance Chart
July 1, 2021 – June 30, 2022

Regular Member	July 2021	August	Sept	Oct	Nov	Dec	Jan 2022	Feb	March	April	May	June
-----------------------	--------------	--------	------	-----	-----	-----	-------------	-----	-------	-------	-----	------

Town 1: J. Bradshaw	P	P	P	P	-	-	-	-	-	-	-
Town 2: P. Jacobson	P	P	P	P	-	-	-	-	-	-	-
Town 3: M. Bennett	A	P	P	P	-	-	-	-	-	-	-
Town 4: J. Loucks	P	P	P	A	-	-	-	-	-	-	-
Town 5: E. Cecil	P	P	P	P	-	-	-	-	-	-	-
Town 6: S. Genenbacher	P	P	P	P	-	-	-	-	-	-	-
ETJ : K. Burton	P	P	A	P	-	-	-	-	-	-	-

A = Absent

	July 2021	Aug	Sept	Oct	Nov	Dec	Jan 2022	Feb	March	April	May	June
--	--------------	-----	------	-----	-----	-----	-------------	-----	-------	-------	-----	------

Alternate Member

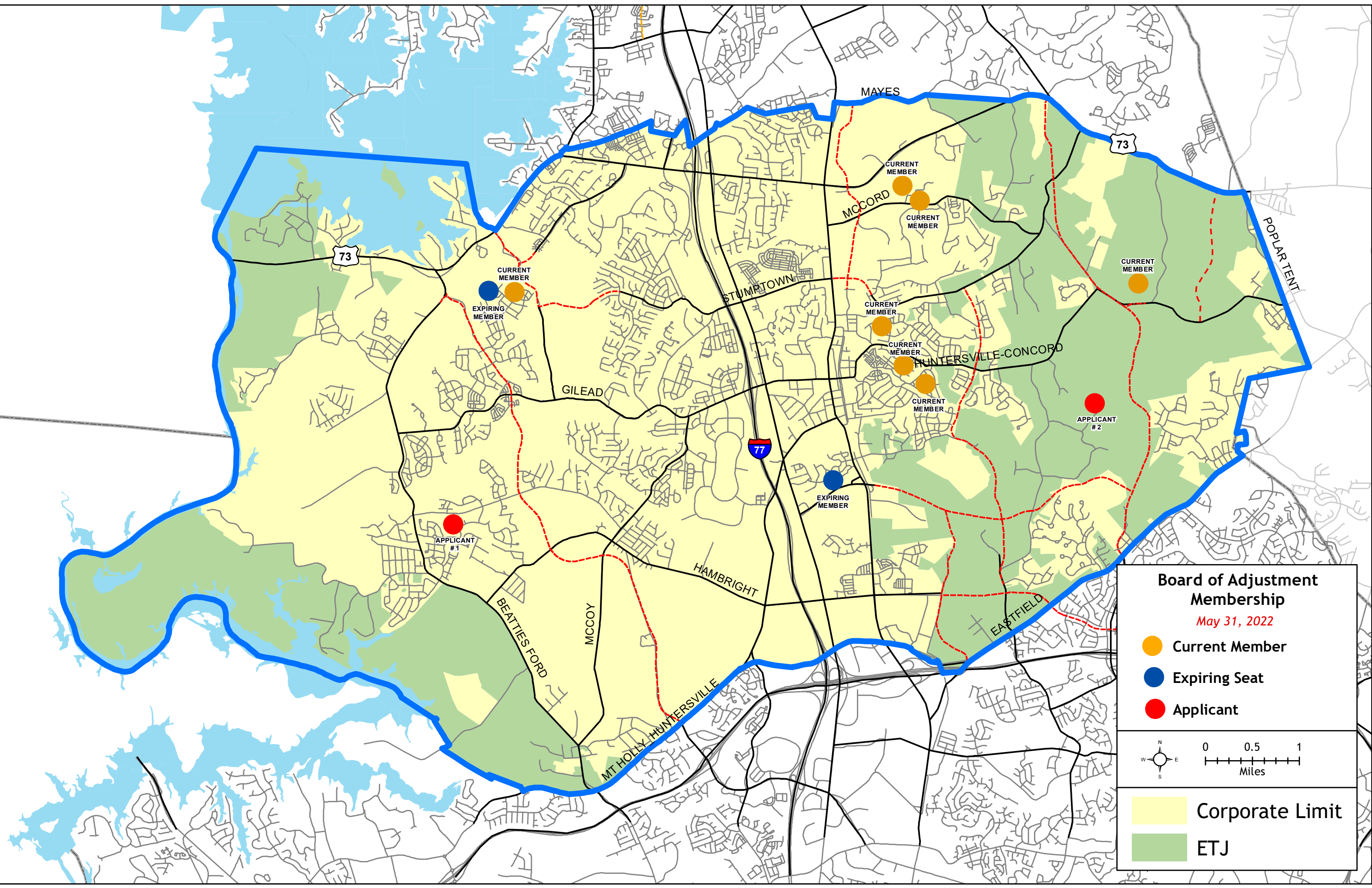
Town 1: J. Passarelli	V	P	V	P	-	-	-	-	-	-	-
Town 2: K. Bray	P	P	P	V	-	-	-	-	-	-	-
ETJ or Town: : J. Carbonell	P	P	P	P	-	-	-	-	-	-	-

V = Vote

P = Present - No Participation

A = Absent

* These absences were due to technical difficulties associated with our first virtual meeting. The members were communicating and actively trying to log on at the specified time.



N
W
E
S

00.51

Miles

Corporate Limit

ETJ

Path: M:\PLANNING\Board of Adjustment\Memberships\BOA Member Map 5-31-2022.mxd

Board of Adjustment Application - Submission #6712

Date Submitted: 11/24/2020

Notification for Service for the Town of Huntersville Board of Adjustment

Background Information

Name

Applicant #1

Home Phone

7046198889

Home Address

Cell Phone

7046198889

Do You Reside in the Town Limits?

Yes

Do You Reside in the ETJ?

No

Present Occupation

Banking

Work Phone

7046198889

Place of Employment

Wells Fargo

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

5

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving on:

TannersCreek homeowners association

Include Expiration Date

Education

BS Degree Western Carolina University

Business and Civic Experience

Board of adjustments, Huntersville planning board, homeowners association, Mecklenburg county auto tax adjustment board

Areas of Expertise and Interests / Skills

Finance, auto valuations, commercial small business lending, consumer lending and financial consultant.

I, the undersigned, understand this application and attached questionnaire will be kept on the active file for a two (2) year period only.

Signature of Applicant

Date

11/24/2020

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Board of Adjustment, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

The Board of Adjustment consists of Regular and Alternate Members appointed by the Board of Commissioners. The Regular membership shall consist of six (6) members who reside within the corporate limits, and one (1) extraterritorial member. The number of Regular members appointed who reside in the extraterritorial zoning jurisdiction ("ETJ") shall at a minimum meet the requirement of NCGS §160A-362 for proportional representation, but shall in no instance be less than one (1). The Alternate membership shall consist of at least two (2) members who reside within the corporate limits, with the remaining alternate member residing in either the corporate limits or the ETJ.

The Board's primary function is to act upon variances, which are specific requests for deviation from the strict letter of the law of the Huntersville Zoning Ordinance. As an example, picture a property with a stream running through it thirty feet back from the road. If the Zoning Ordinance requires that every new house must be set back thirty feet from the road, the property owner is faced with a hardship and may request a variance. The Board of Adjustment acts quite literally as a court, with evidence presented, petitioners sworn in, and strict rules followed to determine if indeed a hardship exists. The Board considers the facts relative to the petition and formulates a legally-binding ruling.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

In the past I have served years on the board of adjustments and served a full term on the Huntersville planning board. I have participated in the Huntersville 101 and completed the community citizens police seminar/class

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

After the current year and the pandemic has settled I am certain the vision of Huntersville may change from the current 2030 in 2040 plan. I see request for larger patios and outdoor seating. I see more ventilation in better ideas for energy efficiency. I see a future in the filtration systems each new business may be required to use. I see more LED lighting across town.

3. Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, how will you ensure that your decisions are formed objectively?

I would like to re-serve on the board. I do not find the necessary decisions made on a personal or emotionally basis. I have been a bank lender for years and understand decisions must be made based on rules and regulations as well as compliance.

4. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

One day I would hope or like to see our houses spread apart in developments an additional few feet mandatory. I believe this would cut down on a number of issues. This would include major fires and damage.

Other Comments:

Happy to Serve.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Board of Adjustment Application - Submission #6742

Date Submitted: 12/1/2020

Notification for Service for the Town of Huntersville Board of Adjustment

Background Information

Name

Applicant #2

Home Phone

704-644-3999

Home Address

Cell Phone

704-907-8940

Do You Reside in the Town Limits?

no

Do You Reside in the ETJ?

yes

Present Occupation

Real Estate Agent

Work Phone

Place of Employment

Huntersville

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

10 or more in necessary

Name of Any Town or County Boards/Committees/Commissions You Are Presently Servng on:

Never served on a board, but I am an active volunteer UNC charlotte botanical Gardens, Davidson Garden Club, as well as a parent volunteer at the Community School of Davidson and other local non-for-profit organizations on a needed/random basis.

Include Expiration Date

Education

Master of Arts, Bowling Green State University, OH

Business and Civic Experience

Self employed as real estate agent.
I try to stay connected and informed about the happenings of Huntersville and Charlotte and other towns around

Areas of Expertise and Interests / Skills

Interest: Real Estate; home improvement; urban planning and development; gardening;
Skills: outstanding customer care and service; excellent organization and project management skills; excellent communication skills

I, the undersigned, understand this application and attached questionnaire will be kept on the active file for a two (2) year period only.

Signature of Applicant

Date

11/30/2020

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Board of Adjustment, please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

The Board of Adjustment consists of Regular and Alternate Members appointed by the Board of Commissioners. The Regular membership shall consist of six (6) members who reside within the corporate limits, and one (1) extraterritorial member. The number of Regular members appointed who reside in the extraterritorial zoning jurisdiction ("ETJ") shall at a minimum meet the requirement of NCGS §160A-362 for proportional representation, but shall in no instance be less than one (1). The Alternate membership shall consist of at least two (2) members who reside within the corporate limits, with the remaining alternate member residing in either the corporate limits or the ETJ.

The Board's primary function is to act upon variances, which are specific requests for deviation from the strict letter of the law of the Huntersville Zoning Ordinance. As an example, picture a property with a stream running through it thirty feet back from the road. If the Zoning Ordinance requires that every new house must be set back thirty feet from the road, the property owner is faced with a hardship and may request a variance. The Board of Adjustment acts quite literally as a court, with evidence presented, petitioners sworn in, and strict rules followed to determine if indeed a hardship exists. The Board considers the facts relative to the petition and formulates a legally-binding ruling.

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

I have mostly participated in volunteering efforts in causes that were related to my daughters' lives: such as school and activities in which they could also take part, such as food drives, clothing drives, street clean ups. We have participated in several "get out the vote" events

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

I think Huntersville has gained an enviable position as a town that blends well live and work; however, in my opinion more could be done to make Huntersville a destination for people to visit on weekends, by creating and developing a town center that would offer a safe and attractive place for visitors to come and dine, shop and see some live music. The Veterans Park and the Discovery Kids are two great spots that would serve as anchors for this new project. I hope the 2040 Huntersville will take into consideration creating a new "Birkdale Village 2.0" of sorts in this location. It is clear that the combination of residential and commercial has great appeal and we can make Huntersville an attractive destination, since we already have a great network of parks and green spaces. People seem drawn to towns with charm, character and walkability as evidenced by Davidson downtown. I think Huntersville can do even better.

3. Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, how will you ensure that your decisions are formed objectively?

The essential part of this is to be educated in the procedures and protocols and to have all the information available to us, the members of the board. I think it is important to hear individual cases in all their complexity and use a combination of precedence, all the facts, and the established rule to govern on that.

I will do my very best to leave any emotions aside and to act objectively. This is something that I already do in my current career: I listen to what my clients want and need and I work hard to make it possible for them from a completely objective perspective and always putting their interests first and foremost.

4. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

I think that while it is important to keep a vision for where we want Huntersville to be in the future, say 2040, we must not lose perspective about the current needs and wants of the residents, by providing them with plenty of opportunity to fulfill their needs in terms of residential, entertainment, work, shopping... I understand it is very difficult to set a master plan that takes into account new roads, and traffic patterns, but it is also essential that those who cite Huntersville as their hometown, think of it as a place where they LOVE to live. I think that in order to envision a better town, we should consider it as an "island". By this I mean, that we should ensure that Huntersville should offer everything one needs to have a fulfilling life: green spaces, commercial spaces, entertainment, residences, work places. Huntersville has grown a lot in the last 10 years and it is our opportunity to make Huntersville a destination: we have the lake, the parks, Birkdale village, so let's give it a charming downtown!

Other Comments:

I am excited about serving the town of Huntersville; I have been a resident for the last 16 years and would love to contribute and give back to the town in a different capacity. I work well with others and love to know the "behind the scenes", and understand how and why things are done. A lot of work, talent and effort goes into running a town and I would love to be part of that as a member of the Board. Thank you for considering my application; I will be delighted to expand or clarify any comment.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: David Hill, Principal Planner

Date: June 6, 2022

Subject: Downtown Steering Committee Appointment

EXPLAIN REQUEST:

On May 11, 2022, Don Gest resigned from the Downtown Plan Steering Committee due to professional and personal obligations that hindered his attendance. A draft resolution has been prepared to allow the Town Board to name his replacement.

ACTION RECOMMENDED:

Staff recommends that a replacement member be appointed to the Downtown Plan Steering Committee.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the draft resolution.

ATTACHMENTS:

1. Resolution R-2021-63 Downtown Plan Steering Committee 10042021
2. Resolution R-2021-63 Amendment #1 - Downtown Plan Steering Committee 01032022
3. R-2021-63 Amendment #2 - Downtown Plan Steering Committee Appts 06062022



RESOLUTION TO CREATE THE 2022 DOWNTOWN PLAN STEERING COMMITTEE

WHEREAS, the Huntersville Downtown Plan was adopted in 2006 and needs to be updated, and the Huntersville 2040 Community Plan adopted in 2020 addressed several improvement policies and objectives related to the Downtown; and

WHEREAS, the Town of Huntersville Board of Commissioners has decided to create a 2022 Downtown Plan Steering Committee to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners; and

WHEREAS, during the months of May and June 2021, Town of Huntersville residents, property owners, and business owners were invited to complete an application to be appointed and serve on the 2022 Downtown Plan Steering Committee, and

WHEREAS, upon appointment to the 2022 Downtown Plan Steering Committee, members will be asked to work with Town staff and professional consultants during the development of the 2022 Downtown Plan, including efforts to encourage public participation and engagement during the project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS AS FOLLOWS:

1. There is hereby created the 2022 Downtown Plan Steering Committee.
2. The purpose of creating the 2022 Downtown Plan Steering Committee is to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners until such time as the Plan is adopted by the Board of Commissioners.
3. The 2022 Downtown Plan Steering Committee shall consist of 15 voting members, who are Town of Huntersville residents, property owners, or business owners and appointed by the Town of Huntersville Board of Commissioners. The appointees have been selected from the pool of applicants who volunteered to serve on the Committee, and include the following voting members:
 1. Nate Bowman
 2. Gatewood Campbell
 3. Doug Ferguson
 4. Sean Flynn
 5. John Foster
 6. Don Gest
 7. Charles Guignard
 8. Lee Hallman
 9. Janelle Harris
 10. Elaine Kerns
 11. Bob Lemon
 12. Sarah McAulay
 13. Elizabeth Rodriguez
 14. Cindy Trevisan
 15. Jessika Tucker
4. The 2022 Downtown Plan Steering Committee shall also consist of 8 nonvoting ex-officio members to inform and obtain input from specific Huntersville boards and interested organizations as development of the Plan progresses. The non-voting ex-officio members include the following representatives:
 - 1) Stephen Swanick (Planning Board)
 - 2) Kathy Jones (Ordinances Advisory Board)

- | | |
|---------------------|---|
| 3) Diane McLaine | (Greenway, Trail, and Bikeway Commission) |
| 4) John O'Neill | (Parks and Recreation Committee) |
| 5) April Dunn | (Public Art Committee) |
| 6) Jill Swain | (Huntersville Chamber of Commerce) |
| 7) Mike Russell | (Lake Norman Chamber of Commerce) |
| 8) Barbara Gerhardt | (Olde Huntersville Historic Society) |

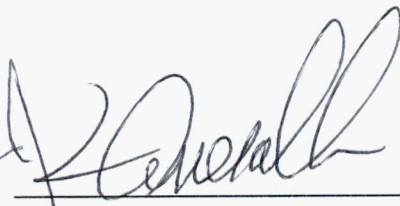
5. The Steering Committee will meet at least eight (8) times during the project, with an anticipated timeframe extending from October 2021 through September 2022, subject to change. The Planning Director shall have the authority to call the meetings of the Committee, which will be called and advertised as a special-called meeting, and to set the agenda for each meeting as part of the special-called meeting notice. Only items of business specified in the special-called meeting notice may be conducted at each meeting.
6. The Steering Committee will elect a Chairperson and Vice-Chairperson from its voting membership. The Chairperson will lead the meetings, manage discussion in a civil and orderly fashion, and coordinate the making of decisions, whether by consensus or by a motion made, seconded, and approved by majority vote.
7. For the Committee to carry out its responsibilities, it is necessary for members to attend the meetings. If a member is absent for two (2) meetings, the Committee may request that the member be replaced by the Town Board of Commissioners.
8. Meetings will be advertised and conducted in accordance with the North Carolina Open Meetings Law. Minutes shall be kept for each meeting.
9. Upon adoption of the Huntersville 2022 Downtown Plan, the Huntersville 2022 Downtown Plan Steering Committee may be dissolved by the Board of Commissioners.
10. The Huntersville Town Board of Commissioners is deeply appreciative of the spirit of volunteerism and community interest shown by the Steering Committee Members, including all the applicants interested in serving on the Committee.

Adopted this the 4th day of October, 2021.

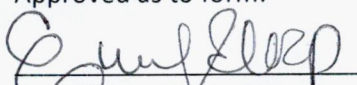
ATTEST:

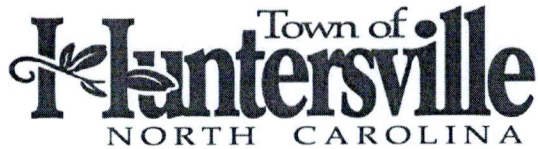

Janet Pierson, Town Clerk




John Aneralla, Mayor

Approved as to form:


Emily Sloop, Town Attorney



**RESOLUTION TO CHANGE AN APPOINTMENT TO
THE 2022 DOWNTOWN PLAN STEERING COMMITTEE**

WHEREAS, on October 4, 2021, the Town of Huntersville Board of Commissioners approved Resolution No. R-2021-63, creating the 2022 Downtown Plan Steering Committee to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners; and

WHEREAS, the Huntersville Planning Department was notified on November 11, 2021, that the Huntersville Chamber of Commerce wished to change its nonvoting, ex-officio appointment to the Steering Committee;

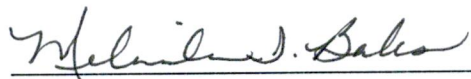
NOW, THEREFORE, BE IT RESOLVED, that the Huntersville Chamber of Commerce representative to the 2022 Downtown Plan Steering Committee, which is a nonvoting, ex-officio position, shall be changed from Jill Swain to John McClelland.

Adopted this the 3rd day of January 2022.

ATTEST:


Janet Pierson, Town Clerk




Melinda Bales, Mayor

APPROVED AS TO FORM:


Emily Sloop, Town Attorney



**SECOND AMENDMENT TO RESOLUTION NO. R-2021-63 TO CHANGE AN
APPOINTMENT TO THE 2022 DOWNTOWN PLAN STEERING COMMITTEE**

WHEREAS, on October 4, 2021, the Town of Huntersville Board of Commissioners approved resolution No. R-2021-63, creating the 2022 Downtown Plan Steering Committee to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners; and

WHEREAS, the Town of Huntersville Board of Commissioners approved an amendment to resolution No. R-2021-63 on January 3, 2022, naming a new Huntersville Chamber of Commerce nonvoting, ex-officio appointment to the Steering Committee;

WHEREAS, the Huntersville Planning Department was notified on May 11, 2022, that Don Gest resigned from the Downtown Plan Steering Committee;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The representative to the 2022 Downtown Plan Steering Committee, formerly occupied by Don Gest, which is a voting position, shall be changed from Don Gest to _____.

Adopted this the 6th day of June 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
June 6, 2022**

To: Town Board

From: Anthony Roberts, Town Manager

Date: June 6, 2022

Subject: HOAB Bylaw Edits

EXPLAIN REQUEST:

Edits to clarify voting membership of HOAB.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. Matt Jones Version of HOAB Bylaws 5-31-22

HUNTERSVILLE ORDINANCES ADVISORY BOARD

BYLAWS (~~September 7, 2021~~

~~June 6~~~~April 4, 2022~~)Authority

and Responsibility

- 1-1 The Huntersville Ordinances Advisory Board (hereinafter “HOAB”) shall have the duties and responsibilities as follows:
- A) Review and evaluate proposed text amendments to the Town’s Zoning and Subdivision Ordinances that have been applied for through the Town of Huntersville Planning Department (“Planning Department”) or which are proposed by the HOAB, Planning Department staff, the Town of Huntersville Planning Board (the “Planning Board”), or the Town of Huntersville Board of Commissioners (the “Town Board”);
 - B) Provide recommendations to the Planning Board and Town Board on the proposed text amendments reviewed and evaluated pursuant to subsection 1-1-A.
 - C) Review and evaluate Town planning processes and procedures and recommend amendments to such processes and procedures to the Planning Board and Town Board; and
 - D) Other such related tasks as directed by the Town Board or Planning Board.
- 1-2 In addition to the duties and responsibilities prescribed in Section 1-1, the HOAB shall:
- A) Keep the Planning Board and the Town Board informed and advised as to matters within their duties and responsibilities; and
 - B) Review concerns from residents and developers regarding Town planning processes and procedures and or Town’s Zoning and Subdivision Ordinances.
 - C) Review the Town’s Zoning and Subdivision Ordinances and ensure compliance with authority, statute, case law and constitutional limits.

Membership

- 2-1 Members of the HOAB shall be appointed by the Town Board and shall be composed of ~~nine (9) voting members~~ and three (3) non-voting members as follows:

Voting Members:

- ~~A) One (1) Chairperson (this position may not be a Town Board member);~~
B) ~~A)~~ One (1) Town Board member (ex officio to their position as a Town Board member) or the appointed Town Board member’s designee (ex officio to the designee’s

Commented [ES1]: Should this be 9 or 10?

Commented [ES2]: When added back Town Board member as voting, didn’t address whether the Town Board member can be Chair or Vicechair.

position as a Town Board member);

~~C)B)~~ B) One (1) Planning Board member (ex officio to their position as a Planning Board member) or the appointed Planning Board member's designee (ex officio to the designee's position as a Planning Board member); and

~~D)C)~~ C) ~~SevenEightSix (786)~~ At Large Members who shall live, work, or own a business or property within the Town of Huntersville Corporate Limits or the ETJ.

Commented [ES3]: If there are 10 members, this number would have to change to 8.

Non-voting Members:

~~E)D)~~ D) One (1) Planning Director or Planning Staff member;

~~F)E)~~ E) One (1) Planning Executive Assistant; and

~~G)F)~~ F) The Town of Huntersville Attorney.

- 2-2 At Large Members (see Section 2-1) of the HOAB shall be appointed by the Town Board for three (3) year staggered terms. Members shall be limited to serving two (2) consecutive terms; however, a member may be reappointed to the board after remaining off the board for at least one (1) year. No person may serve on more than one (1) appointed Town board, commission, or committee at the same time. Ex officio appointments shall not count in considering the number of boards, commissions, or committees on which a person is serving. Terms may be adjusted as deemed necessary by the Town Board to preserve staggered terms.
- 2-3 If a vacancy should occur on the HOAB for any reason, an appointment to that seat shall be made for the duration of the unexpired term in the same manner as noted in Section 2-1. Appointment to a vacancy to fill an unexpired HOAB member term shall not be counted towards the Town's term limits for serving on Town boards, committees, and commissions.

Election of Officers

- 3-1 At the regular HOAB meeting held in the month of February, or at the first regular meeting held after February, the HOAB Board shall elect a Chairman and Vice Chairman from their Voting membership. All Voting members shall be allowed to vote. Office holders shall be limited to Voting members. Terms of office shall be one (1) year. Persons may be reelected to the same office for successive terms.
- 3-2 The Chairperson shall preside at all meetings and have the duties normally conferred on such office. The Vice Chairperson shall serve as temporary Chairperson in the absence of the Chairperson.
- 3-3 In the event of the absence or recusal (disqualification) of both the Chairperson and Vice Chairperson from a meeting of the HOAB or a matter before its voting members in attendance, the present members may elect a temporary Chairperson for that meeting and

proceed with the order of business.

- 3-4 The Planning Director, or designee, shall serve as Secretary of the HOAB. The Secretary shall, with concurrence of the Planning Director and Chairperson, prepare agendas for the meeting, provide public notice of the meetings, publish minutes (see Section 5-1), attend to correspondences, and perform such other duties as necessary. The Chairperson shall have a role in setting the agenda. If any agenda changes need to be made, they will be voted on at the time of the meeting by the HOAB.

Meetings

- 4-1 Regular monthly meetings of the HOAB shall be held at a standard time and place as agreed upon by the Town Board. Members shall be notified by electronic mail of each regular meeting by the Planning Department's Executive Assistant.
- 4-2 Special meetings may be called by the Chairperson provided a ten (10) calendar day notice of the time and location of each such meeting shall be given to all members by the Planning Executive Assistant.
- 4-3 The HOAB shall operate according to Robert's Rules of Order to the extent not contrary to these Bylaws. The Chairperson, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the HOAB in session at that time.
- 4-4 Town Staff shall provide HOAB with all material information, as well as a written legal opinion for all proposed text amendments, which shall contain the Town's source of authority and a statement of compliance with statute, case law and constitutional limits.
- 4-5 When a State of Emergency has been declared in accordance with N.C.G.S. § 166A-19.20 that is applicable within the Town limits, the Town Board and any other Town board, committee, or commission may hold a regular, special, or emergency meeting as a remote, electronic meeting using technology such as Zoom, Ring Central, or another virtual or teleconferencing platform.

Any electronic meeting held under this rule must comply with the requirements of N.C.G.S. § 166A-19.24. Under such conditions, an electronic meeting shall be treated as though it were a meeting at which all of the Board members who are simultaneously communicating are physically present.

A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member.

Votes of each member made during a remote meeting under this section shall be counted as if the member were "physically present" only during the period while simultaneous communication is maintained for that member.

- 4-6 If no State of Emergency is in effect in accordance with N.C.G.S. § 166A-19.20 that is applicable within the Town limits, the HOAB may hold a regular, special, or emergency meeting as a remote, electronic meeting using technology such as Zoom, Ring Central, or another virtual or teleconferencing platform only upon a consensus from the Town Board allowing the remote meeting.

Any electronic meeting held under this rule must comply with the requirements of N.C.G.S. § 166A-19.24(b)-(e) and N.C.G.S. § 143-318.13. Under such conditions, an electronic meeting shall be treated as though it were a meeting at which all of the Board members who are simultaneously communicating are physically present.

A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member.

Votes of each member made during a remote meeting under this section shall be counted as if the member were “physically present” only during the period while simultaneous communication is maintained for that member.

Records

- 5-1 The HOAB shall keep a record of its recommendations, transactions, findings, and determinations. Said records shall be published and released to the public through the Town of Huntersville web site, except as exempted by State law, and maintained in the files of the Planning Department.
- 5-2 Staff shall provide a summary of HOAB recommendations, transactions, findings, and determinations, in a standardized form, to the Planning Board and Town Board.

Action by Committee

- 6-1 All actions of the HOAB shall have been put before the HOAB members in the form of a motion, duly seconded and voted upon. A quorum of all voting members shall be present before a vote may be taken on any motion. (See Section 2-3 relative to vacancies of voting members).
- 6-2 Voting shall be done by a show of hands. Only voting members present at the time a vote is taken shall be eligible to vote.
- 6-3 All voting members of the HOAB must vote on all matters. Members who are present and not excused will be deemed to have voted in favor of the motion presented if they do not vote, this is to include an abstention vote.

Attendance

- 7-1 In order for the HOAB to carry out its duties and responsibilities, it is necessary for all voting members to attend the meetings. If any voting member is absent for three (3) consecutive regular meetings or fails to attend at least seventy-five percent (75%) of the

regular meetings within a twelve (12) month “moving” period, the Chairperson shall request from the Town Board that the position be vacated and a replacement be made by the Town Board. Attendance records will be kept by the Planning Executive Assistant.

Conflict of Interest

- 8-1 Pursuant to N.C.G.S. § 160D-109, members of appointed boards shall not vote on any advisory or legislative decision regarding the adoption of a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. For purposes of these rules a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

In applying this rule, the following procedure shall govern:

An HOAB member who believes that a conflict of interest exists for himself or herself shall declare that the possible conflict exists and ask to be excused from deliberation on the matter in question. The conflict of interest may be specific to a particular agenda item, ordinance change, etc. A majority vote of the remaining HOAB members shall be required to excuse a member from the deliberation for a conflict of interest.

- 8-2 A contention of the existence of an overt conflict of interest or a contention of an undisclosed conflict of interest may be made by any interested party or HOAB member. Such a contention, only after the facts have been presented, may be grounds for reconsideration of a decision or recommendation of the HOAB.
- 8-3 Any such contention made to the HOAB shall be supported by factual and material evidence and shall be submitted to a properly convened meeting of the HOAB. The HOAB shall hear all such evidence and shall, by majority vote, make a final determination as to the existence of a conflict of interest and any further action required of the HOAB by such determination.
- 8-4 Excuse from participation in any matter is necessary only in those specific matters in which a conflict arises. There shall be no excuse based on entire categories of the business, profession, or outside interest with which a member is associated.

Subcommittees

- 9-1 The HOAB may create standing or ad hoc subcommittees. The following rules shall be applicable to the meetings of any standing or ad hoc subcommittee, which may be formed by the HOAB from among its own members:

- i) A quorum shall be required consisting of a majority of the members of the subcommittee.
- ii) The Chairman of the subcommittee shall have a vote on all matters coming before the subcommittee.
- iii) Minutes of subcommittee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.

Adoption of Rules of Procedure and Amendments

10-1 These Rules shall at all times be consistent with all ordinances of the Town of Huntersville and laws of the State of North Carolina. Should any provisions of these Rules be inconsistent with such ordinances or laws of the State of North Carolina, said ordinances and laws shall control.

The Town Board, by a majority vote, shall adopt the Rules of Procedure. These Rules may, within the limits allowed by law, be amended at any time by an affirmative vote of two-thirds (2/3rds) of the Town Board, or an affirmative vote of the majority of the Town Board, provided that such amendments were presented in writing at a regular or special meeting before the meeting at which the vote is taken.

Adopted, as amended, this ____ day of _____ 2022.

Mayor, Town of Huntersville

ATTEST:

Town Clerk