



AGENDA

Regular Town Board Meeting

July 18, 2022 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

1. Pre-meeting - 5:30 p.m.

1.A. Updates on Stumptown Road Extension Project and Main Street Project. (*Stephen Trott*)

2. Call to Order

3. Invocation/ Moment of Silence

4. Pledge of Allegiance

5. Staff Questions

6. Public Comments, Requests, or Presentations

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

8.A. Approve the minutes of the May 2, 2022 Regular Town Board Meeting. (*Janet Pierson*)

8.B. Approve the minutes of the May 11, 2022 Special Town Board Meeting. (*Janet Pierson*)

8.C. Adopt Resolution to approve the awarding of a service firearm to a retiring law enforcement member. (*Emily Sloop/Chief Hoyle*)

8.D. Adopt Resolution approving designation of certain Town Owned Property to Public Right of Way. (*Stephen Trott*)

- 8.E. Adopt Resolution to accept award of and approve local match of federal funding in the amount of \$20,000 as required by the Governor's Highway Safety Program. *(Barry Graham)*
- 8.F. Approve budget amendment appropriating \$20,000 to the Grant Revenue account for the purchase of a police motorcycle. *(Barry Graham)*
- 8.G. Adopt Resolution approving Interlocal Cooperation Agreement for Fire Protection Services. *(Emily Sloop)*
- 8.H. Adopt Resolution ratifying the updated Charter of Centralina Regional Council. *(Emily Sloop)*
- 8.I. Call a public hearing for Monday, August 1, 2022 at 6:00 p.m. at Huntersville Town Hall on petition #S22-02 Novant Health Special Sign District, a request by Lockwood Identity Inc. (Sign Art) to amend the plan for the Special Sign District Zoning Overlay for Novant Health Hospital located at 10030 Gilead Rd, Tax Parcel 01716601. *(Kayleigh Mielenz)*

9. Public Hearings

- 9.A. Conduct public hearing on Petition #TA22-08, a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code. *(Emily Sloop, Kayleigh Mielenz)*

10. Other Business

- 10.A. Consider decision on Petition #TA22-08, a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code. *(Emily Sloop, Kayleigh Mielenz)*
- 10.B. Consider decision 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). *(Lauren Speight)*
- 10.C. QUASI-JUDICIAL. Conduct evidentiary hearing and consider decision on Hamlet at Huntersville Subdivision Sketch Plan, a request by Middleburg Communities, LLC to subdivide 43.91-acres located along Old Statesville Road (immediately north of Plum Creek Subdivision) at 12349 Old Statesville Road, Parcel # 017-361-02 and portion of 01736104 for a 265-unit, for-rent residential development. *(David Peete)*

- 10.D. QUASI-JUDICIAL. Conduct evidentiary hearing and consider decision on Valea Subdivision, a request by Valea Bowman, LLC to subdivide 31.84 acres located south of Dellwood Drive and east of Central Avenue primarily at 14215 Holbrooks Road into 36 single-family lots. *(Jack Simoneau)*
- 10.E. Consider decision 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) including miscellaneous ordinance clean-up adjustments. *(Jack Simoneau)*
- 10.F. Consider decision on request for Traffic Calming Measures on Greenway Drive. *(Lora Mastrofrancesco)*
- 10.G. Consider approval of the 150th Anniversary Logo. *(Kim Strickland)*
- 10.H. Consider appointment to the Greenway, Trail, & Bikeway Commission. *(Tracy Houk)*

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
July 18, 2022**

To: Town Board

From: Janet Pierson, Town Clerk

Date: July 18, 2022

Subject: Approval of Minutes - May 2, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the May 2, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

May 2, 2022

**6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

**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 May 2, 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 said before we move into our Regular Board Meeting, Huntersville experienced a great loss over the last several days and we wanted to take a moment to remember a former mayor who gave so much to our community. She served our community for more than two decades and she gave so much of her time and her talents. In respect and in honor of that, we also have invited our former mayors and I would like to take a moment to recognize each of them – former Mayor Sarah McAulay, former Mayor Kim Phillips, former Mayor Drew Saunders, and former Mayor John Aneralla. Also, we would like to thank Mayor Karen Alexander from Salisbury for coming to join us this evening and taking a moment in honor of former Mayor Jill Swain. Jill meant a lot to a lot of people in our community, and we want to take a moment and reflect on all of her years of service. I would like to also say that Mayor Alexander is also the League of Municipalities past president. If we can just take a moment, we'll roll that memorial video and then we will have a moment of silence.

Following the memorial video, 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 and Commissioner Kovacs presented Small Business Week proclamation to Bill Russell with the Lake Norman Chamber of Commerce.

*Town of Huntersville
Proclamation*

WHEREAS, The Town of Huntersville, North Carolina recognizes and values the dedication and entrepreneurial spirit of small businesses that keep the State and American economy growing stronger; and

WHEREAS, there are over 930,000 small businesses with employees in North Carolina alone representing a majority of the total number of businesses with employees in this state; and

WHEREAS, the income of North Carolina's small business owners totals over \$20 billion, and these businesses employ 1.7 million North Carolinians or 45.3% of the State's non-farm private workforce; and

WHEREAS, there are over 28,500 small businesses with employees in Mecklenburg County and over 69,000 sole proprietors, representing a majority of the total number of businesses in the County; and

WHEREAS, it is the collaborative mission of the town working with the Lake Norman Chamber of Commerce, Lake Norman Economic Development Corporation, Visit Lake Norman, and the Small Business Administration to help our businesses grow and create new jobs in the community and Lake Norman region by providing exemplary workforce training, financial assistance programs, and research and technical assistance; and

WHEREAS, The Town of Huntersville appreciates the support of our small business community by the Chamber of Commerce, Central Piedmont Community College, Small Business Technology Development Center, and our SCORE volunteers; and

WHEREAS, during the week of May 2 through May 7th, the Lake Norman Chamber of Commerce is celebrating Small Business Week.

NOW, THEREFORE, I Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim May 2-7, 2022 as "Small Business Week" in Huntersville and urge all citizens to acknowledge and celebrate the achievements made by small businesses both locally and nationally, and to further support your local businesses by "Shopping and Buying Local!"

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 2nd day of May 2022.

Bruce Jones and Brian Donnelly with Charlotte Area Transit System provided update on Envision My Ride Bus Priority Study and MetroRapid BRT Improvement Program. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

David Walter, 9004 Park Grove Street, said I'm here tonight to request that you make a modification to one of your policies. In conversation with Tracy Houk and a guy named Michael from the park district, there's a problem. There's been a group loosely called Friday Bridge that has made use of the Arts & Cultural Center I'm told for 15 years. I've been involved for over 10 and for at least the last 5 I've been the director, not really in charge, but I do the scoring. At the beginning of the COVID pandemic, we stopped playing. Like everything else in society, we shut down. About a year ago we resumed play. The group that plays, because this is a Friday morning, we are all retired. But we are more than that. I think I'm the youngest, but if I'm not the youngest player, I'm second and I'm going to be 75 in August. We have a group of elderly people playing bridge 3' apart for three hours exchanging the cards. The rule is if you're not vaccinated, you can't play. This is an at-risk population, and I can't stress that enough. We resumed play after the Center for Disease Control relaxed the rules and said you're allowed to have a group of people in a closed environment like this room if, and only if, everyone is vaccinated. That is a federal regulation. What I'm asking is a modification of the policy, and a policy is a guidance, that says in effect, and I'm sure the attorney can come up with better wording, but in effect the policy is whatever you said it was unless there is a conflict with a regulation from a higher level of government. You are not going to go against state laws, you are not going to go against federal laws and virtually the CDC. It's not a rule, it's a regulation. The problem came about, and she's here tonight, Lynn Drake approached me and asked if she could play. I know her opinion on vaccines because she's told me. I said Lynn we'd love to have you play, but you've got to be vaccinated. She then came to you people and to the parks district. As you can see, she's here tonight and she is not wearing a mask, so she really doesn't care if she's a risk to anybody else. Your meeting is actually in violation of the CDC regulations because there's obviously at least one person in the room who is not vaccinated.

Mayor Bales said you've used your three minutes.

Mr. Walter said all I really care about is I'm requesting a modification to the policy that takes account of the fact that there may be other conditions that are relevant in its application.

Lynn Drake, 8925 Wedgewood Drive, said I have played bridge 25 years since it has been here. If I had longer, I would spend lots of time trying to sell bridge to you all because it is well known that it is one of the top ways to prevent dementia. I play at three facilities – this one 20 out of 25 years, Mallard Creek over 10 years, and another one that's close to town, so I greatly appreciate you. I don't appreciate Mr. Walter saying that I reached out to him. We only reached out by email. I cannot take vaccines. I don't take medicine. Doctors stopped me when I was a kid. I should have a medical exemption, but what we really need to go to is the Parks & Recreation. As I was looking for places for groups to play bridge, and this is a high level bridge so you are not talking a lot, you're playing, it was made clear to me that it was very fair rules that the Parks & Recreation had that groups were not allowed to exclude anyone who showed up to play, even if they knew nothing about bridge and groups also could not change rules or make exclusions. I really do think that works because you can get into a lot of legal technicalities if you try to rule that I'm contagious. I am not. I'm one of the healthiest people you will ever meet. I take no medication. I have no ill effects, I climb ladders. What I'm trying to say is what you have now with the Parks & Recreation works. Do you want to open a can of worms and legal and I would get involved. I'm sorry, because I love the way it has worked for 20 years, and I've been able to play bridge anywhere from two to four times a week. It's kept my brain good, and the rules were very fair. Why should people be turned away if they can't play bridge. You try to explain to them that you really might not like it, or you might not stay, but I know at Mallard Creek Center they have allowed people to stay and tried to work with them. It has not been done at the other two centers. I know that for a fact. As far as changing the rules, the other part that Parks & Recreation has if you pay to play, which I hate that this has come up then you can set rules, but I do question again from a legal standpoint can you mandate for the reasons Mr. Walter is saying that I can't play and people who are unvaccinated can't play because they're contagious. That's a legal issue.

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board. *Refer to written comments attached hereto as Exhibit No. 2.*

AGENDA CHANGES

Commissioner Phillips made a motion to move Item 10.A (Presentation of Manager's Recommended Budget) to Item 10.D.

Commissioner Munger clarified it's moving Item 9.A to 9.D.

Commissioner Munger seconded motion.

Motion carried unanimously.

Commissioner Munger made a motion to adopt the agenda, as amended.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

CONSENT AGENDA

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

Huntersville Recreation Center Sponsorship Agreement – Novant Huntersville. Commissioner Kidwell made a motion to approve the renewal of the Sponsorship Agreement with Novant Health Huntersville Medical Center for the Huntersville Recreation Center. Commissioner Munger seconded motion. Motion carried unanimously.

Sponsorship Agreement attached hereto as Exhibit No. 3.

Call for Public Hearing – Greenway Street Traffic Calming. Commissioner Kidwell made a motion to call a public hearing for Monday, June 6, 2022 at 6:00 p.m. at Huntersville Town Hall regarding the Greenway Street Traffic Calming Request. Commissioner Munger seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R21-13. Commissioner Kidwell made a motion to call a public hearing for Monday, June 6, 2022 at 6:00 p.m. at Huntersville Town Hall, 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 (now Calamar Senior Apartments) at 11130 Will Knox Road (Parcel # 00544332) to modify the conditional rezoning plan design from multiple senior apartment buildings to a single unit senior living facility. Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #TA22-05. Mayor Bales called to order 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, Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

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.

Mayor Bales called for public comments.

Amy Hallman, 100 Cambridge Road, said when you asked to remove the quasi-judicial hearings from your plate, at first I was excited, but I have many questions. I didn't realize it would require rewriting large parts, 58 pages according to Mr. Simoneau's Staff Report, of the Subdivision Ordinance to make the subjective ordinances objective, mostly because I trusted the word that the Board members cannot, not should not, talk to anyone about the topics. I was dumbstruck that there was a need to rewrite ordinances because they are subjective, just in order to pass off the quasi-judicial hearings to the Planning staff. It stands to reason that there's some wiggle room for these decisions right now in the quasi-judicial hearings. At present the quasi-judicial process is not simply black or white and I'm still

trying to learn as much as I can, so I have some questions. This is just the beginning of them and I hope you will seek answers to them on your own as I will. Have you read the general statutes personally that address the process? Where does it say you cannot speak or listen to constituents before the quasi-judicial hearing? Do you know that (a) you can speak to people on the topic and (b) the process and decision making I've witnessed here in the past two years is not entirely what can happen? Are you curious what wiggle room there is to be in a quasi-judicial hearing since it isn't entirely black and white? Do you know what constitutes a quasi-judicial hearing in the first place? Are there ways a developer could ensure a quasi-judicial hearing in order to avoid public outcry? Did you know that in essence you are asking the staff to rewrite many of the Subdivision and Zoning Ordinances in order to facilitate this request? I didn't. Do you know you have the option to give the responsibility to the Board of Adjustment as well as other appointed boards and that it would stay quasi-judicial? Did you know that giving this decision-making power to staff will remove the developer's sketch plan? I remember a decision this Board had, the discussion this Board had, that concessions can be made at the sketch plan level. That that would go away. If you instead give this decision-making power to the Planning staff, how will you ensure accountability? The staff is whom the developer first goes to. The staff then works with the developer and then the staff gets to approve the plan. Did you know that means neighborhood meetings are for pushing out information only, their input will become irrelevant? Did you know that these decisions would no longer require a Planning Board recommendation at all? Did you ask the staff to handle this or make a recommendation on best practices? What recourse does the taxpayer have if decisions are not acceptable because the taxpayer does not vote for staff, can't hire or fire staff, nor can you as the Board? Is the only recourse for taxpayers to sue the Town? Do you know the first sentence of the conformity section of the ordinances to be objective all propose subdivisions should be planned to facilitate the most advantageous development of the entire neighborhood? Do you feel the power to make these decisions should lie with you the electeds?

Rachel Zwipf, 13021 Central Avenue, said I have many points of contentions with the possibility of quasi-judicial procedure decisions going to the hands of the Planning staff. In the Town's procedural Rule 25 on quasi-judicial hearings, it states that the Mayor has the authority to rule on the admissibility of evidence and all other procedural issues that may arise during the hearing. If that power is given to the staff, my concern is that I did not vote for the staff to have this power as I did while voting on the mayor and the other commissioners. How do I hold the staff accountable for making these decisions that I do not agree with? Point No. 2, in recent hearings interested parties have not been able to participate in hearings because they were not deemed to have standing. There is a difference between a person with standing and the powers such a person with standing is allowed to actively participate in that hearing. An interested party is a person who has the ability to testify yet does not have the powers that a person of standing has such as opening and closing statements, calling witnesses and cross-examining someone. I'm not sure if you knew this. My third point being the conflict of interest in Line H in the Town's rule. Nowhere in the general statute does it state that commissioners nor the mayor may listen to or respond to their constituents on a quasi-judicial hearing, yet they have been directed by the Town Council not to do so and with that advisement they do not. But I asked isn't that what the Board is in place to do, is to listen to our concerns. Have you read the statutes for yourself and had a greater understanding before this task is set to be in the hands of the staff? I ask that these hearings not be passed to the staff to manage as they should remain in the hands of the Board to decide and is for us your constituents to continue to have a voice in the planning development stages and our voices be heard and understood.

Commissioner Kovacs said thank you for all of this work you have done on this. I know that the previous board had directed staff to look into lessening the amount of quasi-judicial stuff that came across. Have we considered sending this to the Board of Adjustment, because in my opinion that seems like a more appropriate place for quasi-judicial decisions to be made.

Mr. Simoneau said we were directed by the Town Board to not have a quasi-judicial subdivision process. That means taking out all of the subjective standards. If you left in subjective standards, statutes say it shall be assigned to a governing board, a planning board, a board of adjustment. I would just simply say if the Board wants to keep it quasi-judicial, you could keep that power, you could give it to the Planning Board, or you could give it to the Board of Adjustment. That means keeping in some subjective standards. But if we remove the subjective standards, it's black and white. You meet it or you don't.

Commissioner Kovacs said I wasn't here when the previous board gave the recommendations. I personally think the subjective standards are appropriate to keep, but I do think that going to the Board of Adjustment would be more appropriate.

Commissioner Munger said I tend to agree with Commissioner Kovacs. This is one I've struggled with. Obviously, sitting on the HOAB, I've seen both sides of this equation. It's a very real struggle. The question I have is if we did kick it over to Board of Adjustment, ultimately they would make the decision and still would not come to this Board. Their decision would be the final decision. Is that correct?

Mr. Simoneau said it would be a final decision by them.

Commissioner Munger said I would definitely agree with Commissioner Kovacs on this matter.

Commissioner Kidwell said I agree with Commissioner Munger and Commissioner Kovacs on this. My concern is rubberstamping. We are taking the neighborhood meeting and it's going from hey this is what's potentially going to happen to this is what's happening, deal with it. I think it should go to the Board of Adjustment. I don't think anybody in the town doesn't know my feelings on the Board of Adjustments and quasi-judicial and how it should be handled.

Commissioner Partee said I tend to agree with my fellow commissioners. I like seeing the Board have hands on availability to question developers that come before us regarding their projects and having experience of law enforcement and going through just judicial process there's certain checks and balances that we need to maintain. I would like the Board as elected officials to maintain that balance.

Commissioner Phillips said the whole quasi-judicial thing, I hate it. I hate it so much. People think that what we are doing.....like this whole thing, you know it's not an easy way to rubberstamp developments. I had luck one time with a developer and I'm going to hold on to that luck for the rest of the time I'm sitting up here. I asked for them to include some affordable senior components to their apartments and they were able to do that. As it currently stands, we can't do that. We can't make asks of those natures during quasi-judicial. I love the thought of getting this away from us. We are not professionals, we are just elected, so that when situations are happening, we can make those asks and keep our fingers and toes crossed for the right things to happen and good things to happen. I have recused myself from quasi-judicials because of things. I felt ethically I had to. For example, I will throw this one all the time – Hope House. Inherently I could not sit here even as an expert in homelessness because I had emotional opinions about homelessness, so therefore I recused myself. And I feel like we are getting into development situations as things continue to go where we are getting ourselves into slippery slopes where you talk about it over here for 2 years, then you go away, and then surprise it's quasi-judicial. How do we say that we don't have influence or bias when you've already done this over here, you wait a couple years, and then you go over here and do something. It's really hard not to throw names out there about projects saying this. I also think the issue of holding people accountable, you do hold the Board accountable. You hold us accountable by keeping.....if staff's not doing a good

job, and we are keeping them around, then that's on us. But also I think we have to take into consideration that by-right is by-right, and we can't let the public influence us when something is by right, so that to me creates a new obstacle. Whether we like it or not, I think the best thing we could ever do is take quasi-judicial away from the Board because then it stops being political and we let it go to the Board of Adjustment who only operate quasi-judicial.

Mayor Bales said I would just say this, if you are going to keep quasi-judicial, in my humble opinion you were elected and you should keep quasi-judicial at this Board. Passing it off to an appointed Board allows this Board to say, I didn't do it. I would also like to open the floor up for Ms. Sloop, if you have anything that you would like to add to the discussion.

Emily Sloop, Town Attorney, said the only thing I would add is that the same standards re: conflicts of interest will now apply to the Board of Adjustment members. They will have to follow the quasi-judicial process. They will have to be subject to the rules regarding ex parte communications, so by taking it from the Town Board and moving it to the Board of Adjustment, that doesn't change that fact. I just wanted to make that point of clarification.

Mayor Bales said which would then mean the Board could not talk to the Board of Adjustment on the issues that they would be taking up.

Ms. Sloop said correct. They couldn't have ex parte communications about the matters.

Commissioner Munger said one of the things I had come to understand is as long as communication is done to the Board in its entirety, that communication can be reviewed by whether it would be our Board or Board of Adjustment. It can't be reviewed if it's me and Derek got something and the rest didn't.

Ms. Sloop said I'm not 100 percent sure I follow the question, but essentially the decision-making body whether it be the Town Board or the Board of Adjustment all has to base its decision off of information presented at the evidentiary hearing.

Commissioner Munger said never before?

Ms. Sloop said exactly. They have to follow a specific standard regarding the evidence. It has to be competent material, substantial and it has to be something that all, the entire board, whether it be Board of Adjustment or this Board is presented with. It would not be something that you heard in passing or that you received via email.

Commissioner Munger said to your point, as long as the entire Board is informed, whether it be us or Board of Adjustment, my understanding was that it could occur at any time, not necessarily at the time of the hearing.

Ms. Sloop said no, it's supposed to be at the evidentiary hearing, which is why for example now, even though the Planning Board makes a recommendation, you can't consider the Planning Board's recommendation.

Commissioner Munger said fair point.

Commissioner Kidwell said doesn't that just seem ridiculous that we can send it to the Planning Board, let them make a decision, we can't talk to them about the decision, but the meeting notes are available for us to read. I'm not questioning the legality of it, it's just plain and simple stupid.

Ms. Sloop said as a point of clarification the NC School of Government does not recommend the Planning Board making a recommendation and I had also made that recommendation.

Commissioner Kovacs said what's the difference between reading the Planning Board minutes and reading an email from someone else, if we get it all at the same time.

Ms. Sloop said again, it's not illegal to have Planning Board make a recommendation to perhaps try to smooth out outstanding staff comments between staff and the developer, but the Town Board making the quasi-judicial decision is not supposed to consider material outside of the evidentiary hearing and they are also not supposed to take into consideration anything re: the Planning Board's recommendation.

Mayor Bales said what I heard is that your recommendation was that it not go to the Planning Board.

Ms. Sloop said I've had conversations with Planning staff about that as a possibility in the past and we've talked about the fact that the School of Government does not recommend that.

Mayor Bales said so, it's not a best practice.

Ms. Sloop said exactly.

Anthony Roberts, Town Manager, said I think that's why boards want to get rid of quasi-judicial because it's just a legal nightmare. You are an elected official. Every citizen wants to talk to you and then you've basically got to say I'm sorry I can't talk to you, this is quasi-judicial. What do you mean, I elected you, I can't talk to you. It's frustrating for Board members. I think that's why boards have been frustrated with the quasi-judicial process because as an elected official I cannot talk to folks who just elected me, I have to say no, come here and talk at the hearing. I hate quasi-judicial because it's a legal nightmare waiting to happen.

Mayor Bales said I think at the end of the day the Board needs to decide does quasi-judicial give you any true level of flexibility and weigh that through creating an ordinance that is very clear cut, you either meet the criteria or you don't. I have struggled with do you give it up or do you not, because I see the value in both directions.

Commissioner Phillips said for me, it's red flags everywhere. We'll trade land, we'll sale land to developers with projects that will eventually be quasi-judicial. It's a Board decision to do these things. We all say our little peace, this is good, this is bad, and then we know why we are doing it and then we step away and then we've got to pretend like we don't know anything. I think it's problematic and I know our legal staff does a great job keeping us out of trouble, but I still feel like it's insincere and performative nonsense and I'm like I don't want to do that while I'm up here and like the whole Board of Adjustment thing. Board of Adjustment is accountable because we're the ones who appoint them, so if we are appointing clowns up there, that should fall back on us. I am so sick of sitting here and having.....the one that just did me in with quasi-judicial was when a mom was not considered to be an expert on her kid's safety. I can assure you nobody up on this Board is more of an expert on a parent's

child's safety than that parent or the guardian. That did me in, because if a mom says that's too close to my mailbox, I'm worried about my kid getting hurt, that is an expert.

Commissioner Boone said I was on the Board of Adjustment and I was on the Planning Board and that's one of the first things you learn is that you can't discuss a quasi-judicial case with anybody. You've got to go on what the evidence is. When you look at this as the current, we can't go to the neighborhood meeting. The proposal is we still can't go to the neighborhood meeting. Correct?

Mr. Simoneau said the proposal is you could go to the neighborhood meeting. Under the gray, the proposed, you could go to that meeting, but that meeting is more informative to the neighbors. This is the proposed development that's coming down which we see value in, which is we didn't have to keep that in there but anybody could attend that, including Town Board members with this new standard because the decision and to that matter and I'll just leave this to Emily to comment on, our recommendation is we got rid of all the subjective requirements and just put them as guidelines and then just had all objective standards is that would then be a staff approval. That was recommended from the School of Government, because there's no room to negotiate. But if I go back to the statutes it says here in 160D 803 if the final decision on a subdivision plat is administrative, the decision may be assigned to staff which is what we propose in the text amendment and what the School of Government recommends, but the subdivision on objective standards could also go to the Town Board and if it did go to the Town Board you could attend the neighborhood meeting. I'll let Emily jump in, but if it's all objective standards and there's a neighborhood meeting to share information, I don't see where anybody couldn't attend, including Town Board members, the only difference is there's not subjective criteria there that you can start to negotiate some finer points.

Mayor Bales said basically black and white.

Mr. Simoneau said it's black and white. Now the advantage is the Town Board will hear input from citizens on what they like or don't like about your rules. That would apply even if it was a staff approval because the Town Board is actually able to attend neighborhood meetings and you can hear that feedback. When there's a question about accountability, if we go out of quasi-judicial and accountability, I would just say staff is responsible under the proposal to approve or deny the subdivision, but it's to meet the standards that were adopted by the Town Board and so if we don't like those standards then it is the Town Board who has to adopt different standards, so that's the accountability part on that.

Commissioner Boone said if I go to a neighborhood meeting and neighbors are out there answering questions, can I take their answers as evidence to get ready to make a decision.

Ms. Sloop said it depends on which type of process we are operating under. If we are operating under quasi-judicial the evidence is the evidence at the hearing. Nothing else is evidence. That means if you are at a meeting and you are not at the hearing, you cannot consider that evidence. If we transition to an administrative approval process, because the Town Board is no longer a quasi-judicial decision maker, you can speak to the citizens. It would be an administrative decision at that point.

Commissioner Boone said that's where I have a problem, because I can talk to people, they like it they don't like it, everybody hates it, but staff says we are going to go ahead and go for this. They're upset at me. But I have no decision on it. And the last point I'd like to make is we had a major discussion of what quasi-judicial meant for the Board of Adjustment and what the Town Attorney thought the quasi-judicial

meant. We had a lengthy discussion on that. Mr. Kidwell, I believe you spoke at the public hearing on that. Commissioner Boone said the Town Board just needs to do our job.

Commissioner Kovacs said to go off what Commissioner Boone asked, if we keep it quasi-judicial and it goes to Board of Adjustment, can we attend the neighborhood meetings.

Ms. Sloop said yes, you can attend the neighborhood meetings. The quasi-judicial process, if it's moved to the Board of Adjustment, would then prevent the Board of Adjustment members who are now the decision makers from having ex parte communications with the citizens.

Commissioner Kovacs said then we can talk to the developer.

Ms. Sloop said you can, but you can't then go talk to the Board of Adjustment members and have ex parte communications with them.

Mr. Simoneau said this petition was first heard by the Huntersville Ordinances Advisory Board on April 7, 2022. They did not come to a conclusion, so they will discuss and consider a recommendation at their May 5, 2022 meeting.

Mayor Bales said if it's going to the HOAB on Thursday, do we want to leave this public hearing open until June 6.

Commissioner Partee made a motion to keep Petition #TA22-05 open until June 6, 2022 at 6 p.m.

Mayor Bales called for the vote to continue public hearing on Petition #TA22-05 to June 6, 2022.

Motion carried unanimously.

OTHER BUSINESS

Resolution – Conveyance of Real Property. The Town of Huntersville received an offer to purchase a portion of PIN 01512115 for \$78,000 from Bowman Acquisitions, LLC. On April 4, 2022, the Board of Commissioners authorized disposal of the property through the upset bid process. The Town published the required notice accepting upset bids pursuant to NCGS 160A-269 and no qualifying bids were received.

Commissioner Boone made a motion to approve Resolution conveying 0.78 acres of PIN 01512115 to Bowman Acquisitions, LLC pursuant to the upset bid process.

Commissioner Kovacs seconded motion.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Resolution attached hereto as Exhibit No. 5.

Salary Ranges. Staff requests the Board consider approving new salary ranges proposed in the FY2022 compensation study. This study included review of positions in the Engineering, Public Works and Planning departments. The recommendation includes movement of 13 positions in the pay plan to

better align with comparable municipalities, known market challenges, and equity adjustments within the plan.

Commissioner Phillips said the Public Works Technician, is that salary or is that hourly?

Lara Cagle, Human Resources Director, said hourly.

Commissioner Phillips said what do they make hourly?

Ms. Cagle said this proposal increases that hourly rate to \$15.05.

Commissioner Phillips said the people who would be making \$15.05, do they have any sort of accreditations to operate machinery or you want to explain that.

Kevin Fox, Director of Public Works, said that would not be required at the Technician level. The next level up is our Equipment Operator and that would be the ones who are operating the equipment.

Commissioner Phillips said your equipment operators – how much do they make an hour or are they salary?

Mr. Fox said they are salary and the range is.....

Ms. Cagle said it's \$39,525.

Commissioner Phillips said how long does it take someone to go from like a Tech to an Equipment Operator?

Mr. Fox said they could do it in any amount of time. We've actually had some candidates that started at the Technician level, and we always try to give them on the job training and some opportunities to get on the equipment, and we've had people move up as quickly as 4 to 6 months.

Commissioner Phillips said are you having issues getting entry level Technicians right now?

Mr. Fox said yes.

Commissioner Phillips said what we are offering? Is it competitive with other places?

Mr. Fox said based on the data, we believe so. I know it doesn't compare to the private sector.

Commissioner Phillips said are you losing a lot of people to the private sector?

Mr. Fox said we've lost a few to them. Other people we've lost – warehouse workers, they can go drive a forklift and make more money. We're losing them to our same industry, but there's just jobs where they don't have to work as hard and make a lot of times more money.

Commissioner Boone said Athletic Coordinator maxes out at \$74,840 on their salary. You look at a Police Officer I, he maxes out at \$65,000. I just can't see that. There's a huge difference there and even a Master Police Officer making \$82,000 is just \$1,700 more than a Tournament Supervisor. Why is that?

Ms. Cagle said when we look at where we grade positions, we look at a variety of factors that includes what education requirements are there, supervisory responsibilities, scope, how much supervision the employee needs to have, whether they work fairly independently, or they have more strict supervision. There's a variety of factors that we look at when we decide where positions fit, so that we're putting positions that have similar responsibilities together, similar factors together, so that's one piece of it.

Commissioner Boone said so you are saying that a Tournament Supervisor is paid more because he has more responsibility than a Senior 55 Grade police officer. There's got to be supervision on his side. There's got to be responsibilities on their side, training.

Ms. Cagle said there are. Like I said, a variety of factors go into it. The Facility and Tournament Supervisor does have a lot of full and part-time supervisory responsibility at the parks. It's a different level of responsibility, but when you look at the scope, it factors differently.

Commissioner Boone said I disagree.

Anthony Roberts, Town Manager, said all of this is driven by market, so we go look at the market. We look at other places, what they are paying, the ranges. As you know our police salaries and all of our salaries are very competitive, so we want to look at the market and we want to stay above our adjoining towns, etc. You will see some of the stuff that we recommend in the Manager's Recommended Budget, but I get it, a person carries a gun or whether they tote a fire hose or whether they pick up basketballs at the gym, all this stuff is looked at from a market level so that we can be competitive.

Commissioner Kidwell said I believe I understand what Commissioner Boone is saying and from my time on the board previously and even currently, it's my understanding and I appreciate the numbers here, are we competitive with CMPD with these numbers.

Mr. Roberts said absolutely, the first time I would say in a long time. I don't know how many we've hired from CMPD, but it's unbelievable compared to what we have in previous years.

Commissioner Kidwell said what that tells me, and I might shock people here by saying this, is that we are vastly underpaying our police officers. If one of them decides to give up the uniform and the headache of being an officer and transitions over to Parks & Recreation to become a Tournament Supervisor.....

Mr. Roberts said it hasn't happened.....it doesn't happen.

Commissioner Kidwell said I'm not saying it happens, I'm just saying people are leaving jobs left and right, and benefits and pay are the major factors.

Mr. Roberts said that's why we are here before you and that's why you are going to see us continue to push that at the department level and at the manager level. We haven't been full yet since I've been here. I wish one day I could come to you and tell you that we are full in all departments. Every department is having that same issue and we are continuing to push the envelope on pay raises, benefits, ranges, that's why we have to study every year.

Mayor Bales said what is our average age for a Police Officer I?

Ms. Cagle said I can tell you our average age overall is mid 40's, but for Police Officer I, I don't have that but can find out and let you know.

Mayor Bales said that's your police officer that is just coming out of BLET. They are not in a supervisory position role. I understand the differences between the jobs.

Mr. Roberts said remember we don't hire at the minimum. Just because you have a range, doesn't mean you hire at the minimum. Most of the time you don't because you are not going to get people at the minimum, so you have to continue to adjust those ranges. I don't know when the last time we hired at the minimum.

Commissioner Partee said in regards to the maximum salary, are the benefits health, dental, whatever we offer, does that factor into the maximum.

Ms. Cagle said no, they are separate.

Commissioner Partee said what is the cost? What is the top salary when you factor that in, what's the maximum cost or salary that they would be making?

Commissioner Munger said Jackie said at last meeting 30 percent on top of that.

Ms. Cagle said we fund employee only coverage 100 percent.

Commissioner Partee what benefits do they get?

Ms. Cagle said we do medical 100 percent for employee only, dental 100 percent for employee only and then they have the ability to do additional voluntary benefits at their cost. We also have long-term disability that is 100 percent Town funded and life insurance.

Commissioner Partee said do they contribute at all to the benefits?

Ms. Cagle said depending on what level they select. If they have employee or family coverage, yes.

Commissioner Boone do we still have a 401K match?

Ms. Cagle said we do a straight contribution, it's not a match requirement, 5 percent.

Commissioner Munger made a motion to approve new salary ranges as proposed in the FY2022 Compensation Study.

Commissioner Partee seconded motion.

Commissioner Phillips said I'm not going to support this and I'm sorry it's nothing against you, but I think it's disgusting that our Town pays less than Amazon.

Commissioner Kovacs said I feel the same. When we were talking about the Public Works Technicians and everyone in that 76 Category and we said \$15.05 an hour, that's shocking because you can drive down the road and see someone that works in manufacturing and makes \$16.00 or \$17.00 an hour, so I would like to see our minimums up a little more. Commissioner Partee asked about benefits being

included in the maximum. I wanted to ask, that doesn't include if they are able to work overtime, correct?

Ms. Cagle said the maximum, correct.

Commissioner Kovacs said I'm not in support of these ranges, but again because I do think that we are a little on the low end. Nothing against you and the work that you have done, but I think our employees do deserve more than what we are showing here.

Commissioner Munger said I certainly appreciate the opinions being offered and I tend to also agree they are a little bit low. But the one thing that we have to keep in mind, if we do vote no and leave it as is, which is lower than it should be by a far margin, and what we are trying to do is make up some ground here to get us to what Ms. Cagle has done actual studies to say what a norm is, and I also appreciate some of the comments about the police officers. Police officers are grossly underpaid, but trying to compare different positions.....some people are built to be police officers. I am not. I will never be a police officer. I don't have what it takes to do the wonderful things you do, never will. That's a reality of accepting. At the same time, do I deserve to be compensated at a similar level as a police officer for what I do. The market has determined that for me, and what Ms. Cagle has done is a survey of the market and said this is what the market will bear, similar to what I do when I look for a job. I look out there and I say what will the market pay me. I won't compare it to how a police officer is paid. I compare it to how my peers are paid. That's what we are trying to do here. We are trying to do the right thing and I 100 percent appreciate that we should be paying them more, I'm just trying to drive that point home. We are trying to get there. We are trying to get to a point where we are paying the people for the jobs that they do in a similar fashion to their peers and that's all we are trying to accomplish, and we are trying to get people money. If you do vote no, know that you are going to leave them way shortchanged. We're trying to get there, so that's what a yes vote here is.

Mr. Roberts said you used an outside consultant to help you do this market study, correct.

Ms. Cagle said correct.

Mr. Roberts said I think we are looking at a range here. Remember the person who comes in the door, we don't just say you get the minimum. It just doesn't happen these days. You are hiring folks within their range based on their experience. Now if they can fog a mirror and that's it, yeah they probably make the minimum. We have to look at what experience, and experience level changes these days, but we did use an outside consultant and I want to make sure when I get to my Manager's presentation all of what you all are saying should fall right in the line with the COLA and merit and all of that. I'm hearing you and I don't disagree. We are trying to raise these ranges, but remember it's not hiring the person at the minimum. Very seldom that happens. Remember we are trying to raise these ranges for these employees and we are going to continue to look at it, a third, a third, a third. We may have to bring that in with the way the market changes, do a half, a half instead of a third, a third, a third because things are changing so rapidly. We are trying to raise these ranges up so that we can pay folks more, but we are not paying at the minimum, very seldom.

Mayor Bales called for the vote to approve salary ranges proposed in the FY2022 compensation study.

Motion carried 4 to 2, with Commissioners Phillips and Boone opposed.

Salary Ranges attached hereto as Exhibit No. 6.

Social Media Policy for Elected and Appointed Officials. Commissioner Munger made a motion to approve the Town of Huntersville Social Media Policy for Elected Officials and Members of Appointed Boards, Committees and Commissions.

Commissioner Phillips seconded motion.

Commissioner Kidwell said I'm not going to support this. The Town should not be setting a policy for elected officials. If we say something stupid on the internet, we usually have to bear the grunt of that. It has no teeth. It's essentially just a piece of paper worth nothing. I don't think we need to move forward with this.

Mayor Bales said I understand that it doesn't have teeth, but I do think it sets best practices for all of us to follow.

Commissioner Kovacs said because this includes elected, appointed boards, committees and commissions, what is the recourse for someone that is on an appointed board and goes against one of these. Do they get removed or does anything happen?

Emily Sloop, Town Attorney, said the Town Board always has the prerogative to adjust appointed boards, committees, and commissions memberships. I would say for something that rose to the level that the Town Board felt that action was needed, then yes they could take action.

Mayor Bales called for the vote to approve the Town of Huntersville Social Media Policy for Elected Officials and Members of Appointed Boards, Committees and Commissions.

Motion was tied – Commissioners Munger, Partee and Phillips in favor; Commissioners Kidwell, Kovacs and Boone opposed. Mayor Bales broke the tie by voting in favor of the motion.

Town of Huntersville Social Media Policy for Elected Officials and Members of Appointed Boards, Committees and Commissions attached hereto as Exhibit No. 7.

Manager's Recommended Budget for FY 23 Presentation. Anthony Roberts, Town Manager, presented the Town Manager's Recommended Budget for FY23. *Refer to PowerPoint attached hereto as Exhibit No. 8.*

The public hearing for the proposed budget is scheduled for May 16, 2022.

Mayor Bales encouraged the Board to contact Anthony Roberts or Jackie Huffman with any questions concerning the proposed budget.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Lake Norman Economic Development Corporation is working on 42 projects, 21 of which are in Huntersville. LNEDEC hosted a Manufacturers Mingle.
- Encouraging CATS to work with our Planning Department as they look at routes in regards to Envision My Ride.
- Received word that Jim Warren, Executive Director of the Raptor Center, passed away.

- Reminder that Mother's Day is Sunday.
- Hello Huntersville event was a success.
- Downtown Steering Committee recently held a public forum engagement opportunity.

Commissioner Boone

- Expressed appreciation to the Fire Department. The insurance rating has gone down from a 4 to a 3.
- Provided update from the ElectriCities Board of Commissioners meeting held of April 25.
- During the Hello Huntersville event, the Old Jail had 132 visitors.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

- No Report.

Commissioner Phillips

- Read obituary of Jessica Miller who passed away from ocular melanoma on April 26.

Commissioner Partee

- Expressed appreciation to staff for their work on the Hello Huntersville events.
- Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Munger

- Hello Huntersville event was a success.
- Provided update on Charlotte-Mecklenburg Schools located in Huntersville.
- Next meeting of the Huntersville Ordinances Advisory Board is May 5.
- Next meeting of the Public Art Commission is May 11.
- Consider supporting local non-profits.

Mayor Bales called for a 5-minute recess.

FY23 CIP Projects and Bond Referendum Discussion. Upon return from the recess, the Board discussed potential bond referendum. Anthony Roberts, Town Manager, requested the Board give a final determination as to whether the Board would like to have bond referendum in 2022 or 2023. If the Board wants it on the November 2022 ballot, action would have to be taken in June. Because of the tight timeframe, staff suggests pushing it to November 2023 so you can choose the projects, educate citizens, etc.

Commissioner Munger expressed concern about waiting due to the inflation rate.

Jackie Huffman, Deputy Manager, reviewed spreadsheet showing interest rate scenarios. *Refer to Exhibit No. 9.*

Commissioner Partee noted he would like for referendum to be on the November 2022 ballot.

Commissioner Boone noted he would like for referendum to be on the November 2023 ballot.

Commissioner Kovacs noted she would like for referendum to be on the November 2022 ballot.

Commissioner Kidwell noted whether it's done in 2022 or 2023, the Board needs to be very precise on what the money will be used for. There are a lot of questions that need to be answered.

Mayor Bales called for a straw poll vote.

Commissioners Partee and Munger support a referendum in November 2022.

Commissioners Phillips, Kidwell, Kovacs and Boone support a referendum in November 2023.

Commissioner Phillips suggested scheduling a workshop to discuss the CIP and to receive update on legislative policies.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.

DRAFT

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Janet Pierson, Town Clerk

Date: July 18, 2022

Subject: Approval of Minutes - May 11, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the May 11, 2022 Special Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
SPECIAL TOWN BOARD MEETING
MINUTES**

**May 11, 2022
5:00 P.M. – Huntersville Town Hall
101 Huntersville-Concord Road**

The Huntersville Board of Commissioners held a Special Meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC, at 5:00 p.m. on May 11, 2022, to discuss the proposed budget for FY23.

Mayor Bales called the Special Meeting to order.

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

Anthony Roberts, Town Manager, reviewed the Projected Capital Improvement Program. *Refer to Exhibit No. 1.*

It was the general consensus of the Board to get to the right-of-way phase (without purchasing) of the David Kenney Farm Road project, then pause the project until there is movement on the NC 73 widening project.

It was the general consensus of the Board to include the splash pad in the FY23 budget. The two locations considered were Waymer Park and North Meck Park. Staff has concerns about parking at Waymer Park and recommends the splash pad be located at North Meck Park. If built at North Meck Park, another restroom would need to be built. The requested amount does not include funding for the restroom. Staff will bring back an updated estimate.

Storm water issue in the Walters Street area was discussed. Staff noted that could be addressed by Storm Water funds, not ARPA funds.

Vehicle Fee. The vehicle fee has been \$20 for 15 years. State statute allows a fee up to \$30. It was the general consensus of the Board to leave the vehicle fee at \$20.

Solid Waste Fee. There was previously consensus to raise the solid waste fee by \$17 to \$126. It was the general consensus of the Board of to keep the \$17 increase.

Employee COLA/Merit. The Manager's Recommended Budget includes a 6 percent COLA and 1 percent merit.

Commissioner Boone suggested increasing firefighters pay by an additional \$2 an hour (Manager's Recommended Budget includes a \$1 an hour increase), for a total increase of \$3 an hour.

After debating different scenarios, a general consensus was reached for 5 percent COLA, 4 percent merit and an additional \$1.50 per hour for firefighters on top of the \$1.00 per hour increase recommended in the Manager's Recommended Budget.

Commissioner Munger asked about the increase in insurance.

Jackie Huffman, Deputy Manager, explained the broker suggested the Town include cybersecurity insurance.

Commissioner Boone asked about police transportation van.

Chief Hoyle explained the van would be used for storage of SWAT equipment.

Commissioner Kidwell asked why external agencies weren't broken out.

Emily Sloop, Town Attorney, explained it was included as a lump sum due to new ethics rule.

Commissioner Kidwell questioned if the Town should start charging for parking in the parking deck.

Mr. Roberts explained that there are no current plans to start charging, but would be revisited in the future.

Subsidized HFFA memberships was discussed. It was the general consensus of the Board to eliminate subsidizing for Board, but continue to subsidize for employees.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Emily Sloop, Town Attorney

Date: July 18, 2022

Subject: Resolution awarding of a service firearm to a retiring law enforcement member

EXPLAIN REQUEST:

Consider adopting Resolution to approve the awarding of a service firearm to a retiring law enforcement member.

ACTION RECOMMENDED:

Adopt Resolution to approve the awarding of a service firearm to a retiring law enforcement member.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Sharp Retirement Firearm Surplus Memo
2. R-2022-23 Sharp Retirement Firearm Resolution



Bence Hoyle
Chief of Police

HUNTERSVILLE POLICE DEPARTMENT

9630 Julian Clark Ave P.O. Box 664 Huntersville, N.C. 28070
(704) 464-5400 Fax (704) 947-9200

Memorandum

DATE: June 27th, 2022
TO: Anthony Roberts, Town Manager
FROM: Captain Brian Vaughan 
SUBJECT: Surplus Glock Model 22

This is an official request to have the Glock Model 22, Serial Number: BFFS331, issued to Captain Scott Sharp, to be considered surplus due to his retirement. North Carolina General Statute § 20-187.2 states that members of North Carolina State, city, and county law enforcement agencies' retiring members shall receive upon request, and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a law enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon securing a permit as required by G.S. 14-402 et seq. or 14-409.1 et seq., or without such permit provided the weapon shall have been rendered incapable of being fired.

*** Honor * Professionalism * Dedication ***

HPD 2.09-F
12/05



Resolution to Approve the Awarding of a Service Firearm to a Retiring Law-Enforcement Member

WHEREAS, in accordance with North Carolina General Statute § 20-187.2, the Governing Board of a law enforcement agency shall award a retiring law-enforcement member his or her badge and may, in its discretion, award the member's service firearm; and

WHEREAS, Captain Scott Sharp has made an official request to be awarded his service firearm upon his retirement; and

WHEREAS, The Town of Huntersville Board of Commissioners (the "Board of Commissioners") has determined that Officer Collins is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law; and

WHEREAS, the Board of Commissioners desires to honor Captain Sharp for his service to the Town as a law enforcement member by awarding him his service firearm, a Glock Model 22, serial number BFFS331, for the price of \$1.00.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Commissioners has determined that Captain Sharp is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law
2. Pursuant to G.S. § 20-187.2(a), the Board of Commissioners hereby awards Captain Sharp his service firearm, a Glock Model 22, serial number BFFS331, for the price of \$1.00.
3. The Town Manager and Town Attorney are hereby authorized to take necessary actions and to execute such documents as may be necessary to complete this Resolution.
4. This Resolution shall be effective as of the date of its adoption.

Adopted this the 18th day of July 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: July 18, 2022

Subject: Town Owned Property to Public Right of Way

EXPLAIN REQUEST:

Resolution Approving Designation of certain Town Owned Property to Public Right of Way.

ACTION RECOMMENDED:

Adopt Resolution Approving Designation of certain Town Owned Property to Public Right of Way

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Parcel to ROW
2. R-2022-24 Resolution Approving right of way designation 6-27-2022

Parcel to ROW

408-707

400-407

300-399

Gilead Rd

Marguerite Ln

100-199

100-199

600-699

Holbrook St

200-299

Pinewood Dr

Huntersville

600-699

699
s St



**Resolution Approving Designation of certain Town Owned
Property to Public Right of Way**

WHEREAS, the Town of Huntersville (the “Town”) owns certain real property located within Mecklenburg County that was conveyed to the Town by certain deeds recorded in Mecklenburg County Registry, said lots being more particularly described on Exhibit A attached hereto (referred to as the “Property”).

WHEREAS, the Property was conveyed to the Town in fee simple; and

WHEREAS, the Huntersville Board of Commissioners (the “Board of Commissioners”) desires to designate the Property described in the attached Exhibit A as Public Rights of Way for mapping purposes.

NOW THEREFORE, BE IT RESOVLED AS FOLLOWS:

1. The Board of Commissioners hereby approves the designation of the Property to dedicated Public Rights of Way.
2. This Resolution shall be submitted to the Mecklenburg County Registry for recordation.
3. Except as revised by this Resolution, the deeds shall remain in full force and effect.
4. The Town Manager and Town Attorney are hereby authorized to take necessary actions and to execute such documents as may be necessary to complete the designation of the Property as approved herein.
5. This Resolution shall be effective as of the date of its adoption.

Adopted this the 18th day of July 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

Approved as to Form:

Emily Sloop, Town Attorney

Exhibit A

Parcel ID number 01710502

BEING all of lots 20 and 27 as shown in the Plat recorded in Plat Book 4 at Page 307, Mecklenburg County Registry, which said plat is made a part hereof and is referred to for a further description of said lands.

For title reference: See Deed Book 30491 at Page 604, Mecklenburg County Registry.

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Barry Graham, Police Major

Date: July 18, 2022

Subject: Resolution to accept award of and local match of federal funds

EXPLAIN REQUEST:

HPD has been awarded federal grant funds in the amount of \$20,000 through the NC Governor's Highway Safety Program. As a pre-condition of the acceptance of said funds, which are anticipated to be disbursed in Fall 2022, the Town must agree to provide and appropriate an equivalent local match of the federal funds. The funds will be used to defray the cost of purchasing an additional or replacement law enforcement motorcycle. A corresponding budget appropriation has been included in the agenda.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. R-2022-25 - Resolution to accept award of and approve local match of federal funding as required by the Governor's Highway Safety Program

**North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION**

WHEREAS, the Huntersville Police Department (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Town of Huntersville

(The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Town of Huntersville IN OPEN
(Governing Body)

MEETING ASSEMBLED IN THE CITY OF Huntersville, NORTH CAROLINA,

THIS _____ DAY OF _____, 20____, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and

2. That Sergeant Nick Bruining is authorized to file, on behalf of the Governing
(Name and Title of Representative)

Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 20,000 to be made to the Governing Body to assist in defraying
(Federal Dollar Request)

the cost of the project described in the contract application; and

3. That the Governing Body has formally appropriated the cash contribution of \$ 20,000 as
(Local Cash Appropriation)

required by the project contract; and

4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and

5. That certified copies of this resolution be included as part of the contract referenced above; and

6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____
(Chairperson/Mayor)

ATTESTED BY _____
(Clerk)

SEAL

DATE _____

North Carolina Governor's Highway Safety Program
Agreement of Conditions

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

A. Federal Provisions

- 1. Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252);
 - (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601)
 - (c) Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686);
 - (d) Non-Discrimination in Federally-assisted programs of the United States Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), hereinafter referred to as "USDOT", as amended;
 - (e) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, and 49 CFR Part 27; and
 - (f) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.);
 - (g) The Civil Rights Restoration Act of 1987, (Pub. L. 100-209);
 - (h) Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) and 49 CFR parts 37 and 38;
 - (i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
 - (j) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- 2. Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (41 U.S.C. 8103).
- 3. Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
 - (a) Highway Safety Act of 1966 (23 U.S.C. Chapter 4 -), as amended;
 - (b) Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94;
 - (c) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300);
 - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 1201);
 - (e) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and all other relevant Federal regulations covering the Highway Safety Program;
 - (f) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 (www.nhtsa.gov) and additions or amendments thereto.
- 4. Political Activity (Hatch Act)** The Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- 5. Lobbying.**
 - (a) **Certification Regarding Federal Lobbying.** The undersigned certifies, to the best of his or her knowledge and belief, that:
 - (i) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (ii) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure

- (b) **Restriction on State Lobbying.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

6. Audits.

- (a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR, Subpart F, §200.500. Guidance on determining Federal awards expended is provided in 2 CFR, Subpart F, §200.502.
- (b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR, Subpart F, §200.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR, Subpart F, §200.501, paragraph (c).
- (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143C-6.22 and 09 NCAC Subchapter 03M.

7. Instructions for Lower Tier Certification.

- (a) By signing and submitting this proposal, the prospective lower tier participant (the Agency) is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- (b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- (c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (d) The terms covered transaction, civil judgement, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR Part 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- (e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred,

suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- (f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
 - (g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
 - (h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - (i) Except for transactions authorized under paragraph 7(e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.
 - (j) **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
 - (i) The prospective lower tier participant (the Agency) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency.
 - (ii) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
8. **Buy America Act.** The Agency and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
9. **Prohibition On Using Grant Funds To Check For Helmet Usage.** The Agency and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
10. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
11. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR 220 Cost Principles for Educational Institutions for determining costs applicable to grants and contracts with educational institutions.

- 12. Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR Part 230 Cost Principles for Non-Profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
- 13. Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

B. General Provisions

- 1. Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
- 2. Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
- 3. Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 2 CFR Part 200 and North Carolina General Statute 143-128.4. Historically underutilized business defined; statewide uniform certification as it pertains to Historically Underutilized Businesses.
- 4. Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-13 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
- 5. Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
- 6. Property and Equipment.**
 - (a) Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
 - (b) Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
 - (c) Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
 - (i)** Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

- (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
- (a) **General.** Payments are made on a reimbursement basis. There is no schedule of advance payments. Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of quarterly and no more than once a month via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307. Program income earned during the contract period shall be retained by the Agency and deducted from the federal funds committed to the project by the GHSP unless approved in advance by the Federal awarding agency as an addition to the project. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
- (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an

incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.

- (c) **Audit Reports.** Audit reports required in Section A-6 above shall be provided to the Department within thirty (30) days of completion of the audit.

14. Out-of-State Travel.

- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
- (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
- (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
- (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

15. Conditions for Law Enforcement. In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

(a) **Certifications Required.**

- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.

- (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies engaging in enforcement activities must submit a Monthly Enforcement Data Report on the form provided by the Department no later than fifteen (15) days after the end of each month. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

16. Conditions for Local Governmental Agencies.

- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
- (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-6 above.

17. Seat Belt Policy and Use. Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.

18. Text Messaging Policy. Agency must adopt and enforce a policy banning text messaging while driving unless exempted by state law.

19. Prohibited Interests. No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

20. Continued Federal and State Funding.

- (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally

appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

- (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.
- 21. Performance.** All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.
- 22. Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.
- 23. Department Held Harmless.**
- (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- 24. Records Access and Retention.** The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the Department or until all audit exceptions have been resolved, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information. Pursuant to N.C.G.S. §147-64.7, the Department, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any department, board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.
- 25. Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:
- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.
- 26. Cancellation, Termination, or Suspension of Contract.**
- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the Department. For noncompliance not indicative of management deficiencies or criminal activity the Department shall give sixty (60) days written notice

- to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the Department may cancel, terminate, or suspend this contract in whole or in part.
- (b) **By mutual consent.** The Agency or the Department may terminate this contract by providing sixty (60) days advanced written notice to the other party.
- (c) **Unexpended funds.** Any unexpended funds remaining after cancelation or termination will revert to the Department.
- 27. Completion Date.** Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.
- 28. E-Verify requirements.** If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.
- 29. Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:
- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
- (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
- (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.
- 30. Agency Fiscal Year.** The end date for the Agency's fiscal year is _____.
- 31. Signature.** By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER
AGENCY AUTHORIZING OFFICIAL		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER
AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Barry Graham, Police Major

Date: July 18, 2022

Subject: Budget Amendment - Governor's Highway Safety Grant

EXPLAIN REQUEST:

The Huntersville Police Department has been awarded \$20,000 in a Governor's Highway Safety Program grant (GHSP). Appropriate \$20,000 to the grant revenue account 403421.9999.23009 for the purchase of a motorcycle (405100.0500.23009). The Town's share of the grant (\$20,000) will be provided from the FY 2023 adopted budget.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

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

ATTACHMENTS:

None

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Emily Sloop, Town Attorney

Date: July 18, 2022

Subject: Fire Protection Services Interlocal Cooperation Agreement

EXPLAIN REQUEST:

Approve interlocal agreement with Mecklenburg County for Fire Protection Services

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

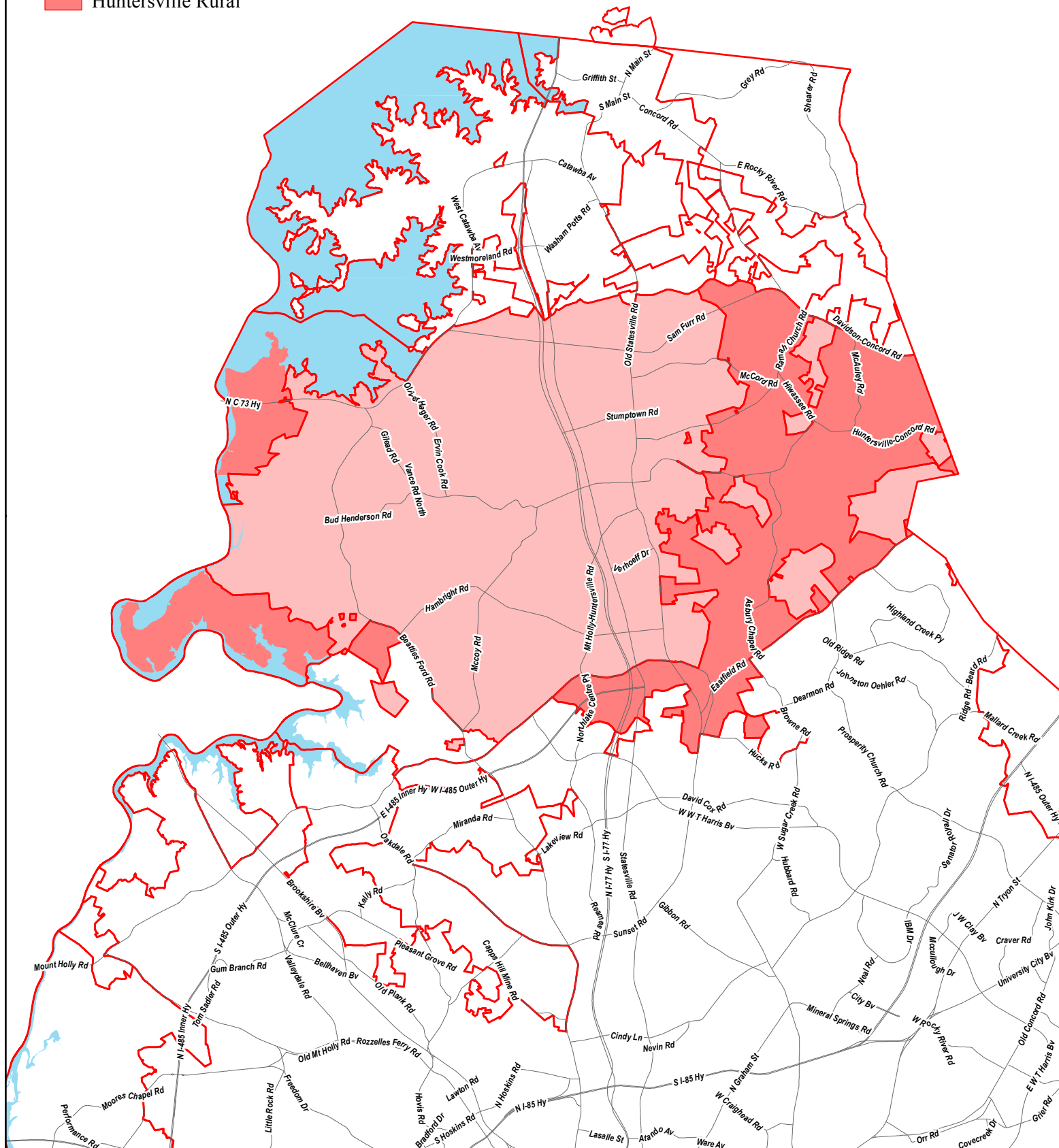
None

ATTACHMENTS:

1. VFD_Huntersville
2. Town of Huntersville Fire Service
3. R-2022-26 Interlocal Fire Protection resolution

 Huntersville

 Huntersville Rural



Map prepared by Jamie Metz (GIS) : June 22, 2016



State of North Carolina

County of Mecklenburg

FIRE PROTECTION SERVICES AGREEMENT

THIS AGREEMENT made and entered into as of the 1st day of July 2022 by and between **Mecklenburg County**, a political subdivision of the State of North Carolina, hereinafter referred to as the "County", and the **Town of Huntersville**, a North Carolina municipal corporation, hereinafter referred to as the "Town";

Identification:	Town of Huntersville
Address:	PO Box 664 Huntersville, NC 28070
Telephone:	704-875-6541
Contact Person:	Anthony Roberts
Term of Contract:	7/1/22 – 6/30/23

RECITALS:

- A. WHEREAS, North Carolina General Statute §153A-233 provides that a county may maintain a fire department and provide financial assistance to incorporated volunteer fire departments (VFD) and may contract for fire-fighting or prevention services with counties, cities, or other units of local government, and may for these purposes appropriate funds not otherwise limited as to use by law; and
- B. WHEREAS, the Mecklenburg Board of County Commissioners has established fire protection service districts that cover the entire unincorporated area of Mecklenburg County and has levied a property tax for every fire protection service district for the purpose of funding fire protection services in the unincorporated area of Mecklenburg County; and
- C. WHEREAS, the Town agrees to contract with the County to provide fire protection services in the area that is within the portion of unincorporated Mecklenburg County which is in the sphere of influence of the Town as shown on the map attached hereto as Attachment A (such area referred to herein as the "District") by exercising the power granted to the County by N.C.G.S. 153A-233 to maintain a fire department and/or to provide financial assistance to incorporated volunteer fire departments in the unincorporated area of Mecklenburg County; and
- D. WHEREAS, the County and Town desire to enter into this Agreement for the Town to furnish fire protection and emergency services for and within the District using either a municipal fire department, or by contracting with one or more incorporated volunteer fire departments that meet the criteria set forth in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable considerations, the receipt of which is hereby acknowledged, the parties hereto contract and agree as follows:

SECTION 1. USE AND AMOUNT OF SERVICE TAX LEVIED

The Mecklenburg Board of County Commissioners has agreed to levy and collect a tax each year on all taxable property within District. The amount of such fire protection service district tax levy shall be determined by the Board of

County Commissioners from year to year and maintained by the County in a special fund as provided by law and more specifically set out in Section 2 hereunder. Out of this fund, the County shall, to the extent of the taxes collected hereunder, provide funds for fire protection services for the District by appropriating funds for fire protection services to the Town. For each fiscal year, the funds provided to the Town from the fire protection service district tax fund shall be based on the request submitted by the Town to the County and as approved by and deemed necessary by the Board of County Commissioners for furnishing fire protection services within the District. The Town will recommend a tax rate for the District based on their annual budget assessment as it relates to the projected tax rate for fire protection services within the Town.

Fire protection services district tax funds levied and collected by the County and paid to the Town by the County shall be used solely for fire department operations, fire protection and emergency services in the District and other areas of response as dispatched and to meet the standards established by this Agreement.

SECTION 2. ACCOUNT MAINTAINED FOR RECEIPTS FROM SERVICE TAX

A separate account will be maintained by the County for the receipts from the property tax levied for the District. Any fire protection service tax district revenues collected annually in excess of the approved total appropriations shall be maintained in the separate account established by the County and held for appropriation in future fiscal years to fund fire protection services in the tax district from which collected. The Mecklenburg County Fire Commission shall make recommendations to the Board of County Commissioners for distribution of these revenues.

The County will pay the approved total appropriations, up to the amount of taxes collected, to the Town in equal monthly payments on the last day of each month.

SECTION 3. PAYMENT PROVISIONS

1. Amount payable each month: \$117,827.83
Annual payment for Fire Protection Service: \$1,413,934.00
2. Submit monthly invoices via electronic format to the email address:
LUESA.invoices@mecklenburgcountync.gov. Each invoice shall provide a certification of the hours during which qualified staff were available for response to calls for service. For every hour in which staffing levels per Section 11.D. of this agreement were not met, the invoice will be reduced by \$17.00 per hour per staff member.
3. Electronic invoices must be submitted in accordance with the following privacy and security requirements:
 - a. The Service Provider shall adopt and apply data security standards and procedures that comply with all applicable federal, state, and local laws, regulations, and rules.
 - b. Electronic exchange of confidential information, including any email which will include invoices, billing information, employee or administrative data, or any information regarding the delivery of services, must be sent and received via encrypted methods.
4. Payment will be made via electronic funds transfer.
5. Town will submit an invoice by the fifth (5th) of each month. The total amount paid under the terms of this Agreement shall not exceed the maximum amount payable in #1 above.
6. The first invoice will be due no later than August 15, 2022 for services rendered from July 1st through July 31th of the current year and will be paid providing the contract has been fully executed.

7. Upon receipt, the invoice will be validated and verified for accuracy and submitted to Finance for payment. Incorrect invoices will be clarified with Town with corrections/changes made on a revised invoice.
8. The date of the revised invoice will be considered as the original date of the invoice.
9. County will authorize approved amounts to be paid to Town.
10. Failure to send requests to the appropriate person may result in payment being delayed beyond thirty (30) calendar days.
11. For services rendered from June 1st through June 30th of the previous year, the invoice will be due no later than July 5th of the current year. Late billings must be submitted for payment no later than sixty (60) calendar days from the date of service. If billing is over (60) calendar days, the County may deny payment.

SECTION 4. SERVICES FURNISHED BY TOWN

The Town will furnish fire protection and other emergency services twenty four (24) hours per day, seven (7) days per week, 365 days per year as determined and approved by the Town's governing body and as contracted for by the County within the District and shall provide the necessary equipment, personnel and those things necessary for furnishing such protection in the District, or shall contract with one or more incorporated volunteer fire departments to provide such services. The services shall be in accordance with minimum standards set forth in this Agreement and all future amendments adopted in accordance with Section 16 of this Agreement. The Town shall furnish said fire protection in the District without charge (other than the service district tax funds) to all persons and property located in the District in an efficient and workmanlike manner. This provision shall not prohibit the Town from entering into contracts with the Federal, State or local governments, or utility companies for the provision of fire protection services exceeding the scope of this Agreement for a fee. This provision shall not prohibit the Town from billing for certain services, including but not limited to hazardous materials mitigation responses nor shall this provision prohibit the Town or volunteer fire departments from additional fundraising, memberships dues or similar funding.

SECTION 5. BOOKS AND RECORDS

The Town shall maintain a written accounting system which provides adequate documentation of all of its receipts and disbursements including, but not limited to, those related to the expenditure of funds subject to this Agreement and an inventory of all equipment purchased with County tax funding (it being acknowledged and agreed that the Town is not required to maintain separate accounting for fire and emergency related services provided within the Town corporate limits and outside the Town corporate limits). The County may inspect the financial books and records of the Town at reasonable times during regular business hours of the Town during the Term of this Agreement for up to three (3) years after the end of the Term of the Agreement. The Town agrees that it will supply such financial books, records, and information or verification as may be reasonably requested by the County.

SECTION 6. AUDIT

The Town shall provide to the County an audit and accompanying management letter prepared in accordance with generally accepted accounting principles and generally accepted auditing standards.

In the event that the audit or management letter reveals any reportable and/or material issue(s) related to Town fire operations, including those provided in the District, with regard to compliance with generally accepted accounting principles, the Town shall provide a written statement to the County that contains an explanation of each such issue and an action plan (with implementation timetable) for resolving each such issue, and shall provide periodic reports to the County on progress made in resolution of each issue.

SECTION 7. DECISION MAKING PROCESS OPEN TO PUBLIC

The Town acknowledges that it is a public body subject to the provisions of N.C.G.S. Chapter 143, Article 33C and agrees to comply with all provisions of said statute in conducting any decision-making process required by the terms of this Agreement.

SECTION 8. NOTICE OF FAILURE TO MAINTAIN DELIVERY OF SERVICES

In the event that the Town's governing body determines that the Town is unable to reliably deliver the services described herein, for reasons including, but not limited to, resignation or withdrawal of volunteers, part-time or full-time members, or other reasons for loss of ability to deliver services, the Town shall immediately so notify the County.

SECTION 9. TOWN'S USE OF FUNDS

The Town shall use the funds subject to this Agreement in accordance with the annual Town Budget. This budget may be amended by the Town within the approved total appropriations made available by this Agreement. All service tax funds provided by the County to the Town must be used for furnishing fire protection and emergency services within said District. For each year of the term of this Contract and as part of each parties' annual budget process, the Town Manager and County Fire Marshal shall agree in writing to a mutually agreeable method to demonstrate compliance with this Section.

SECTION 10. INSURANCE AND INDEMNIFICATION

The Town and its contracted VFD shall obtain and keep in force during the term of this Agreement the following minimum insurance coverage. All required insurance shall be procured from insurance companies licensed to do business in North Carolina and Workers' Compensation. Coverage shall be maintained continuously during the term of this agreement. The Town shall be responsible for purchasing or assuring the provision of such insurance coverage for both regular employees and volunteers.

- A. **Worker's Compensation**: Coverage A – Statutory – State of North Carolina. Coverage B – Employers Liability - \$100,000 each claim.
- B. **Comprehensive General Liability, Including Medical Malpractice and Errors and Omissions**: Coverage with minimum limits of \$1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability.

The County shall be named as an additional insured under the commercial general liability insurance for operations or services rendered under this contract. The county shall be designated as Certificate Holder on the Certificate of Insurance.

- C. **Business Auto Policy**: Coverage with minimum limits of \$1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and non-owned vehicles and employee non-ownership.
- D. **Management Liability/Directors and Officers Liability**: Coverage with minimum limits of \$1,000,000.00 per claim and \$2,000,000.00 aggregate.
- E. **Umbrella Liability**: Coverage with limits of \$2,000,000.00. Coverage shall excess the underlying auto liability, employer's liability, general liability including Medical Malpractice and Errors and Omissions liability. There shall not be any "drop down deductibles" in areas where underlying coverage is not required but the Umbrella Policy provides coverage.
- F. **Fidelity Bonds**: A blanket fidelity bond shall be purchased in the amount of not less than \$100,000.00.

To the extent permitted by law, the Town shall indemnify and save harmless the County, its officers, agents, and employees from and against all loss, cost, damages, expense and liability caused by accidents or other occurrence resulting in bodily injury, including death, sickness and disease to any person arising directly or indirectly from the negligence of the Town in performance of its obligations under this Agreement. The provisions of this Section shall survive the termination of this Agreement.

SECTION 11. STANDARDS OF PERFORMANCE.

- A. The Town shall furnish fire protection and emergency services in a professional, efficient and workmanlike manner, in particular so as to meet the requirements of and comply with rules and regulations of the North Carolina Office of the State Fire Marshal, the North Carolina General Statutes, and other pertinent federal, State and County laws, regulations and standard.
- B. The Town shall annually furnish documentation to the County certifying and/or verifying that the Town fire department or volunteer fire department servicing the District is in compliance with the minimal ISO performance standards, as well as the rules and regulations, as set forth by the North Carolina Department of Insurance, the North Carolina Office of State Fire Marshal, and the North Carolina General Statutes.
- C. Fire Department shall provide County an accounting of all equipment purchased with tax dollars during a fiscal year by the last day of each fiscal year.
- D. Fire Department shall maintain 4 qualified personnel available for response 24 hours per day, 7 days per week, 365 days per year.

SECTION 12. RELATIONSHIP OF PARTIES

The County and the Town agree that the Town shall operate and act as an independent contractor of the County, and the County is in no way responsible for the administration and supervision of the officers, employees, subcontractors, and agents of the Town, which persons it is agreed are not the officers, employees, subcontractors, and agents of the County.

SECTION 13. TERM OF AGREEMENT

This agreement shall become effective as of July 1, 2022 and shall automatically renew from fiscal year to fiscal year unless terminated by either party in accordance with Section 15 of this Agreement or replaced with a new contract in the future.

SECTION 14. NON-ASSIGNABILITY

This Agreement may not be transferred, assigned, or subcontracted by the Town without the prior written consent of the County.

SECTION 15. TERMINATION

This Agreement may be terminated in the following manner:

- (a) By either party for breach that has not been cured within thirty (30) days after written notice of the breach;
- (b) At any time by mutual consent; and
- (c) By either party without cause upon advance written notice to the other party, served upon the other party by certified mail at least ninety (90) days prior to the date of termination. Failure of the Town and the County to agree on the level of funding (or the Town Budget) for fire protection and emergency services

shall require at least ninety (90) days' notice to terminate if the County provides at least the same level of funding as provided during the previous fiscal year.

SECTION 16. AMENDMENTS

Any amendment to this Agreement shall be made in writing and signed by both parties in order to be effective.

SECTION 17. NOTICES

Any notice, consent or other communication required or contemplated by this Agreement shall be in writing, and shall be delivered in person, by U.S. mail, by overnight courier, by electronic mail or by telefax as follows:

To the County: See **CONTRACT SUMMARY B2a.**

To Town: See **CONTACT SUMMARY B1a.**

Notice shall be effective upon the date of receipt by the intended recipient; provided that any notice, which is sent by telefax or electronic mail, shall also be simultaneously sent by mail deposited with the U.S. Postal Service or by overnight courier. Each party may change its address for notification purposes by giving the other party written notice of the new address and the date upon which it shall become effective as noted below:

A. Area to be served in Mecklenburg County is as identified on the attached Map (see Attachment A).

B. Agreement Identification:

1. Town

- a. Name of Agreement Administrator: Anthony Roberts
- b. Telephone Number: 704-875-6541
- c. E-mail: aroberts@huntersville.org
- d. Fax:
- e. Name of Program Contact: Same as above
- f. Telephone Number:
- g. E-mail: Fax:
- h. Name, Location, and Mailing Address: PO Box 664, Huntersville, NC 28070
Same as above.
- i. Status: ☒ MUNICIPALITY
- j. Federal Tax Identification Number: 56-6001252

2. County

- a. Name of Agreement Analyst: Bob Iannucci
- b. Telephone Number: 980-314-2542
- c. E-mail: Robert.Iannucci@MecklenburgCountyNC.gov
- d. Fax:
- e. Name of Program Manager: Stephanie Prioleau
- f. Telephone Number: 980-314-3025
- g. E-mail: Stephanie.Prioleau@MecklenburgCountyNC.gov
- h. Fax:
- i. Address of Department: 2145 Suttle Avenue Charlotte, NC 28208

SECTION 18. MISCELLANEOUS MATTERS

A. Pursuant to NCGS §143-133.3 and NCGS § 64-26(a), any “employer” that transacts business in North Carolina and employs 25 or more employees in this State entering into a contract with Mecklenburg County is required to verify the work eligibility status of all newly hired employees through the E-Verify program.

B. **IRAN DIVESTMENT ACT PROHIBITION.** Each party of this agreement represents to the other party that as of the date of this Contract or purchase order, that they are not currently listed on the Final Divestment List created and maintained by the North Carolina State Treasurer pursuant to G.S.143-6A-4. Further, pursuant to G.S. 143C-6A-5(b), Town further agrees to notify the County Procurement Department if at any time during the term of this agreement, it is added to the "List." The Divestment List may be found on the State Treasurer's website at www.nctreasurer.com/Iran.

C. **E-VERIFY, FMLA, ADA, OSHA.** Both parties agree to make themselves aware of and comply with, and cause their subcontractors to comply with all federal, state, and local laws, regulations and ordinances relating to the performance of this Agreement or to the Services delivered hereunder, including without limitation, E-Verify (Article 2 of Chapter 64 of the North Carolina General Statutes), Workers’ Compensation, the Fair Labor Standards Act (FLSA) the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA) and Occupational Safety And Health Administration (OSHA). The Town further agrees to obtain all verifications, permits and licenses applicable to the performance of this Agreement. If any violation of this section has occurred or does occur, the violating party will indemnify and hold harmless the non-violating party from all losses, damages, costs, expenses (including reasonable attorneys’ fees), obligations, duties, fines, penalties, interest charges and other liabilities (including settlement amounts) incurred on account of such violation.

D. **COMPANIES THAT BOYCOTT ISRAEL LIST.** With the execution hereof, the parties to this agreement certify to each other that they are not one of the companies that Boycott Israel List created by N.C State Treasurers pursuant to N.C.G.S § 147-86.80 and will not contract with anyone on such list in performance of the work hereunder.

E. **Contractor Certifications Required by North Carolina Law.** The person who signs this document should read the text of the statutes listed below and consult with counsel and other knowledgeable persons before signing.

- The text of Article 2 of Chapter 64 of the North Carolina General Statutes can be found online at: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_64/Article_2.pdf
- The text of G.S. 105-164.8(b) can be found online at: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_105/GS_105-164.8.pdf
- The text of G.S. 143-48.5 (S.L. 2013-418, s. 2.(d)) can be found online at: <http://www.ncga.state.nc.us/Sessions/2013/Bills/House/PDF/H786v6.pdf>
- The text of G.S. 143-59.1 can be found online at: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.1.pdf
- The text of G.S. 143-59.2 can be found online at: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.2.pdf
- The text of G.S. 147-33.95(g) (S.L. 2013-418, s. 2.(e)) can be found online at: <http://www.ncga.state.nc.us/Sessions/2013/Bills/House/PDF/H786v6.pdf>

Certifications

1. **Pursuant to G.S. 143-48.5 and G.S. 147-33.95(g)**, the undersigned hereby certifies that the Contractor named below, and the Contractor’s subcontractors, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to

verify the work authorization of its employees through the federal E-Verify system." E-Verify System Link:
www.uscis.gov

2. **Pursuant to G.S. 143-59.1(b)**, the undersigned hereby certifies that the Contractor named below is not an "ineligible Contractor" as set forth in G.S. 143-59.1(a) because:
 - a. Neither the Contractor nor any of its affiliates has refused to collect the use tax levied under Article 5 of Chapter 105 of the General Statutes on its sales delivered to North Carolina when the sales met one or more of the conditions of G.S. 105-164.8(b); **and**
 - b. [check **one** of the following boxes]
 - ☐ Neither the Contractor nor any of its affiliates has incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001; **or**
 - ☐ The Contractor or one of its affiliates **has** incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001 **but** the United States is not the principal market for the public trading of the stock of the corporation incorporated in the tax haven country.
3. **Pursuant to G.S. 143-59.2(b)**, the undersigned hereby certifies that none of the Contractor's officers, directors, or owners (if the Contractor is an unincorporated business entity) has been convicted of any violation of Chapter 78A of the General Statutes or the Securities Act of 1933 or the Securities Exchange Act of 1934 within 10 years immediately prior to the date of the bid solicitation.
4. The undersigned hereby certifies further that:
 - a. He or she is a duly authorized representative of the Contractor named below;
 - b. He or she is authorized to make, and does hereby make, the foregoing certifications on behalf of the Contractor; and
 - c. He or she understands that any person who knowingly submits a false certification in response to the requirements of G.S. 143-59.1 and -59.2 shall be guilty of a Class I felony.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their names by their duly authorized officers as of the day and year first above written.

TOWN OF HUNTERSVILLE

BY: _____
Mayor or Town Manager

Attest:

BY: _____
Town Clerk

Approved as to Form

Town Attorney



RESOLUTION APPROVING INTERLOCAL COOPERATION AGREEMENT FOR FIRE PROTECTION SERVICES

WHEREAS, North Carolina General Statute §160A-461 authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the Town of Huntersville ("Town") and Mecklenburg County ("County") have previously entered into interlocal agreements for the provision of fire protection services to unincorporated areas within the Town's sphere of influence, and

WHEREAS, the Town of Huntersville and Mecklenburg County wish to renew the Interlocal Agreement according to the terms set forth therein.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town of Huntersville Board of Commissioners hereby approves the Interlocal Agreement, attached hereto as Exhibit "A" and incorporated herein by reference.
2. The Mayor of the Board of Commissioners, the Town Manager, and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of the Town in order to effectuate this transaction.
3. This Resolution shall be reflected in the minutes of the Town of Huntersville Board of Commissioners.
4. This resolution shall become effective upon adoption.

Adopted this 18th day of July, 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

EXHIBIT "A"
(Interlocal Agreement)

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Emily Sloop, Town Attorney

Date: July 18, 2022

Subject: Ratify Updated Charter of Centralina Regional Council

EXPLAIN REQUEST:

Adopt Resolution ratifying the updated Charter of Centralina Regional Council.

ACTION RECOMMENDED:

Adopt Resolution ratifying the updated Charter of Centralina Regional Council.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Charter Ratification Resolution for Members

**A RESOLUTION RATIFYING THE UPDATED CHARTER OF
CENTRALINA REGIONAL COUNCIL**

WHEREAS, Town of Huntersville is a member of Centralina Regional Council (Centralina), a council of governments serving the needs of the nine-county region that includes Anson, Cabarrus, Gaston, Lincoln, Iredell, Mecklenburg, Rowan, Stanly and Union counties; and

WHEREAS, on February 9, 2022, the Centralina Board of Delegates adopted a resolution amending the organization's Charter to add language prohibiting private entities from benefitting from or having an interest in the organization's earnings or assets; and

WHEREAS, each member government must endorse the Charter as Centralina's governing document.

NOW, THEREFORE, BE IT RESOLVED by the **Town Board of Commissioners** that Town of Huntersville hereby ratifies the amended Centralina Regional Council Charter.

This the _____ day of _____, 2022.

Mayor/Board Chairman

ATTEST:

Clerk

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: July 18, 2022

Subject: Petition #S22-02 Novant Health SSD

EXPLAIN REQUEST:

Call a public hearing for Monday, August 1, 2022 at 6:00 p.m. at Huntersville Town Hall on petition #S22-02 Novant Health Special Sign District, a request by Lockwood Identity Inc (Sign Art) to amend the plan for the Special Sign District Zoning Overlay for Novant Health Hospital located at 10030 Gilead Rd, Tax Parcel 01716601.

ACTION RECOMMENDED:

Call the Public Hearing.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Emily Sloop, Town Attorney
Kayleigh Mielenz, Planner I

Date: July 18, 2022

Subject: Public Hearing on Petition #TA22-08

EXPLAIN REQUEST:

Conduct public hearing on TA22-08, a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code to comply with updates to Chapter 160D Article 12- Minimum Housing Codes on the regulation of dwelling units unfit for human habitation and to comply with updates made to Chapter 160D Article 11- Building Code Enforcement regarding minimum standards for nonresidential development.

ACTION RECOMMENDED:

Hold the Public Hearing.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA22-08 Text Amendment Application
2. TA22-08 PH & BOC Staff Report_07.18.22
3. TA22-08 Ordinance for Adoption_Update
4. Relevant Pages from Article 11 & 12 Chapter 160D



Text Amendment Application

Date of Application 07/01/22

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~~ - Town Code

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Town Code Article(s): _____ Section(s): _____

Current Ordinance

see attached.

Proposed Text

see attached.

Reason for Proposed
Change

See attached.

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 Town of Huntersville Planning Department

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

Signature Kayleigh Hickory Date 07/01/22

Title Planner I Email Kmielenz@huntersville.org

Address of Applicant 105 Gilead Rd 3rd Floor Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name _____

☐ 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: 07/01/22

Staff Initials: KM

Reason for Proposed Change (Text Amendment Application Appendix)

TA22-08, a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code to comply with updates to Chapter 160D Article 12- Minimum Housing Codes on the regulation of dwelling units unfit for human habitation and to comply with updates made to Chapter 160D Article 11- Building Code Enforcement regarding minimum standards for nonresidential development.

**AN ORDINANCE TO AMEND TITLE XV LAND USAGE: CHAPTER 150 MINIMUM
HOUSING STANDARDS AND CHAPTER 152 NONRESIDENTIAL BUILDING CODE OF
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 150.02, Definitions, is hereby amended as follows:

Board of Commissioners shall mean the Town of Huntersville Board of Commissioners.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.12, Duties of Inspector, is hereby amended as follows:

Sec. 150.12 Duties of Inspector.

- (A) The Town of Huntersville's Town Manager and the Director of Mecklenburg County Land Use and Environmental Agency or their designee are hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed.
- (B) It shall be the duty of this officer or his or her designee:
 - (1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the **Town and Town's extraterritorial jurisdiction ("ETJ")** ~~county~~, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to such dwellings or dwelling units;
 - (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect **the repair, closure, or demolition of dwellings and dwelling units determined to be unfit for human habitation** ~~rehabilitation of housing which is deteriorated~~;
 - (3) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and
 - ~~(4)~~ (5) To perform such other duties as may be herein prescribed.

For purposes of this chapter, the Inspector may determine that a dwelling or dwelling unit is unfit for human habitation if the officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions may include, but are not limited to, the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.13, Powers of Inspector, is hereby amended as follows:

Sec. 150.13 Powers of Inspector.

The Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

- (A) To continually investigate the dwelling conditions in the Town and the Town's ETJ ~~county~~ in order to determine which dwellings therein are unfit for human habitation;
- (B) To administer oaths and affirmations, examine witnesses and receive evidence;
- (C) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and
- (D) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this chapter.
- (E) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.**

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.14, Inspections; duty of owners and occupants, is hereby amended as follows:

Sec. 150.14 Periodic Inspections; duty of owners and occupants.

(A) The Inspector may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period, (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected, (iii) the inspection department has actual knowledge of an unsafe condition within the building, or (iv) violations of the local ordinances or codes are visible from the outside of the property. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(AB) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the Inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times and, **when practicable**, with one-week notice for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations

as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.15, Repair, closing, or demolition of abandoned structures, is hereby amended as follows:

Sec. 150.15 Repair, closing, or demolition of abandoned structures.

In addition to the police power authorized in this chapter with respect to dwellings **and dwelling units which are unfit for human habitation**, the town shall cause to be repaired, closed or demolished any abandoned structure which the Board of Commissioners finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing or demolition of such structures shall be pursuant to the same provisions and procedures as are prescribed in this chapter for the repair, closing or demolition of dwellings found to be unfit for human habitation.

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16, Administrative Procedure, is hereby amended as follows:

Sec. 150.16 Administrative procedure.

- (A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten days nor more than 30 days after the serving of the complaint. The owner and any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint. ~~Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard.~~ The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector. The owner and parties in interest shall also have the right to file with the Inspector a written statement agreeing that the house referred to in the complaint is unfit for human habitation, that the housing should be demolished, agreeing that the town may have the housing demolished, and agreeing that the cost of demolition shall be a lien in the nature of a special assessment upon the property. In such cases, the Inspector may proceed with the demolition without complying with the additional provisions of this section.
- (B) *Procedure after hearing.*
- (1) After such notice and hearing, the Inspector shall state in writing his or **her findings of fact in support of the** determination **of** whether such dwelling or dwelling unit is unfit for human

- habitation, and, if so, whether it is deteriorated or dilapidated. Such Order shall be served upon the owner.
- (2) If the Inspector determines that repair, alternation, or improvement of the dwelling or dwelling unit can be made at a reasonable cost in relation to the value of the dwelling or dwelling unit, the Inspector may issue an order requiring the owner, within the time specified in the order, to repair, alter, or improve the dwelling or dwelling unit in order to render it fit for human habitation. For purposes of this chapter, such a determination shall constitute a determination that the dwelling or dwelling unit is "deteriorated." ~~The Inspector~~ he or she shall state in writing his or her findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, ~~and~~ or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a reasonable specified period of time. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made if the Inspector determines that continued occupancy during the time allowed for repair will present a significant threat of bodily harm in accordance with N.C.G.S 160D-1203(3)(a). The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C)(1)(a) of this section. Upon completion of required improvements, a new certificate of occupancy must be issued prior to subsequent leasing or sale of dwelling to a third party. ~~Hardship cases may be handled by the Inspector, recommending time or minimum requirement waivers to the town's Zoning Board of Adjustment, which body shall act on such recommendation. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C)(1)(a) of this section~~
- (3) If the Inspector determines that the repair, alteration, or improvement of the dwelling or dwelling unit cannot be made at a reasonable cost in relation to the value of the dwelling or dwelling unit, the Inspector may issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling or dwelling unit. For purposes of this chapter, such a determination shall constitute a determination that the dwelling or dwelling unit is "dilapidated." ~~The Inspector~~ he or she shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else vacate and remove or demolish the dwelling or dwelling unit ~~same~~ within a reasonable specified period of time.
- (C) *Failure to comply with order.*
- (1) **Deteriorated Dwelling Order.** If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling or dwelling unit, the Inspector may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this chapter with

respect to the particular property or properties that the Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (2) **Dilapidated Dwelling Order.** If the owner fails to comply with an order to remove or demolish the dwelling, the Inspector may cause such dwelling to be removed or demolished. The duties of the Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this chapter with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (13) **Abandonment of Intent to Repair.** ~~Order by the Board of Commissioners after failure to demolish for one year. Whenever the Board of Commissioners has adopted an ordinance~~ If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subdivision (C)(1) this Section ~~or the Housing Conservation Administrator has issued an order ordering a dwelling to be repaired or vacated and closed pursuant to the provisions of this chapter, and the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the order the Board of Commissioners may~~ shall find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create fire and safety hazards, would cause or contribute to deteriorate, would create fire and safety hazards, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in that area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state. Then In such circumstances, after the expiration of such one-year period, the Board of Commissioners may enact an ordinance and serve such ordinance upon the owner, requiring that the owner either:

- (a) Repair or demolish and remove the dwelling within 90 days, if repair necessary to render the dwelling fit for human habitation would cost less than 50 percent of the present value of the dwelling; or
- (b) Demolish and remove the dwelling within 90 days, if the repair necessary to render the dwelling fit for human habitation would cost in excess of 50 percent of the present value of the dwelling.

- (2) Such ordinance order shall be recorded in the office of the Register of Deeds of the county and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance order within the time fixed by such ordinance order, then

the housing conservation administrator **Inspector** shall **effectuate the purpose of the ordinance** ~~cause such dwelling to be repaired or demolished and removed pursuant to the order.~~

- (3) **Civil Action.** **If any occupant fails to comply with an order to vacate a dwelling, the Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subdivision (C) of this section authorizing the Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing board has ordered the Inspector to proceed to exercise his duties under subdivisions (C) of this section to vacate and close or remove and demolish the dwelling.**

- ~~(3) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board of Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).~~

- ~~(4) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the governing body an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. § 160A-443 and [Section 150.17](#) of this chapter.~~

(D) *Appeals from orders of Inspector.*

- (1) An appeal from any decision or order of the Inspector **is a quasi-judicial matter and** may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the town's Zoning Board of Adjustment, hereinafter referred to as "Board", a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all

the paper constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one-day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § ~~160AD-1208446(f)~~ and division (E) of this section.

- (2) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have the powers of the Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall also have power ~~also~~ in passing upon appeals, ~~in any case when where there are practical difficulties or unnecessary hardships would result from in the way of~~ carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (E) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise, as provided in G.S. § ~~160D-1208(c) § 160A-446(f)~~. In addition, any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall also have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § 160D-1208(c) § 160A-446(f).

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.17, Methods of service of complaints and order, is hereby amended as follows:

Sec. 150.17 Methods of service of complaints and orders.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

If the whereabouts of such persons are unknown and cannot be ascertained by the Inspector, or, if the owners are known but have refused to accept service by certified mail, in the exercise of reasonable diligence, and the Inspector makes an affidavit to that effect, then the serving of the

complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper of general circulation in the county, the second publication being not less than ten days nor more than 30 days prior to the date of the hearing. **When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.**

Section 8. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.18, In rem action by Inspector; pleading, is hereby amended as follows:

Sec. 150.18 In rem action by Inspector; placarding. Reserved.

- (A) ~~After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the governing body of the town of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.16(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the governing body and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.~~
- (B) ~~Each such ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).~~

Section 9. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.20, Cost a lien on premises, is hereby amended as follows:

Sec. 150.20 Costs of a lien on premises.

As provided by G.S. ~~§ 160D-1203(7)~~ ~~§ 160A-443(6)~~, the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to Section 150.18 of this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as the lien for special assessments provided by G.S. § 160DA, Article ~~12~~ 10.

If a dwelling is removed or demolished by the Inspector, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 10. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.01, Purpose and Authority, is hereby amended as follows:

It is the purpose of the provisions of this chapter to provide a just, equitable and practical method, whereby nonresidential buildings or structures that, from any cause, endanger the life, limb, health, property or safety or welfare of the general public, or of their occupants, may be required to be repaired, vacated or demolished pursuant to the authority given in G.S. Chapter ~~160D~~ 160A, Article ~~11~~ 19, part 5. These provisions shall only be applicable within the corporate limits of the town, and shall not apply to bona fide farms as defined in Article 12.2.1 of the Town Zoning Ordinance.

Section 11. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.09, Civil Penalty, is hereby amended as follows:

An owner who fails to comply with an order to repair, alter or improve, or to vacate and close, or to remove or demolish the nonresidential building or structure, or is otherwise in violation of this chapter, shall be subject to civil penalty of \$100.00 for the first day following the expiration of the time period in which to comply with the order, or following a determination that an nonresidential building or structure has been reopened or reoccupied in violation of the order. In each instance, a penalty of \$50.00 per day shall be imposed for each subsequent day that the nonresidential building or structure remains in violation of an order, or in violation of Section 150.08. If a person fails to pay the civil penalty within ten days after being notified of the amount due, the town may recover the penalty, together with all costs, by filing a civil action in the General Court of Justice on the nature of a suit to collect a debt. The imposition of civil penalties shall not limit the use of any other lawful remedies available to the town for the enforcement of any ordinances adopted pursuant to this section.

Section 12. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.10, Powers Supplemental, is hereby amended as follows:

The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the Board of Commissioners may authorize the Inspector to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

- (A) To investigate nonresidential buildings and structures to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized; and
- (B) To administer oaths, affirmations, examine witnesses and receive evidence pursuant to G.S. § 160D-1129 ~~160A-439~~; and
- (C) To enter upon premises pursuant to Section 152.04(B), for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession; and
- (D) To appoint and fix the duties of officers, agents and employees necessary to carry out the purposes of the ordinances adopted by the Board of Commissioners; and
- (E) To delegate any of his or her functions and powers under the ordinances to other officers and agents.

Section 13. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.11, Appeals, is hereby amended as follows:

TA22-08 MINIMUM HOUSING & NONRESIDENTIAL BUILDING CODE

Appeals may be taken from any decision or order of the Inspector, or assigned agent, to the Board of Adjustment. Any person aggrieved by a decision or order of the Inspector shall have the remedies provided in G.S. § **160D-1208** ~~160A-446~~.

Section 14. Effective Date.

This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: Not Required

PUBLIC HEARING DATE: July 18, 2022

PLANNING BOARD MEETING: Not Required

TOWN BOARD DECISION: July 18, 2022

TA22-08 – Minimum Housing & Nonresidential Building Code Text Amendment

PART 1: DESCRIPTION

TA22-08, a request by the Town of Huntersville Planning Department to amend the **Town of Huntersville Code of Ordinances** Title XV Land Usage: **Chapter 150 Minimum Housing Standards** and **Chapter 152 Nonresidential Building Code** to comply with language in NCGS Chapter 160D Article 12- Minimum Housing Codes and Chapter 160D Article 11- Building Code Enforcement.

PART 2: BACKGROUND

This amendment is only to the Town Code of Ordinances and is not subject to the same procedures for a text amendment to the Town Zoning or Subdivision Ordinance. Code of Ordinance amendments are not required to be reviewed by the Huntersville Ordinances Advisory Board or the Planning Board.

The North Carolina General Statutes were amended in 2019 creating a new Chapter 160D. The current language in the Town Code of Ordinances still references old statutory language from Chapter 160A and must be updated to comply with the language of 160D. The Minimum Housing Standard amendments are regarding the regulation of dwelling units unfit for human habitation. The Nonresidential Building Code amendments are regarding the regulation of the repair, closing, and demolition of nonresidential buildings or structures.

Please note, Minimum Housing Standards and Nonresidential Building Codes are administered by the Town of Huntersville and enforced by Mecklenburg County Code Enforcement.

PART 3: STAFF RECOMMENDATION

The Town Attorney drafted the amendment ordinance and Mecklenburg County Code Enforcement reviewed the proposed ordinance. Staff recommends approval of the proposed text amendment to Chapter 150 and 152 of the Town of Huntersville Code of Ordinances.

PART 4: PUBLIC HEARING

The public hearing is July 18, 2022.

PART 5: ATTACHMENTS

1. Text Amendment Application
2. Ordinance for Adoption
3. Pages from Chapter 160D Article 11 & 12

**AN ORDINANCE TO AMEND TITLE XV LAND USAGE: CHAPTER 150 MINIMUM
HOUSING STANDARDS AND CHAPTER 152 NONRESIDENTIAL BUILDING CODE OF
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 150.02, Definitions, is hereby amended as follows:

Board of Commissioners shall mean the Town of Huntersville Board of Commissioners.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.12, Duties of Inspector, is hereby amended as follows:

Sec. 150.12 Duties of Inspector.

- (A) The Town of Huntersville's Town Manager and the Director of Mecklenburg County Land Use and Environmental Agency or their designee are hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed.
- (B) It shall be the duty of this officer or his or her designee:
 - (1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the **Town and Town's extraterritorial jurisdiction ("ETJ")** ~~county~~, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to such dwellings or dwelling units;
 - (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect **the repair, closure, or demolition of dwellings and dwelling units determined to be unfit for human habitation** ~~rehabilitation of housing which is deteriorated~~;
 - (3) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and
 - ~~(4)~~ (5) To perform such other duties as may be herein prescribed.

For purposes of this chapter, the Inspector may determine that a dwelling or dwelling unit is unfit for human habitation if the officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions may include, but are not limited to, the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.13, Powers of Inspector, is hereby amended as follows:

Sec. 150.13 Powers of Inspector.

The Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

- (A) To continually investigate the dwelling conditions in the Town and the Town's ETJ ~~county~~ in order to determine which dwellings therein are unfit for human habitation;
- (B) To administer oaths and affirmations, examine witnesses and receive evidence;
- (C) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and
- (D) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this chapter.
- (E) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.**

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.14, Inspections; duty of owners and occupants, is hereby amended as follows:

Sec. 150.14 Periodic Inspections; duty of owners and occupants.

(A) The Inspector may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period, (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected, (iii) the inspection department has actual knowledge of an unsafe condition within the building, or (iv) violations of the local ordinances or codes are visible from the outside of the property. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(AB) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the Inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times and, **when practicable**, with one-week notice for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations

as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.15, Repair, closing, or demolition of abandoned structures, is hereby amended as follows:

Sec. 150.15 Repair, closing, or demolition of abandoned structures.

In addition to the police power authorized in this chapter with respect to dwellings **and dwelling units which are unfit for human habitation**, the town shall cause to be repaired, closed or demolished any abandoned structure which the Board of Commissioners finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing or demolition of such structures shall be pursuant to the same provisions and procedures as are prescribed in this chapter for the repair, closing or demolition of dwellings found to be unfit for human habitation.

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16, Administrative Procedure, is hereby amended as follows:

Sec. 150.16 Administrative procedure.

- (A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten days nor more than 30 days after the serving of the complaint. The owner and any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint. ~~Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard.~~ The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector. The owner and parties in interest shall also have the right to file with the Inspector a written statement agreeing that the house referred to in the complaint is unfit for human habitation, that the housing should be demolished, agreeing that the town may have the housing demolished, and agreeing that the cost of demolition shall be a lien in the nature of a special assessment upon the property. In such cases, the Inspector may proceed with the demolition without complying with the additional provisions of this section.
- (B) *Procedure after hearing.*
- (1) After such notice and hearing, the Inspector shall state in writing his or **her findings of fact in support of the** determination **of** whether such dwelling or dwelling unit is unfit for human

- habitation, and, if so, whether it is deteriorated or dilapidated. Such Order shall be served upon the owner.
- (2) If the Inspector determines that repair, alternation, or improvement of the dwelling or dwelling unit can be made at a reasonable cost in relation to the value of the dwelling or dwelling unit, the Inspector may issue an order requiring the owner, within the time specified in the order, to repair, alter, or improve the dwelling or dwelling unit in order to render it fit for human habitation. For purposes of this chapter, such a determination shall constitute a determination that the dwelling or dwelling unit is "deteriorated." ~~The Inspector he or she~~ shall state in writing his or her findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, ~~and or~~ or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a reasonable specified period of time. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made if the Inspector determines that continued occupancy during the time allowed for repair will present a significant threat of bodily harm in accordance with N.C.G.S 160D-1203(3)(a). The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C)(1)(a) of this section. Upon completion of required improvements, a new certificate of occupancy must be issued prior to subsequent leasing or sale of dwelling to a third party. ~~Hardship cases may be handled by the Inspector, recommending time or minimum requirement waivers to the town's Zoning Board of Adjustment, which body shall act on such recommendation. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C)(1)(a) of this section~~
- (3) If the Inspector determines that the repair, alternation, or improvement of the dwelling or dwelling unit cannot be made at a reasonable cost in relation to the value of the dwelling or dwelling unit, the Inspector may issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling or dwelling unit. For purposes of this chapter, such a determination shall constitute a determination that the dwelling or dwelling unit is "dilapidated." ~~The Inspector shall he or she~~ shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else vacate and remove or demolish the dwelling or dwelling unit ~~same~~ within a reasonable specified period of time.
- (C) *Failure to comply with order.*
- (1) **Deteriorated Dwelling Order.** If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling or dwelling unit, the Inspector may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this chapter with

respect to the particular property or properties that the Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (2) ***Dilapidated Dwelling Order.*** If the owner fails to comply with an order to remove or demolish the dwelling, the Inspector may cause such dwelling to be removed or demolished. The duties of the Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this chapter with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (13) ***Abandonment of Intent to Repair.*** ~~Order by the Board of Commissioners after failure to demolish for one year. Whenever the Board of Commissioners has adopted an ordinance~~ If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subdivision (C)(1) this Section ~~or the Housing Conservation Administrator has issued an order ordering a dwelling to be repaired or vacated and closed pursuant to the provisions of this chapter, and the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the order the Board of Commissioners~~ may ~~shall~~ find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, ~~moral~~s and welfare of the municipality in that the dwelling would continue to deteriorate, would create fire and safety hazards, ~~would cause or contribute to deteriorate, would create fire and safety hazards,~~ would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in that area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state. ~~Then~~ In such circumstances, after the expiration of such one-year period, the Board of Commissioners may enact an ordinance and serve such ordinance upon the owner, requiring that the owner either:

- (a) Repair or demolish and remove the dwelling within 90 days, if repair necessary to render the dwelling fit for human habitation would cost less than 50 percent of the present value of the dwelling; or
- (b) Demolish and remove the dwelling within 90 days, if the repair necessary to render the dwelling fit for human habitation would cost in excess of 50 percent of the present value of the dwelling.

- (2) Such ordinance ~~order~~ shall be recorded in the office of the Register of Deeds of the county and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance ~~order~~ within the time fixed by such ordinance ~~order~~, then

the housing conservation administrator **Inspector** shall **effectuate the purpose of the ordinance** ~~cause such dwelling to be repaired or demolished and removed pursuant to the order.~~

- (3) **Civil Action.** **If any occupant fails to comply with an order to vacate a dwelling, the Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subdivision (C) of this section authorizing the Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing board has ordered the Inspector to proceed to exercise his duties under subdivisions (C) of this section to vacate and close or remove and demolish the dwelling.**

- ~~(3) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board of Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).~~

- ~~(4) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the governing body an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. § 160A-443 and [Section 150.17](#) of this chapter.~~

(D) *Appeals from orders of Inspector.*

- (1) An appeal from any decision or order of the Inspector **is a quasi-judicial matter and** may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the town's Zoning Board of Adjustment, hereinafter referred to as "Board", a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all

the paper constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one-day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § ~~160AD-1208446(f)~~ and division (E) of this section.

- (2) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have the powers of the Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall also have power ~~also~~ in passing upon appeals, ~~in any case when where there are practical difficulties or unnecessary hardships would result from in the way of~~ carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (E) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise, as provided in G.S. § ~~160D-1208(c)~~ ~~§ 160A-446(f)~~. In addition, any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall also have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § 160D-1208(c) ~~§ 160A-446(f)~~.

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.17, Methods of service of complaints and order, is hereby amended as follows:

Sec. 150.17 Methods of service of complaints and orders.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

If the whereabouts of such persons are unknown and cannot be ascertained by the Inspector, or, if the owners are known but have refused to accept service by certified mail, in the exercise of reasonable diligence, and the Inspector makes an affidavit to that effect, then the serving of the

complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper of general circulation in the county, the second publication being not less than ten days nor more than 30 days prior to the date of the hearing. **When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.**

Section 8. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.18, In rem action by Inspector; pleading, is hereby amended as follows:

Sec. 150.18 In rem action by Inspector; placarding. Reserved.

- (A) ~~After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the governing body of the town of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.16(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the governing body and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.~~
- (B) ~~Each such ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).~~

Section 9. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.20, Cost a lien on premises, is hereby amended as follows:

Sec. 150.20 Costs of a lien on premises.

As provided by G.S. ~~§ 160D-1203(7)~~ ~~§ 160A-443(6)~~, the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to Section 150.18 of this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as the lien for special assessments provided by G.S. § 160DA, Article ~~12~~ 10.

If a dwelling is removed or demolished by the Inspector, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 10. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.01, Purpose and Authority, is hereby amended as follows:

It is the purpose of the provisions of this chapter to provide a just, equitable and practical method, whereby nonresidential buildings or structures that, from any cause, endanger the life, limb, health, property or safety or welfare of the general public, or of their occupants, may be required to be repaired, vacated or demolished pursuant to the authority given in G.S. Chapter ~~160D~~ 160A, Article ~~11~~ 19, part 5. These provisions shall only be applicable within the corporate limits of the town, and shall not apply to bona fide farms as defined in Article 12.2.1 of the Town Zoning Ordinance.

Section 11. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.09, Civil Penalty, is hereby amended as follows:

An owner who fails to comply with an order to repair, alter or improve, or to vacate and close, or to remove or demolish the nonresidential building or structure, or is otherwise in violation of this chapter, shall be subject to civil penalty of \$100.00 for the first day following the expiration of the time period in which to comply with the order, or following a determination that an nonresidential building or structure has been reopened or reoccupied in violation of the order. In each instance, a penalty of \$50.00 per day shall be imposed for each subsequent day that the nonresidential building or structure remains in violation of an order, or in violation of Section 150.08. If a person fails to pay the civil penalty within ten days after being notified of the amount due, the town may recover the penalty, together with all costs, by filing a civil action in the General Court of Justice on the nature of a suit to collect a debt. The imposition of civil penalties shall not limit the use of any other lawful remedies available to the town for the enforcement of any ordinances adopted pursuant to this section.

Section 12. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.10, Powers Supplemental, is hereby amended as follows:

The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the Board of Commissioners may authorize the Inspector to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

- (A) To investigate nonresidential buildings and structures to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized; and
- (B) To administer oaths, affirmations, examine witnesses and receive evidence pursuant to G.S. § 160D-1129 ~~160A-439~~; and
- (C) To enter upon premises pursuant to Section 152.04(B), for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession; and
- (D) To appoint and fix the duties of officers, agents and employees necessary to carry out the purposes of the ordinances adopted by the Board of Commissioners; and
- (E) To delegate any of his or her functions and powers under the ordinances to other officers and agents.

Section 13. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.11, Appeals, is hereby amended as follows:

TA22-08 MINIMUM HOUSING & NONRESIDENTIAL BUILDING CODE

Appeals may be taken from any decision or order of the Inspector, or assigned agent, to the Board of Adjustment. Any person aggrieved by a decision or order of the Inspector shall have the remedies provided in G.S. § **160D-1208** ~~160A-446~~.

Section 14. Effective Date.

This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: Not Required

PUBLIC HEARING DATE: July 18, 2022

PLANNING BOARD MEETING: Not Required

TOWN BOARD DECISION: July 18, 2022

Article 11.

Building Code Enforcement.

§ 160D-1101. Definitions.

As used in this Article, the following terms shall have their ordinary meaning and shall also be read to include the following:

- (1) Building or buildings. – Includes other structures.
- (2) Governing board or board of commissioners. – Includes the Tribal Council of a federally recognized Indian tribe.
- (3) Local government. – Includes a federally recognized Indian tribe, and, as to such tribe, includes lands held in trust for the tribe.
- (4) Public officer. – Includes the officer or officers who are authorized by regulations adopted hereunder to exercise the powers prescribed by the regulations and by this Article. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1102. Building code administration.

A local government may create an inspection department and may appoint inspectors who may be given appropriate titles, such as building inspector, electrical inspector, plumbing inspector, housing inspector, zoning inspector, heating and air-conditioning inspector, fire prevention inspector, or deputy or assistant inspector, or another title generally descriptive of the duties assigned. Every local government shall perform the duties and responsibilities set forth in G.S. 160D-1104 either by (i) creating its own inspection department, (ii) creating a joint inspection department in cooperation with one or more other units of local government, pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes, (iii) contracting with another unit of local government for the provision of inspection services pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes, or (iv) arranging for the county in which a city is located to perform inspection services within the city's jurisdiction as authorized by G.S. 160D-1104 and G.S. 160D-202.

In the event that any local government fails to provide inspection services or ceases to provide inspection services, the Commissioner of Insurance shall arrange for the provision of inspection services, either through personnel employed by the department or through an arrangement with other units of government. In either event, the Commissioner has and may exercise within the local government's planning and development regulation jurisdiction all powers made available to the governing board with respect to building inspection under this Article and Part 1 of Article 20 of Chapter 160A of the General Statutes. Whenever the Commissioner has intervened in this manner, the local government may assume provision of inspection services only after giving the Commissioner two years' written notice of its intention to do so; however, the Commissioner may waive this requirement or permit assumption at an earlier date upon finding that an earlier assumption will not unduly interfere with arrangements made for the provision of those services. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(f).)

§ 160D-1103. Qualifications of inspectors.

No local government shall employ an inspector to enforce the State Building Code who does not have one of the following types of certificates issued by the North Carolina Code Officials

the limits, except upon the permit of the inspection department and approval of the Commissioner of Insurance. The governing board may make additional regulations necessary for the prevention, extinguishment, or mitigation of fires within the fire limits.

(b) **Municipal Fire Limits.** – The governing board of every incorporated city shall pass one or more ordinances establishing and defining fire limits, which shall include the principal business portions of the city and which shall be known as primary fire limits. In addition, the governing board may, in its discretion, establish and define one or more separate areas within the city as secondary fire limits.

(c) **Restrictions Within Municipal Primary Fire Limits.** – Within the primary fire limits of any city, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved, either into the limits or from one place to another within the limits, except upon the permit of the local inspection department approved by the governing board and by the Commissioner of Insurance or the Commissioner's designee. The governing board may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

(d) **Restrictions Within Municipal Secondary Fire Limits.** – Within any secondary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved, except in accordance with any rules and regulations established by ordinance of the areas.

(e) **Failure to Establish Municipal Primary Fire Limits.** – If the governing board of any city shall fail or refuse to establish and define the primary fire limits of the city as required by law, after having such failure or refusal called to their attention in writing by the State Commissioner of Insurance, the Commissioner shall have the power to establish the limits upon making a determination that they are necessary and in the public interest. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1129. Regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer.

(a) **Authority.** – The governing board of the local government may adopt and enforce regulations relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the governing board. The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures. The regulations shall provide for designation or appointment of a public officer to exercise the powers prescribed by the regulation, in accordance with the procedures specified in this section. Regulations adopted under this section shall be applicable within the local government's entire planning and development regulation jurisdiction or limited to one or more designated zoning districts, municipal service districts, or defined geographical areas designated for improvement and investment in an adopted comprehensive plan.

(b) **Investigation.** – Whenever it appears to the public officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by the governing board, the public officer shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2

or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

(c) Complaint and Hearing. – If the preliminary investigation discloses evidence of a violation of the minimum standards, the public officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that an administrative hearing will be held before the public officer, or his or her designated agent, at a place within the county scheduled not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity are not controlling in hearings before the public officer.

(d) Order. – If, after notice and hearing, the public officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by the governing board, the public officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.

(e) Limitations on Orders. –

- (1) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the governing board or to vacate and close the nonresidential building or structure for any use.
- (2) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the governing board determines, after an administrative hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by the governing board.
- (3) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(f) Action by Governing Board Upon Failure to Comply With Order. –

- (1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the governing board may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted is guilty of a Class 3 misdemeanor.
- (2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the governing board may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the governing board. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be removed or demolished.

(g) Action by Governing Board Upon Abandonment of Intent to Repair. – If the governing board has adopted an ordinance or the public officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the governing board may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the governing board may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- (1) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days.

- (2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the governing board may take action under this subsection. The ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the public officer shall effectuate the purpose of the ordinance.

(h) Service of Complaints and Orders. – Complaints or orders issued by a public officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the local government at least once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(i) Liens. –

- (1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer are a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- (2) If the real property upon which the cost was incurred is located in an incorporated city, the amount of the costs is also a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.
- (3) If the nonresidential building or structure is removed or demolished by the public officer, he or she shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the

power of the governing board to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(j) Ejectment. – If any occupant fails to comply with an order to vacate a nonresidential building or structure, the public officer may file a civil action in the name of the local government to remove the occupant. The action to vacate is in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subsection (f) of this section to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the governing board has ordered the public officer to proceed to exercise his or her duties under subsection (f) of this section to vacate and close or remove and demolish the nonresidential building or structure.

(k) Civil Penalty. – The governing board may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this section. However, the imposition of civil penalties does not limit the use of any other lawful remedies available to the governing board for the enforcement of any ordinances adopted pursuant to this section.

(l) Supplemental Powers. – The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the governing board may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

- (1) To investigate nonresidential buildings and structures in the local government's planning and development regulation jurisdiction to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.
- (2) To administer oaths, affirmations, examine witnesses, and receive evidence.
- (3) To enter upon premises pursuant to subsection (b) of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- (4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the governing board.
- (5) To delegate any of his or her functions and powers under the ordinance to other officers and agents.

(m) Appeals. – The governing board may provide that appeals may be taken from any decision or order of the public officer to the local government's housing appeals board or board of adjustment. Any person aggrieved by a decision or order of the public officer has the remedies provided in G.S. 160D-1208.

(n) Funding. – The governing board is authorized to make appropriations from its revenues necessary to carry out the purposes of this section and may accept and apply grants or donations to assist in carrying out the provisions of the ordinances adopted by the governing board.

(o) No Effect on Just Compensation for Taking by Eminent Domain. – Nothing in this section shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

(p) Definitions. – As used in this section, the following definitions apply:

- (1) Parties in interest. – All individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.
- (2) Vacant industrial warehouse. – Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.
- (3) Vacant manufacturing facility. – Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 37, 51(a), (b), (d).)

§ 160D-1130. Vacant building receivership.

(a) Petition to Appoint a Receiver. – The governing board of a city or its delegated commission may petition the superior court for the appointment of a receiver to rehabilitate, demolish, or sell a vacant building, structure, or dwelling upon the occurrence of any of the following, each of which is deemed a nuisance per se:

- (1) The owner fails to comply with an order issued pursuant to G.S. 160D-1122, related to building or structural conditions that constitute a fire or safety hazard or render the building or structure dangerous to life, health, or other property, from which no appeal has been taken.
- (2) The owner fails to comply with an order of the city following an appeal of an inspector's order issued pursuant to G.S. 160D-1122.
- (3) The governing board of the city adopts any ordinance pursuant to subdivision (f)(1) of G.S. 160D-1129, related to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety, and orders a public officer to continue enforcement actions prescribed by the ordinance with respect to the named nonresidential building or structure. The public officer may submit a petition on behalf of the governing board to the superior court for the appointment of a receiver, and if granted by the superior court, the petition shall be considered an appropriate means of complying with the ordinance. In the event the superior court does not grant the petition, the

Article 12.

Minimum Housing Codes.

§ 160D-1201. Authorization.

(a) Dwellings. – The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of this State. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever any local government finds that there exists in the planning and development regulation jurisdiction dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the local government, power is conferred upon the local government to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of this Article.

(b) Abandoned Structures. – Any local government may by ordinance provide for the repair, closing, or demolition of any abandoned structure that the governing board finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. The ordinance may provide for the repair, closing, or demolition of such structure pursuant to the same provisions and procedures as are prescribed by this Article for the repair, closing, or demolition of dwellings found to be unfit for human habitation. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 39, 51(a), (b), (d).)

§ 160D-1202. Definitions.

The following definitions apply in this Article:

- (1) Owner. – The holder of the title in fee simple and every mortgagee of record.
- (2) Parties in interest. – All individuals, associations, and corporations that have interests of record in a dwelling and any that are in possession of a dwelling.
- (3) Public authority. – Any housing authority or any officer that is in charge of any department or branch of the government of the city, county, or State relating to health, fire, building regulations, or other activities concerning dwellings in the local government.
- (4) Public officer. – The officer authorized by ordinances adopted under this Article to exercise the powers prescribed by the ordinances and by this Article. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(h).)

§ 160D-1203. Ordinance authorized as to repair, closing, and demolition; order of public officer.

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160D-1201 exist, the governing board is authorized to adopt and enforce ordinances relating to dwellings within the planning and development regulation jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

- (1) Designation of enforcement officer. – One or more public officers shall be designated to exercise the powers prescribed by the ordinance.

- (2) Investigation, complaint, hearing. – Whenever a petition is filed with the public officer by a public authority or by at least five residents of the jurisdiction charging that any dwelling is unfit for human habitation or when it appears to the public officer that any dwelling is unfit for human habitation, the public officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the public officer, or the officer's designated agent, at a place within the county in which the property is located. The hearing shall be not less than 10 days nor more than 30 days after the serving of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the public officer.
- (3) Orders. – If, after notice and an administrative hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the following orders, as appropriate:
- a. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (4) of this section.
 - b. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949.

- (4) Repair, closing, and posting. – If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the public officer set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- (5) Demolition. – If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- (6) Abandonment of Intent to Repair. – If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subdivision (4) of this section or after a public officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the governing board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing board may, after the expiration of such

one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

(7) Liens. –

- a. The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- b. If the real property upon which the cost was incurred is located in an incorporated city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
- c. If the dwelling is removed or demolished by the public officer, the local government shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(8) Civil action. – If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the local government to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the

issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subdivision (5) of this section authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing board has ordered the public officer to proceed to exercise his duties under subdivisions (4) and (5) of this section to vacate and close or remove and demolish the dwelling.

- (9) Additional notices to affordable housing organizations. – Whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the public officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The public officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait 45 days before causing removal or demolition. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 40, 51(a), (b), (d).)

§ 160D-1204. Heat source required.

(a) A local government shall, by ordinance, require that every dwelling unit leased as rental property within the city shall have, at a minimum, a central or electric heating system or sufficient chimneys, flues, or gas vents, with heating appliances connected, so as to heat at least one habitable room, excluding the kitchen, to a minimum temperature of 68 degrees Fahrenheit measured 3 feet above the floor with an outside temperature of 20 degrees Fahrenheit.

(b) If a dwelling unit contains a heating system or heating appliances that meet the requirements of subsection (a) of this section, the owner of the dwelling unit shall not be required to install a new heating system or heating appliances, but the owner shall be required to maintain the existing heating system or heating appliances in a good and safe working condition. Otherwise, the owner of the dwelling unit shall install a heating system or heating appliances that meet the

requirements of subsection (a) of this section and shall maintain the heating system or heating appliances in a good and safe working condition.

(c) Portable kerosene heaters are not acceptable as a permanent source of heat as required by subsection (a) of this section but may be used as a supplementary source in single-family dwellings and duplex units. An owner who has complied with subsection (a) of this section shall not be held in violation of this section where an occupant of a dwelling unit uses a kerosene heater as a primary source of heat.

(d) This section applies only to local governments with a population of 200,000 or over within their planning and development regulation jurisdiction, according to the most recent decennial federal census.

(e) Nothing in this section shall be construed to diminish the rights or remedies available to a tenant under a lease agreement, statute, or at common law or to prohibit a city from adopting an ordinance with more stringent heating requirements than provided for by this section. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1205. Standards.

An ordinance adopted under this Article shall provide that the public officer may determine that a dwelling is unfit for human habitation if the officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. The ordinances may provide additional standards to guide the public officers in determining the fitness of a dwelling for human habitation. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1206. Service of complaints and orders.

(a) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Article shall be served upon persons either personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of this Article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1207. Periodic inspections.

only to an individual rental unit or property described in clause (i) of this subsection and the fee does not exceed five hundred dollars (\$500.00) in any 12-month period in which the unit or property is found to have verified violations, (iv) provide that any violation of a rental registration ordinance is punishable as a criminal offense, or (v) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the local government. For purposes of this section, the term "verified violation" means all of the following:

- (1) The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a 72-hour period.
- (2) Any violations that have not been corrected by the owner or manager within 21 days of receipt of written notice from the local government of the violations. Should the same violation occur more than two times in a 12-month period, the owner or manager may not have the option of correcting the violation. If the housing code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within 30 days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.

(d) If a property is identified by the local government as being in the top ten percent (10%) of properties with crime or disorder problems, the local government shall notify the landlord of any crimes, disorders, or other violations that will be counted against the property to allow the landlord an opportunity to attempt to correct the problems. In addition, the local government and the county sheriff's office or city's police department shall assist the landlord in addressing any criminal activity, which may include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime. If the local government or the county sheriff's office or city's police department does not cooperate in evicting a tenant, the tenant's behavior or activity at issue shall not be counted as a crime or disorder problem as set forth in the local ordinance, and the property may not be included in the top ten percent (10%) of properties as a result of that tenant's behavior or activity.

(e) If the local government takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the housing appeals board or the zoning board of adjustment, if operating, or the planning board if created under G.S. 160D-301, or if neither is created, the governing board. The board shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The owner may appear in person or by agent or attorney. The board may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the board ought to be made in the matter. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 41, 51(a), (b), (d).)

§ 160D-1208. Remedies.

(a) An ordinance adopted pursuant to this Article may provide for a housing appeals board as provided by G.S. 160D-305. An appeal from any decision or order of the public officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of the local government. Any appeal from the public officer shall be taken within 10 days from the rendering of the decision or service of the order by filing with the public officer and with the housing appeals board a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the public officer shall forthwith

transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, the decision remains in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal has the effect of suspending the requirement until the hearing by the board, unless the public officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished to the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the board, or by a court of record upon petition made pursuant to subsection (f) of this section.

(b) The housing appeals board shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it has all the powers of the public officer, but the concurring vote of four members of the board is necessary to reverse or modify any decision or order of the public officer. The board also has power in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.

(c) Every decision of the housing appeals board is subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(d) Any person aggrieved by an order issued by the public officer or a decision rendered by the housing appeals board may petition the superior court for an injunction restraining the public officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the public officer pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within 20 days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It is not necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

(e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Article or of any ordinance or code adopted under authority of this Article or any valid order or decision of the public officer or board made pursuant to any ordinance or code adopted under authority of this Article, the public officer or board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 42, 51(a), (b), (d).)

§ 160D-1209. Compensation to owners of condemned property.

Nothing in this Article shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in

accordance with the police power of the State. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1210. Additional powers of public officer.

An ordinance adopted by the governing board may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this Article, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the local government's planning and development regulation jurisdiction in order to determine which dwellings therein are unfit for human habitation.
- (2) To administer oaths, affirmations, examine witnesses, and receive evidence.
- (3) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- (4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances.
- (5) To delegate any of his or her functions and powers under the ordinance to other officers and other agents. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1211. Administration of ordinance.

A local government adopting an ordinance under this Article shall, as soon as possible thereafter, prepare an estimate of the annual expenses or costs to provide the equipment, personnel, and supplies necessary for periodic examinations and investigations of the dwellings for the purpose of determining the fitness of dwellings for human habitation and for the enforcement and administration of its ordinances adopted under this Article. The local government is authorized to make appropriations from its revenues necessary for this purpose and may accept and apply grants or donations to assist it. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1212. Supplemental nature of Article.

Nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of any local government to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by this Article shall be supplemental to the powers conferred by any other law in carrying out the provisions of the ordinances. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Emily Sloop, Town Attorney
Kayleigh Mielenz, Planner I

Date: July 18, 2022

Subject: Petition #TA22-08 - Minimum Housing Standards

EXPLAIN REQUEST:

Consider adoption of TA22-08, a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code to comply with updates to Chapter 160D Article 12- Minimum Housing Codes on the regulation of dwelling units unfit for human habitation and to comply with updates made to Chapter 160D Article 11- Building Code Enforcement regarding minimum standards for nonresidential development.

ACTION RECOMMENDED:

Consider decision on TA22-08.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA22-08 Text Amendment Application
2. TA22-08 PH & BOC Staff Report_07.18.22
3. TA22-08 Ordinance for Adoption_Update
4. Relevant Pages from Article 11 & 12 Chapter 160D



Text Amendment Application

Date of Application 07/01/22

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~~ - Town Code

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Town Code Article(s): _____ Section(s): _____

Current Ordinance

see attached.

Proposed Text

see attached.

Reason for Proposed
Change

See attached.

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 Town of Huntersville Planning Department

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

Signature Kayleigh Hickory Date 07/01/22

Title Planner I Email Kmielenz@huntersville.org

Address of Applicant 105 Gilead Rd 3rd Floor Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name _____

☐ 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: 07/01/22

Staff Initials: KM

Reason for Proposed Change (Text Amendment Application Appendix)

TA22-08, a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code to comply with updates to Chapter 160D Article 12- Minimum Housing Codes on the regulation of dwelling units unfit for human habitation and to comply with updates made to Chapter 160D Article 11- Building Code Enforcement regarding minimum standards for nonresidential development.

**AN ORDINANCE TO AMEND TITLE XV LAND USAGE: CHAPTER 150 MINIMUM
HOUSING STANDARDS AND CHAPTER 152 NONRESIDENTIAL BUILDING CODE OF
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 150.02, Definitions, is hereby amended as follows:

Board of Commissioners shall mean the Town of Huntersville Board of Commissioners.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.12, Duties of Inspector, is hereby amended as follows:

Sec. 150.12 Duties of Inspector.

- (A) The Town of Huntersville's Town Manager and the Director of Mecklenburg County Land Use and Environmental Agency or their designee are hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed.
- (B) It shall be the duty of this officer or his or her designee:
 - (1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the **Town and Town's extraterritorial jurisdiction ("ETJ")** ~~county~~, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to such dwellings or dwelling units;
 - (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect **the repair, closure, or demolition of dwellings and dwelling units determined to be unfit for human habitation** ~~rehabilitation of housing which is deteriorated~~;
 - (3) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and
 - ~~(4)~~ (5) To perform such other duties as may be herein prescribed.

For purposes of this chapter, the Inspector may determine that a dwelling or dwelling unit is unfit for human habitation if the officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions may include, but are not limited to, the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.13, Powers of Inspector, is hereby amended as follows:

Sec. 150.13 Powers of Inspector.

The Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

- (A) To continually investigate the dwelling conditions in the Town and the Town's ETJ ~~county~~ in order to determine which dwellings therein are unfit for human habitation;
- (B) To administer oaths and affirmations, examine witnesses and receive evidence;
- (C) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and
- (D) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this chapter.
- (E) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.**

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.14, Inspections; duty of owners and occupants, is hereby amended as follows:

Sec. 150.14 Periodic Inspections; duty of owners and occupants.

- (A) The Inspector may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period, (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected, (iii) the inspection department has actual knowledge of an unsafe condition within the building, or (iv) violations of the local ordinances or codes are visible from the outside of the property. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.**

- (AB)** For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the Inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times and, **when practicable**, with one-week notice for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations

as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.15, Repair, closing, or demolition of abandoned structures, is hereby amended as follows:

Sec. 150.15 Repair, closing, or demolition of abandoned structures.

In addition to the police power authorized in this chapter with respect to dwellings **and dwelling units which are unfit for human habitation**, the town shall cause to be repaired, closed or demolished any abandoned structure which the Board of Commissioners finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing or demolition of such structures shall be pursuant to the same provisions and procedures as are prescribed in this chapter for the repair, closing or demolition of dwellings found to be unfit for human habitation.

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16, Administrative Procedure, is hereby amended as follows:

Sec. 150.16 Administrative procedure.

- (A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten days nor more than 30 days after the serving of the complaint. The owner and any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint. ~~Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard.~~ The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector. The owner and parties in interest shall also have the right to file with the Inspector a written statement agreeing that the house referred to in the complaint is unfit for human habitation, that the housing should be demolished, agreeing that the town may have the housing demolished, and agreeing that the cost of demolition shall be a lien in the nature of a special assessment upon the property. In such cases, the Inspector may proceed with the demolition without complying with the additional provisions of this section.
- (B) *Procedure after hearing.*
- (1) After such notice and hearing, the Inspector shall state in writing his or **her findings of fact in support of the** determination **of** whether such dwelling or dwelling unit is unfit for human

- habitation, and, if so, whether it is deteriorated or dilapidated. Such Order shall be served upon the owner.
- (2) If the Inspector determines that repair, alternation, or improvement of the dwelling or dwelling unit can be made at a reasonable cost in relation to the value of the dwelling or dwelling unit, the Inspector may issue an order requiring the owner, within the time specified in the order, to repair, alter, or improve the dwelling or dwelling unit in order to render it fit for human habitation. For purposes of this chapter, such a determination shall constitute a determination that the dwelling or dwelling unit is "deteriorated." ~~The Inspector~~ he or she shall state in writing his or her findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, ~~and~~ or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a reasonable specified period of time. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made if the Inspector determines that continued occupancy during the time allowed for repair will present a significant threat of bodily harm in accordance with N.C.G.S 160D-1203(3)(a). The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C)(1)(a) of this section. Upon completion of required improvements, a new certificate of occupancy must be issued prior to subsequent leasing or sale of dwelling to a third party. ~~Hardship cases may be handled by the Inspector, recommending time or minimum requirement waivers to the town's Zoning Board of Adjustment, which body shall act on such recommendation. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C)(1)(a) of this section~~
- (3) If the Inspector determines that the repair, alteration, or improvement of the dwelling or dwelling unit cannot be made at a reasonable cost in relation to the value of the dwelling or dwelling unit, the Inspector may issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling or dwelling unit. For purposes of this chapter, such a determination shall constitute a determination that the dwelling or dwelling unit is "dilapidated." ~~The Inspector~~ he or she shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else vacate and remove or demolish the dwelling or dwelling unit ~~same~~ within a reasonable specified period of time.
- (C) *Failure to comply with order.*
- (1) **Deteriorated Dwelling Order.** If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling or dwelling unit, the Inspector may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this chapter with

respect to the particular property or properties that the Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (2) **Dilapidated Dwelling Order.** If the owner fails to comply with an order to remove or demolish the dwelling, the Inspector may cause such dwelling to be removed or demolished. The duties of the Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this chapter with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (13) **Abandonment of Intent to Repair.** ~~Order by the Board of Commissioners after failure to demolish for one year. Whenever the Board of Commissioners has adopted an ordinance~~ If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subdivision (C)(1) this Section ~~or the Housing Conservation Administrator has issued an order ordering a dwelling to be repaired or vacated and closed pursuant to the provisions of this chapter, and the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the order the Board of Commissioners may~~ shall find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create fire and safety hazards, would cause or contribute to deteriorate, would create fire and safety hazards, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in that area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state. Then In such circumstances, after the expiration of such one-year period, the Board of Commissioners may enact an ordinance and serve such ordinance upon the owner, requiring that the owner either:

- (a) Repair or demolish and remove the dwelling within 90 days, if repair necessary to render the dwelling fit for human habitation would cost less than 50 percent of the present value of the dwelling; or
- (b) Demolish and remove the dwelling within 90 days, if the repair necessary to render the dwelling fit for human habitation would cost in excess of 50 percent of the present value of the dwelling.

- (2) Such ordinance order shall be recorded in the office of the Register of Deeds of the county and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance order within the time fixed by such ordinance order, then

the housing conservation administrator **Inspector** shall **effectuate the purpose of the ordinance** ~~cause such dwelling to be repaired or demolished and removed pursuant to the order.~~

- (3) **Civil Action.** **If any occupant fails to comply with an order to vacate a dwelling, the Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subdivision (C) of this section authorizing the Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing board has ordered the Inspector to proceed to exercise his duties under subdivisions (C) of this section to vacate and close or remove and demolish the dwelling.**

- ~~(3) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board of Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).~~

- ~~(4) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the governing body an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. § 160A-443 and [Section 150.17](#) of this chapter.~~

(D) *Appeals from orders of Inspector.*

- (1) An appeal from any decision or order of the Inspector **is a quasi-judicial matter and** may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the town's Zoning Board of Adjustment, hereinafter referred to as "Board", a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all

the paper constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one-day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § ~~160AD-1208446(f)~~ and division (E) of this section.

- (2) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have the powers of the Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall also have power ~~also~~ in passing upon appeals, ~~in any case when where there are practical difficulties or unnecessary hardships would result from in the way of~~ carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (E) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise, as provided in G.S. § ~~160D-1208(c) § 160A-446(f)~~. In addition, any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall also have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § 160D-1208(c) § 160A-446(f).

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.17, Methods of service of complaints and order, is hereby amended as follows:

Sec. 150.17 Methods of service of complaints and orders.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

If the whereabouts of such persons are unknown and cannot be ascertained by the Inspector, or, if the owners are known but have refused to accept service by certified mail, in the exercise of reasonable diligence, and the Inspector makes an affidavit to that effect, then the serving of the

complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper of general circulation in the county, the second publication being not less than ten days nor more than 30 days prior to the date of the hearing. **When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.**

Section 8. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.18, In rem action by Inspector; pleading, is hereby amended as follows:

Sec. 150.18 In rem action by Inspector; placarding. Reserved.

- (A) ~~After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the governing body of the town of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.16(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the governing body and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.~~
- (B) ~~Each such ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).~~

Section 9. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.20, Cost a lien on premises, is hereby amended as follows:

Sec. 150.20 Costs of a lien on premises.

As provided by G.S. ~~§ 160D-1203(7)~~ ~~§ 160A-443(6)~~, the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to Section 150.18 of this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as the lien for special assessments provided by G.S. § 160DA, Article ~~12~~ 10.

If a dwelling is removed or demolished by the Inspector, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 10. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.01, Purpose and Authority, is hereby amended as follows:

It is the purpose of the provisions of this chapter to provide a just, equitable and practical method, whereby nonresidential buildings or structures that, from any cause, endanger the life, limb, health, property or safety or welfare of the general public, or of their occupants, may be required to be repaired, vacated or demolished pursuant to the authority given in G.S. Chapter ~~160D~~ 160A, Article ~~11~~ 19, ~~part 5~~. These provisions shall only be applicable within the corporate limits of the town, and shall not apply to bona fide farms as defined in Article 12.2.1 of the Town Zoning Ordinance.

Section 11. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.09, Civil Penalty, is hereby amended as follows:

An owner who fails to comply with an order to repair, alter or improve, or to vacate and close, or to remove or demolish the nonresidential building or structure, or is otherwise in violation of this chapter, shall be subject to civil penalty of \$100.00 for the first day following the expiration of the time period in which to comply with the order, or following a determination that an nonresidential building or structure has been reopened or reoccupied in violation of the order. In each instance, a penalty of \$50.00 per day shall be imposed for each subsequent day that the nonresidential building or structure remains in violation of an order, or in violation of Section 150.08. If a person fails to pay the civil penalty within ten days after being notified of the amount due, the town may recover the penalty, together with all costs, by filing a civil action in the General Court of Justice on the nature of a suit to collect a debt. The imposition of civil penalties shall not limit the use of any other lawful remedies available to the town for the enforcement of any ordinances adopted pursuant to this section.

Section 12. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.10, Powers Supplemental, is hereby amended as follows:

The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the Board of Commissioners may authorize the Inspector to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

- (A) To investigate nonresidential buildings and structures to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized; and
- (B) To administer oaths, affirmations, examine witnesses and receive evidence pursuant to G.S. § 160D-1129 ~~160A-439~~; and
- (C) To enter upon premises pursuant to Section 152.04(B), for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession; and
- (D) To appoint and fix the duties of officers, agents and employees necessary to carry out the purposes of the ordinances adopted by the Board of Commissioners; and
- (E) To delegate any of his or her functions and powers under the ordinances to other officers and agents.

Section 13. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.11, Appeals, is hereby amended as follows:

TA22-08 MINIMUM HOUSING & NONRESIDENTIAL BUILDING CODE

Appeals may be taken from any decision or order of the Inspector, or assigned agent, to the Board of Adjustment. Any person aggrieved by a decision or order of the Inspector shall have the remedies provided in G.S. § **160D-1208** ~~160A-446~~.

Section 14. Effective Date.

This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: Not Required

PUBLIC HEARING DATE: July 18, 2022

PLANNING BOARD MEETING: Not Required

TOWN BOARD DECISION: July 18, 2022

TA22-08 – Minimum Housing & Nonresidential Building Code Text Amendment

PART 1: DESCRIPTION

TA22-08, a request by the Town of Huntersville Planning Department to amend the **Town of Huntersville Code of Ordinances** Title XV Land Usage: **Chapter 150 Minimum Housing Standards** and **Chapter 152 Nonresidential Building Code** to comply with language in NCGS Chapter 160D Article 12- Minimum Housing Codes and Chapter 160D Article 11- Building Code Enforcement.

PART 2: BACKGROUND

This amendment is only to the Town Code of Ordinances and is not subject to the same procedures for a text amendment to the Town Zoning or Subdivision Ordinance. Code of Ordinance amendments are not required to be reviewed by the Huntersville Ordinances Advisory Board or the Planning Board.

The North Carolina General Statutes were amended in 2019 creating a new Chapter 160D. The current language in the Town Code of Ordinances still references old statutory language from Chapter 160A and must be updated to comply with the language of 160D. The Minimum Housing Standard amendments are regarding the regulation of dwelling units unfit for human habitation. The Nonresidential Building Code amendments are regarding the regulation of the repair, closing, and demolition of nonresidential buildings or structures.

Please note, Minimum Housing Standards and Nonresidential Building Codes are administered by the Town of Huntersville and enforced by Mecklenburg County Code Enforcement.

PART 3: STAFF RECOMMENDATION

The Town Attorney drafted the amendment ordinance and Mecklenburg County Code Enforcement reviewed the proposed ordinance. Staff recommends approval of the proposed text amendment to Chapter 150 and 152 of the Town of Huntersville Code of Ordinances.

PART 4: PUBLIC HEARING

The public hearing is July 18, 2022.

PART 5: ATTACHMENTS

1. Text Amendment Application
2. Ordinance for Adoption
3. Pages from Chapter 160D Article 11 & 12

**AN ORDINANCE TO AMEND TITLE XV LAND USAGE: CHAPTER 150 MINIMUM
HOUSING STANDARDS AND CHAPTER 152 NONRESIDENTIAL BUILDING CODE OF
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 150.02, Definitions, is hereby amended as follows:

Board of Commissioners shall mean the Town of Huntersville Board of Commissioners.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.12, Duties of Inspector, is hereby amended as follows:

Sec. 150.12 Duties of Inspector.

- (A) The Town of Huntersville's Town Manager and the Director of Mecklenburg County Land Use and Environmental Agency or their designee are hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed.
- (B) It shall be the duty of this officer or his or her designee:
 - (1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the **Town and Town's extraterritorial jurisdiction ("ETJ")** ~~county~~, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to such dwellings or dwelling units;
 - (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect **the repair, closure, or demolition of dwellings and dwelling units determined to be unfit for human habitation** ~~rehabilitation of housing which is deteriorated~~;
 - (3) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and
 - ~~(4)~~ (5) To perform such other duties as may be herein prescribed.

For purposes of this chapter, the Inspector may determine that a dwelling or dwelling unit is unfit for human habitation if the officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions may include, but are not limited to, the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.13, Powers of Inspector, is hereby amended as follows:

Sec. 150.13 Powers of Inspector.

The Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

- (A) To continually investigate the dwelling conditions in the Town and the Town's ETJ ~~county~~ in order to determine which dwellings therein are unfit for human habitation;
- (B) To administer oaths and affirmations, examine witnesses and receive evidence;
- (C) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and
- (D) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this chapter.
- (E) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.**

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.14, Inspections; duty of owners and occupants, is hereby amended as follows:

Sec. 150.14 Periodic Inspections; duty of owners and occupants.

(A) The Inspector may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period, (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected, (iii) the inspection department has actual knowledge of an unsafe condition within the building, or (iv) violations of the local ordinances or codes are visible from the outside of the property. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(AB) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the Inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times and, **when practicable**, with one-week notice for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations

as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.15, Repair, closing, or demolition of abandoned structures, is hereby amended as follows:

Sec. 150.15 Repair, closing, or demolition of abandoned structures.

In addition to the police power authorized in this chapter with respect to dwellings **and dwelling units which are unfit for human habitation**, the town shall cause to be repaired, closed or demolished any abandoned structure which the Board of Commissioners finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing or demolition of such structures shall be pursuant to the same provisions and procedures as are prescribed in this chapter for the repair, closing or demolition of dwellings found to be unfit for human habitation.

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16, Administrative Procedure, is hereby amended as follows:

Sec. 150.16 Administrative procedure.

- (A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten days nor more than 30 days after the serving of the complaint. The owner and any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint. ~~Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard.~~ The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector. The owner and parties in interest shall also have the right to file with the Inspector a written statement agreeing that the house referred to in the complaint is unfit for human habitation, that the housing should be demolished, agreeing that the town may have the housing demolished, and agreeing that the cost of demolition shall be a lien in the nature of a special assessment upon the property. In such cases, the Inspector may proceed with the demolition without complying with the additional provisions of this section.
- (B) *Procedure after hearing.*
- (1) After such notice and hearing, the Inspector shall state in writing his or **her findings of fact in support of the** determination **of** whether such dwelling or dwelling unit is unfit for human

- habitation, and, if so, whether it is deteriorated or dilapidated. Such Order shall be served upon the owner.
- (2) If the Inspector determines that repair, alternation, or improvement of the dwelling or dwelling unit can be made at a reasonable cost in relation to the value of the dwelling or dwelling unit, the Inspector may issue an order requiring the owner, within the time specified in the order, to repair, alter, or improve the dwelling or dwelling unit in order to render it fit for human habitation. For purposes of this chapter, such a determination shall constitute a determination that the dwelling or dwelling unit is "deteriorated." ~~The Inspector~~ he or she shall state in writing his or her findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, ~~and or~~ or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a reasonable specified period of time. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made if the Inspector determines that continued occupancy during the time allowed for repair will present a significant threat of bodily harm in accordance with N.C.G.S 160D-1203(3)(a). The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C)(1)(a) of this section. Upon completion of required improvements, a new certificate of occupancy must be issued prior to subsequent leasing or sale of dwelling to a third party. ~~Hardship cases may be handled by the Inspector, recommending time or minimum requirement waivers to the town's Zoning Board of Adjustment, which body shall act on such recommendation. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C)(1)(a) of this section~~
- (3) If the Inspector determines that the repair, alteration, or improvement of the dwelling or dwelling unit cannot be made at a reasonable cost in relation to the value of the dwelling or dwelling unit, the Inspector may issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling or dwelling unit. For purposes of this chapter, such a determination shall constitute a determination that the dwelling or dwelling unit is "dilapidated." ~~The Inspector~~ he or she shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else vacate and remove or demolish the dwelling or dwelling unit ~~same~~ within a reasonable specified period of time.
- (C) *Failure to comply with order.*
- (1) **Deteriorated Dwelling Order.** If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling or dwelling unit, the Inspector may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this chapter with

respect to the particular property or properties that the Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (2) *Dilapidated Dwelling Order.* If the owner fails to comply with an order to remove or demolish the dwelling, the Inspector may cause such dwelling to be removed or demolished. The duties of the Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this chapter with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (13) *Abandonment of Intent to Repair.* Order by the Board of Commissioners after failure to demolish for one year. Whenever the Board of Commissioners has adopted an ordinance If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subdivision (C)(1) this Section or the Housing Conservation Administrator has issued an order ordering a dwelling to be repaired or vacated and closed pursuant to the provisions of this chapter, and the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the order the Board of Commissioners may shall find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, ~~morals~~ and welfare of the municipality in that the dwelling would continue to deteriorate, would create fire and safety hazards, ~~would cause or contribute to deteriorate, would create fire and safety hazards,~~ would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in that area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state. ~~Then~~ In such circumstances, after the expiration of such one-year period, the Board of Commissioners may enact an ordinance and serve such ordinance upon the owner, requiring that the owner either:

- (a) Repair or demolish and remove the dwelling within 90 days, if repair necessary to render the dwelling fit for human habitation would cost less than 50 percent of the present value of the dwelling; or
- (b) Demolish and remove the dwelling within 90 days, if the repair necessary to render the dwelling fit for human habitation would cost in excess of 50 percent of the present value of the dwelling.

- (2) Such ordinance order shall be recorded in the office of the Register of Deeds of the county and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance order within the time fixed by such ordinance order, then

the housing conservation administrator **Inspector** shall **effectuate the purpose of the ordinance** ~~cause such dwelling to be repaired or demolished and removed pursuant to the order.~~

- (3) **Civil Action.** **If any occupant fails to comply with an order to vacate a dwelling, the Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subdivision (C) of this section authorizing the Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing board has ordered the Inspector to proceed to exercise his duties under subdivisions (C) of this section to vacate and close or remove and demolish the dwelling.**

- ~~(3) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board of Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).~~

- ~~(4) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the governing body an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. § 160A-443 and [Section 150.17](#) of this chapter.~~

(D) *Appeals from orders of Inspector.*

- (1) An appeal from any decision or order of the Inspector **is a quasi-judicial matter and** may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the town's Zoning Board of Adjustment, hereinafter referred to as "Board", a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all

- the paper constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one-day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § ~~160AD-1208446(f)~~ and division (E) of this section.
- (2) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have the powers of the Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall also have power ~~also~~ in passing upon appeals, ~~in any case when where there are practical difficulties or unnecessary hardships would result from in the way of~~ carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (E) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise, as provided in G.S. § ~~160D-1208(c) § 160A-446(f)~~. In addition, any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall also have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § ~~160D-1208(c) § 160A-446(f)~~.

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.17, Methods of service of complaints and order, is hereby amended as follows:

Sec. 150.17 Methods of service of complaints and orders.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. **When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.**

If the whereabouts of such persons are unknown and cannot be ascertained by the Inspector, **or, if the owners are known but have refused to accept service by certified mail,** in the exercise of reasonable diligence, and the Inspector makes an affidavit to that effect, then the serving of the

complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper of general circulation in the county, the second publication being not less than ten days nor more than 30 days prior to the date of the hearing. **When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.**

Section 8. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.18, In rem action by Inspector; pleading, is hereby amended as follows:

Sec. 150.18 In rem action by Inspector; placarding. Reserved.

- (A) ~~After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the governing body of the town of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.16(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the governing body and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.~~
- (B) ~~Each such ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).~~

Section 9. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.20, Cost a lien on premises, is hereby amended as follows:

Sec. 150.20 Costs of a lien on premises.

As provided by G.S. ~~§ 160D-1203(7)~~ ~~§ 160A-443(6)~~, the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to Section 150.18 of this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as the lien for special assessments provided by G.S. § 160DA, Article ~~12~~ ~~10~~.

If a dwelling is removed or demolished by the Inspector, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 10. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.01, Purpose and Authority, is hereby amended as follows:

It is the purpose of the provisions of this chapter to provide a just, equitable and practical method, whereby nonresidential buildings or structures that, from any cause, endanger the life, limb, health, property or safety or welfare of the general public, or of their occupants, may be required to be repaired, vacated or demolished pursuant to the authority given in G.S. Chapter ~~160D~~ ~~160A~~, Article ~~11~~ ~~19, part 5~~. These provisions shall only be applicable within the corporate limits of the town, and shall not apply to bona fide farms as defined in Article 12.2.1 of the Town Zoning Ordinance.

Section 11. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.09, Civil Penalty, is hereby amended as follows:

An owner who fails to comply with an order to repair, alter or improve, or to vacate and close, or to remove or demolish the nonresidential building or structure, or is otherwise in violation of this chapter, shall be subject to civil penalty of \$100.00 for the first day following the expiration of the time period in which to comply with the order, or following a determination that an nonresidential building or structure has been reopened or reoccupied in violation of the order. In each instance, a penalty of \$50.00 per day shall be imposed for each subsequent day that the nonresidential building or structure remains in violation of an order, or in violation of Section 150.08. If a person fails to pay the civil penalty within ten days after being notified of the amount due, the town may recover the penalty, together with all costs, by filing a civil action in the General Court of Justice on the nature of a suit to collect a debt. The imposition of civil penalties shall not limit the use of any other lawful remedies available to the town for the enforcement of any ordinances adopted pursuant to this section.

Section 12. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.10, Powers Supplemental, is hereby amended as follows:

The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the Board of Commissioners may authorize the Inspector to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

- (A) To investigate nonresidential buildings and structures to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized; and
- (B) To administer oaths, affirmations, examine witnesses and receive evidence pursuant to G.S. § 160D-1129 ~~160A-439~~; and
- (C) To enter upon premises pursuant to Section 152.04(B), for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession; and
- (D) To appoint and fix the duties of officers, agents and employees necessary to carry out the purposes of the ordinances adopted by the Board of Commissioners; and
- (E) To delegate any of his or her functions and powers under the ordinances to other officers and agents.

Section 13. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 152.11, Appeals, is hereby amended as follows:

TA22-08 MINIMUM HOUSING & NONRESIDENTIAL BUILDING CODE

Appeals may be taken from any decision or order of the Inspector, or assigned agent, to the Board of Adjustment. Any person aggrieved by a decision or order of the Inspector shall have the remedies provided in G.S. § **160D-1208** ~~160A-446~~.

Section 14. Effective Date.

This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: Not Required

PUBLIC HEARING DATE: July 18, 2022

PLANNING BOARD MEETING: Not Required

TOWN BOARD DECISION: July 18, 2022

Article 11.

Building Code Enforcement.

§ 160D-1101. Definitions.

As used in this Article, the following terms shall have their ordinary meaning and shall also be read to include the following:

- (1) Building or buildings. – Includes other structures.
- (2) Governing board or board of commissioners. – Includes the Tribal Council of a federally recognized Indian tribe.
- (3) Local government. – Includes a federally recognized Indian tribe, and, as to such tribe, includes lands held in trust for the tribe.
- (4) Public officer. – Includes the officer or officers who are authorized by regulations adopted hereunder to exercise the powers prescribed by the regulations and by this Article. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1102. Building code administration.

A local government may create an inspection department and may appoint inspectors who may be given appropriate titles, such as building inspector, electrical inspector, plumbing inspector, housing inspector, zoning inspector, heating and air-conditioning inspector, fire prevention inspector, or deputy or assistant inspector, or another title generally descriptive of the duties assigned. Every local government shall perform the duties and responsibilities set forth in G.S. 160D-1104 either by (i) creating its own inspection department, (ii) creating a joint inspection department in cooperation with one or more other units of local government, pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes, (iii) contracting with another unit of local government for the provision of inspection services pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes, or (iv) arranging for the county in which a city is located to perform inspection services within the city's jurisdiction as authorized by G.S. 160D-1104 and G.S. 160D-202.

In the event that any local government fails to provide inspection services or ceases to provide inspection services, the Commissioner of Insurance shall arrange for the provision of inspection services, either through personnel employed by the department or through an arrangement with other units of government. In either event, the Commissioner has and may exercise within the local government's planning and development regulation jurisdiction all powers made available to the governing board with respect to building inspection under this Article and Part 1 of Article 20 of Chapter 160A of the General Statutes. Whenever the Commissioner has intervened in this manner, the local government may assume provision of inspection services only after giving the Commissioner two years' written notice of its intention to do so; however, the Commissioner may waive this requirement or permit assumption at an earlier date upon finding that an earlier assumption will not unduly interfere with arrangements made for the provision of those services. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(f).)

§ 160D-1103. Qualifications of inspectors.

No local government shall employ an inspector to enforce the State Building Code who does not have one of the following types of certificates issued by the North Carolina Code Officials

the limits, except upon the permit of the inspection department and approval of the Commissioner of Insurance. The governing board may make additional regulations necessary for the prevention, extinguishment, or mitigation of fires within the fire limits.

(b) **Municipal Fire Limits.** – The governing board of every incorporated city shall pass one or more ordinances establishing and defining fire limits, which shall include the principal business portions of the city and which shall be known as primary fire limits. In addition, the governing board may, in its discretion, establish and define one or more separate areas within the city as secondary fire limits.

(c) **Restrictions Within Municipal Primary Fire Limits.** – Within the primary fire limits of any city, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved, either into the limits or from one place to another within the limits, except upon the permit of the local inspection department approved by the governing board and by the Commissioner of Insurance or the Commissioner's designee. The governing board may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

(d) **Restrictions Within Municipal Secondary Fire Limits.** – Within any secondary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved, except in accordance with any rules and regulations established by ordinance of the areas.

(e) **Failure to Establish Municipal Primary Fire Limits.** – If the governing board of any city shall fail or refuse to establish and define the primary fire limits of the city as required by law, after having such failure or refusal called to their attention in writing by the State Commissioner of Insurance, the Commissioner shall have the power to establish the limits upon making a determination that they are necessary and in the public interest. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1129. Regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer.

(a) **Authority.** – The governing board of the local government may adopt and enforce regulations relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the governing board. The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures. The regulations shall provide for designation or appointment of a public officer to exercise the powers prescribed by the regulation, in accordance with the procedures specified in this section. Regulations adopted under this section shall be applicable within the local government's entire planning and development regulation jurisdiction or limited to one or more designated zoning districts, municipal service districts, or defined geographical areas designated for improvement and investment in an adopted comprehensive plan.

(b) **Investigation.** – Whenever it appears to the public officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by the governing board, the public officer shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2

or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

(c) Complaint and Hearing. – If the preliminary investigation discloses evidence of a violation of the minimum standards, the public officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that an administrative hearing will be held before the public officer, or his or her designated agent, at a place within the county scheduled not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity are not controlling in hearings before the public officer.

(d) Order. – If, after notice and hearing, the public officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by the governing board, the public officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.

(e) Limitations on Orders. –

- (1) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the governing board or to vacate and close the nonresidential building or structure for any use.
- (2) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the governing board determines, after an administrative hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by the governing board.
- (3) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(f) Action by Governing Board Upon Failure to Comply With Order. –

- (1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the governing board may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted is guilty of a Class 3 misdemeanor.
- (2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the governing board may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the governing board. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be removed or demolished.

(g) Action by Governing Board Upon Abandonment of Intent to Repair. – If the governing board has adopted an ordinance or the public officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the governing board may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the governing board may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- (1) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days.

- (2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the governing board may take action under this subsection. The ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the public officer shall effectuate the purpose of the ordinance.

(h) Service of Complaints and Orders. – Complaints or orders issued by a public officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the local government at least once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(i) Liens. –

- (1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer are a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- (2) If the real property upon which the cost was incurred is located in an incorporated city, the amount of the costs is also a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.
- (3) If the nonresidential building or structure is removed or demolished by the public officer, he or she shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the

power of the governing board to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(j) Ejectment. – If any occupant fails to comply with an order to vacate a nonresidential building or structure, the public officer may file a civil action in the name of the local government to remove the occupant. The action to vacate is in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subsection (f) of this section to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the governing board has ordered the public officer to proceed to exercise his or her duties under subsection (f) of this section to vacate and close or remove and demolish the nonresidential building or structure.

(k) Civil Penalty. – The governing board may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this section. However, the imposition of civil penalties does not limit the use of any other lawful remedies available to the governing board for the enforcement of any ordinances adopted pursuant to this section.

(l) Supplemental Powers. – The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the governing board may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

- (1) To investigate nonresidential buildings and structures in the local government's planning and development regulation jurisdiction to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.
- (2) To administer oaths, affirmations, examine witnesses, and receive evidence.
- (3) To enter upon premises pursuant to subsection (b) of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- (4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the governing board.
- (5) To delegate any of his or her functions and powers under the ordinance to other officers and agents.

(m) Appeals. – The governing board may provide that appeals may be taken from any decision or order of the public officer to the local government's housing appeals board or board of adjustment. Any person aggrieved by a decision or order of the public officer has the remedies provided in G.S. 160D-1208.

(n) Funding. – The governing board is authorized to make appropriations from its revenues necessary to carry out the purposes of this section and may accept and apply grants or donations to assist in carrying out the provisions of the ordinances adopted by the governing board.

(o) No Effect on Just Compensation for Taking by Eminent Domain. – Nothing in this section shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

(p) Definitions. – As used in this section, the following definitions apply:

- (1) Parties in interest. – All individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.
- (2) Vacant industrial warehouse. – Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.
- (3) Vacant manufacturing facility. – Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 37, 51(a), (b), (d).)

§ 160D-1130. Vacant building receivership.

(a) Petition to Appoint a Receiver. – The governing board of a city or its delegated commission may petition the superior court for the appointment of a receiver to rehabilitate, demolish, or sell a vacant building, structure, or dwelling upon the occurrence of any of the following, each of which is deemed a nuisance per se:

- (1) The owner fails to comply with an order issued pursuant to G.S. 160D-1122, related to building or structural conditions that constitute a fire or safety hazard or render the building or structure dangerous to life, health, or other property, from which no appeal has been taken.
- (2) The owner fails to comply with an order of the city following an appeal of an inspector's order issued pursuant to G.S. 160D-1122.
- (3) The governing board of the city adopts any ordinance pursuant to subdivision (f)(1) of G.S. 160D-1129, related to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety, and orders a public officer to continue enforcement actions prescribed by the ordinance with respect to the named nonresidential building or structure. The public officer may submit a petition on behalf of the governing board to the superior court for the appointment of a receiver, and if granted by the superior court, the petition shall be considered an appropriate means of complying with the ordinance. In the event the superior court does not grant the petition, the

Article 12.

Minimum Housing Codes.

§ 160D-1201. Authorization.

(a) Dwellings. – The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of this State. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever any local government finds that there exists in the planning and development regulation jurisdiction dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the local government, power is conferred upon the local government to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of this Article.

(b) Abandoned Structures. – Any local government may by ordinance provide for the repair, closing, or demolition of any abandoned structure that the governing board finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. The ordinance may provide for the repair, closing, or demolition of such structure pursuant to the same provisions and procedures as are prescribed by this Article for the repair, closing, or demolition of dwellings found to be unfit for human habitation. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 39, 51(a), (b), (d).)

§ 160D-1202. Definitions.

The following definitions apply in this Article:

- (1) Owner. – The holder of the title in fee simple and every mortgagee of record.
- (2) Parties in interest. – All individuals, associations, and corporations that have interests of record in a dwelling and any that are in possession of a dwelling.
- (3) Public authority. – Any housing authority or any officer that is in charge of any department or branch of the government of the city, county, or State relating to health, fire, building regulations, or other activities concerning dwellings in the local government.
- (4) Public officer. – The officer authorized by ordinances adopted under this Article to exercise the powers prescribed by the ordinances and by this Article. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(h).)

§ 160D-1203. Ordinance authorized as to repair, closing, and demolition; order of public officer.

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160D-1201 exist, the governing board is authorized to adopt and enforce ordinances relating to dwellings within the planning and development regulation jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

- (1) Designation of enforcement officer. – One or more public officers shall be designated to exercise the powers prescribed by the ordinance.

- (2) Investigation, complaint, hearing. – Whenever a petition is filed with the public officer by a public authority or by at least five residents of the jurisdiction charging that any dwelling is unfit for human habitation or when it appears to the public officer that any dwelling is unfit for human habitation, the public officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the public officer, or the officer's designated agent, at a place within the county in which the property is located. The hearing shall be not less than 10 days nor more than 30 days after the serving of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the public officer.
- (3) Orders. – If, after notice and an administrative hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the following orders, as appropriate:
- a. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (4) of this section.
 - b. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949.

- (4) Repair, closing, and posting. – If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the public officer set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- (5) Demolition. – If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- (6) Abandonment of Intent to Repair. – If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subdivision (4) of this section or after a public officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the governing board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing board may, after the expiration of such

one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

(7) Liens. –

- a. The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- b. If the real property upon which the cost was incurred is located in an incorporated city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
- c. If the dwelling is removed or demolished by the public officer, the local government shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(8) Civil action. – If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the local government to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the

issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subdivision (5) of this section authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing board has ordered the public officer to proceed to exercise his duties under subdivisions (4) and (5) of this section to vacate and close or remove and demolish the dwelling.

- (9) Additional notices to affordable housing organizations. – Whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the public officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The public officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait 45 days before causing removal or demolition. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 40, 51(a), (b), (d).)

§ 160D-1204. Heat source required.

(a) A local government shall, by ordinance, require that every dwelling unit leased as rental property within the city shall have, at a minimum, a central or electric heating system or sufficient chimneys, flues, or gas vents, with heating appliances connected, so as to heat at least one habitable room, excluding the kitchen, to a minimum temperature of 68 degrees Fahrenheit measured 3 feet above the floor with an outside temperature of 20 degrees Fahrenheit.

(b) If a dwelling unit contains a heating system or heating appliances that meet the requirements of subsection (a) of this section, the owner of the dwelling unit shall not be required to install a new heating system or heating appliances, but the owner shall be required to maintain the existing heating system or heating appliances in a good and safe working condition. Otherwise, the owner of the dwelling unit shall install a heating system or heating appliances that meet the

requirements of subsection (a) of this section and shall maintain the heating system or heating appliances in a good and safe working condition.

(c) Portable kerosene heaters are not acceptable as a permanent source of heat as required by subsection (a) of this section but may be used as a supplementary source in single-family dwellings and duplex units. An owner who has complied with subsection (a) of this section shall not be held in violation of this section where an occupant of a dwelling unit uses a kerosene heater as a primary source of heat.

(d) This section applies only to local governments with a population of 200,000 or over within their planning and development regulation jurisdiction, according to the most recent decennial federal census.

(e) Nothing in this section shall be construed to diminish the rights or remedies available to a tenant under a lease agreement, statute, or at common law or to prohibit a city from adopting an ordinance with more stringent heating requirements than provided for by this section. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1205. Standards.

An ordinance adopted under this Article shall provide that the public officer may determine that a dwelling is unfit for human habitation if the officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. The ordinances may provide additional standards to guide the public officers in determining the fitness of a dwelling for human habitation. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1206. Service of complaints and orders.

(a) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Article shall be served upon persons either personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of this Article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1207. Periodic inspections.

only to an individual rental unit or property described in clause (i) of this subsection and the fee does not exceed five hundred dollars (\$500.00) in any 12-month period in which the unit or property is found to have verified violations, (iv) provide that any violation of a rental registration ordinance is punishable as a criminal offense, or (v) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the local government. For purposes of this section, the term "verified violation" means all of the following:

- (1) The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a 72-hour period.
- (2) Any violations that have not been corrected by the owner or manager within 21 days of receipt of written notice from the local government of the violations. Should the same violation occur more than two times in a 12-month period, the owner or manager may not have the option of correcting the violation. If the housing code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within 30 days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.

(d) If a property is identified by the local government as being in the top ten percent (10%) of properties with crime or disorder problems, the local government shall notify the landlord of any crimes, disorders, or other violations that will be counted against the property to allow the landlord an opportunity to attempt to correct the problems. In addition, the local government and the county sheriff's office or city's police department shall assist the landlord in addressing any criminal activity, which may include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime. If the local government or the county sheriff's office or city's police department does not cooperate in evicting a tenant, the tenant's behavior or activity at issue shall not be counted as a crime or disorder problem as set forth in the local ordinance, and the property may not be included in the top ten percent (10%) of properties as a result of that tenant's behavior or activity.

(e) If the local government takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the housing appeals board or the zoning board of adjustment, if operating, or the planning board if created under G.S. 160D-301, or if neither is created, the governing board. The board shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The owner may appear in person or by agent or attorney. The board may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the board ought to be made in the matter. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 41, 51(a), (b), (d).)

§ 160D-1208. Remedies.

(a) An ordinance adopted pursuant to this Article may provide for a housing appeals board as provided by G.S. 160D-305. An appeal from any decision or order of the public officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of the local government. Any appeal from the public officer shall be taken within 10 days from the rendering of the decision or service of the order by filing with the public officer and with the housing appeals board a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the public officer shall forthwith

transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, the decision remains in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal has the effect of suspending the requirement until the hearing by the board, unless the public officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished to the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the board, or by a court of record upon petition made pursuant to subsection (f) of this section.

(b) The housing appeals board shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it has all the powers of the public officer, but the concurring vote of four members of the board is necessary to reverse or modify any decision or order of the public officer. The board also has power in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.

(c) Every decision of the housing appeals board is subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(d) Any person aggrieved by an order issued by the public officer or a decision rendered by the housing appeals board may petition the superior court for an injunction restraining the public officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the public officer pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within 20 days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It is not necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

(e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Article or of any ordinance or code adopted under authority of this Article or any valid order or decision of the public officer or board made pursuant to any ordinance or code adopted under authority of this Article, the public officer or board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 42, 51(a), (b), (d).)

§ 160D-1209. Compensation to owners of condemned property.

Nothing in this Article shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in

accordance with the police power of the State. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1210. Additional powers of public officer.

An ordinance adopted by the governing board may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this Article, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the local government's planning and development regulation jurisdiction in order to determine which dwellings therein are unfit for human habitation.
- (2) To administer oaths, affirmations, examine witnesses, and receive evidence.
- (3) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- (4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances.
- (5) To delegate any of his or her functions and powers under the ordinance to other officers and other agents. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1211. Administration of ordinance.

A local government adopting an ordinance under this Article shall, as soon as possible thereafter, prepare an estimate of the annual expenses or costs to provide the equipment, personnel, and supplies necessary for periodic examinations and investigations of the dwellings for the purpose of determining the fitness of dwellings for human habitation and for the enforcement and administration of its ordinances adopted under this Article. The local government is authorized to make appropriations from its revenues necessary for this purpose and may accept and apply grants or donations to assist it. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1212. Supplemental nature of Article.

Nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of any local government to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by this Article shall be supplemental to the powers conferred by any other law in carrying out the provisions of the ordinances. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Lauren Speight, Planner II

Date: July 18, 2022

Subject: Petition #R21-13 Calamar at Caldwell Station

EXPLAIN REQUEST:

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 a decision on Petition# R21-13, 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.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. R21-13 Staff Report
2. Rezoning Plan Planning Board 06 28 22
3. Elevation Planning Board 06 28 22
4. Determination_of_TIA_Need_Application_-_7-28-21
5. Caldwell Station Sketch 12-21-98
6. R06-13 Caldwell Station Senior Condos Sketch Rezoning Plan
7. R06-13 Retirement center elevations
8. Caldwell Station Senior Condos Sketch UNsigned 1-5-07
9. Neighborhood Meeting Notice

10. 220526 Neighborhood Meeting Minutes
11. Community Meeting Minutes - 220426
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 amend a previously approved plan to: 1) increase the units allowed from 108 to 134 units and 2) to reduce the number of building from five apartment buildings and one clubhouse to one all inclusive building.

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

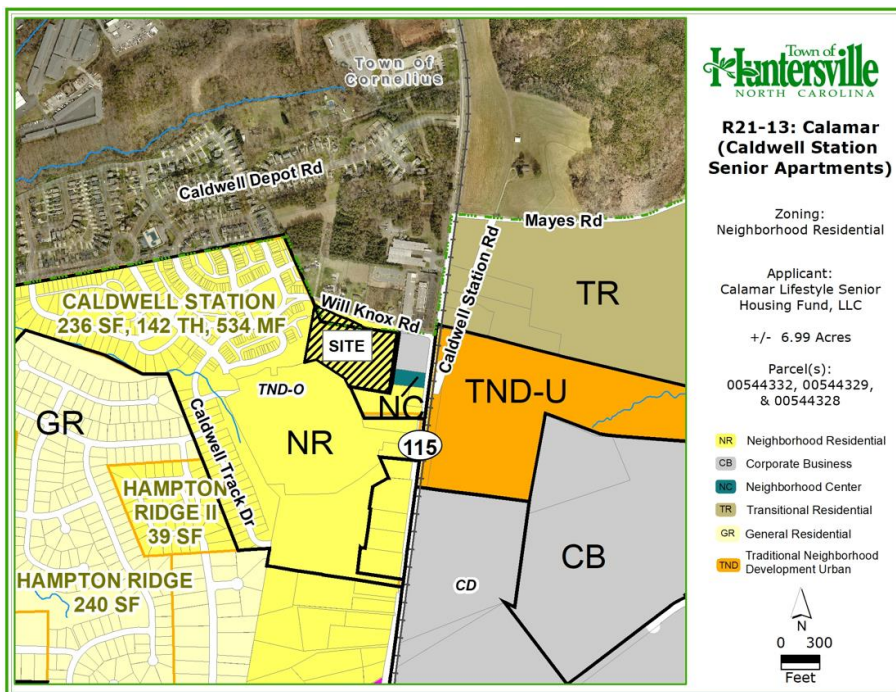
Parcel Numbers:
00544332, 00544328,
00544329

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.

2. 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.
3. 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.

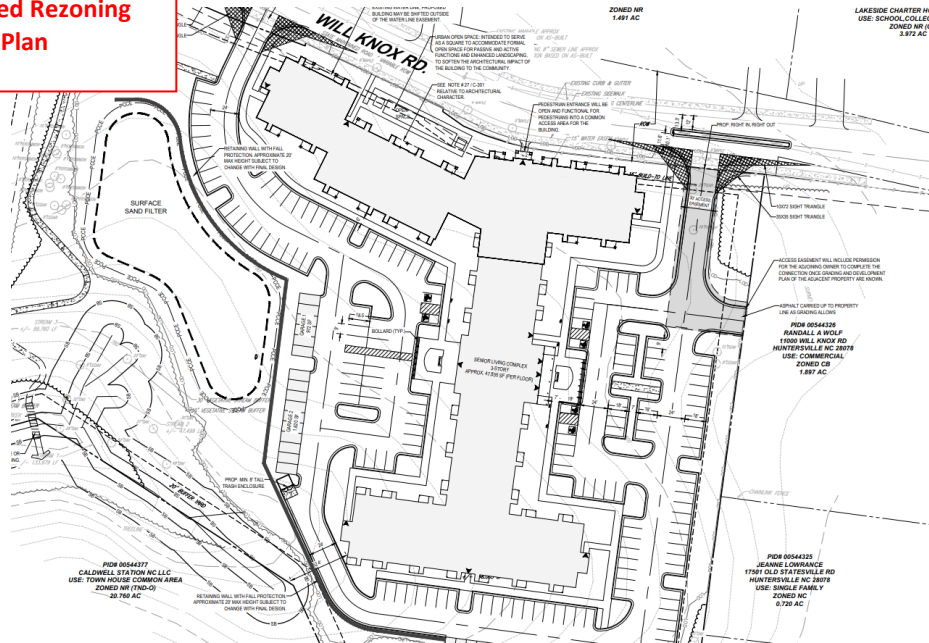
PART 2: REZONING/SITE PLAN ISSUES

- Site Plan Updated Submittal: Please find the site plan submittal below on page 4.
- 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. 1998 and 2006 plan attached in the agenda package.
 - **UPDATE 7/8/22**: Lighting must come up to current code requirements and the applicants acknowledged lighting would be compliant with the current Zoning Ordinance during the Planning Board meeting. Staff and the applicant have communicated about the requirements of Article 2.2.3 of the Zoning Ordinance regarding vesting requests. Signs shall also be compliant with the current Zoning Ordinance. Thus, the remaining elements the applicants would request to be vested under the 1998 Ordinance are from the perimeter buffer requirement, tree save, landscaping, and traffic impact analysis determination (TIA). Water quality was shown on the 2006 rezoning plan. A TIA Determination was submitted and determined not to be required. While the applicants are requested vesting, they intend to meet or exceed current Ordinance requirements for the perimeter buffer, tree save, and landscaping.

- 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. The applicants agreed to recess a portion of the façade and add large maturing evergreen vegetation to soften the massing along Will Knox Road.
 
 - UPDATE 6/16/22: The applicants indicated they evaluated if the finished floor elevation could be reduced and it is fixed to ensure the high side of the site at Will Knox Road can meet and match existing conditions.
- 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.
 - UPDATE 6/16/22: The applicants added a note to the site plan at the pedestrian entrance indicating, "Pedestrian entrance will be open and functional for pedestrians into a common access area for the building."
- 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.
 - UPDATE 6/16/22: The applicants added a note to the site plan indicating, "The plan intends to preserve existing trees where possible and/or are serving to fulfill the 20' perimeter buffer. However, should grading impacts into the buffer be necessary, the petitioner requests approval of any such grading to accommodate site improvements. In this scenario, the petitioner will replant per Article 7.5.3"
- 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.
 - UPDATE 6/16/22: The applicants show the walking trail connecting with the greenway path.

Proposed Rezoning Plan

R21-13 Calmar - Staff Analysis 7/18/22



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

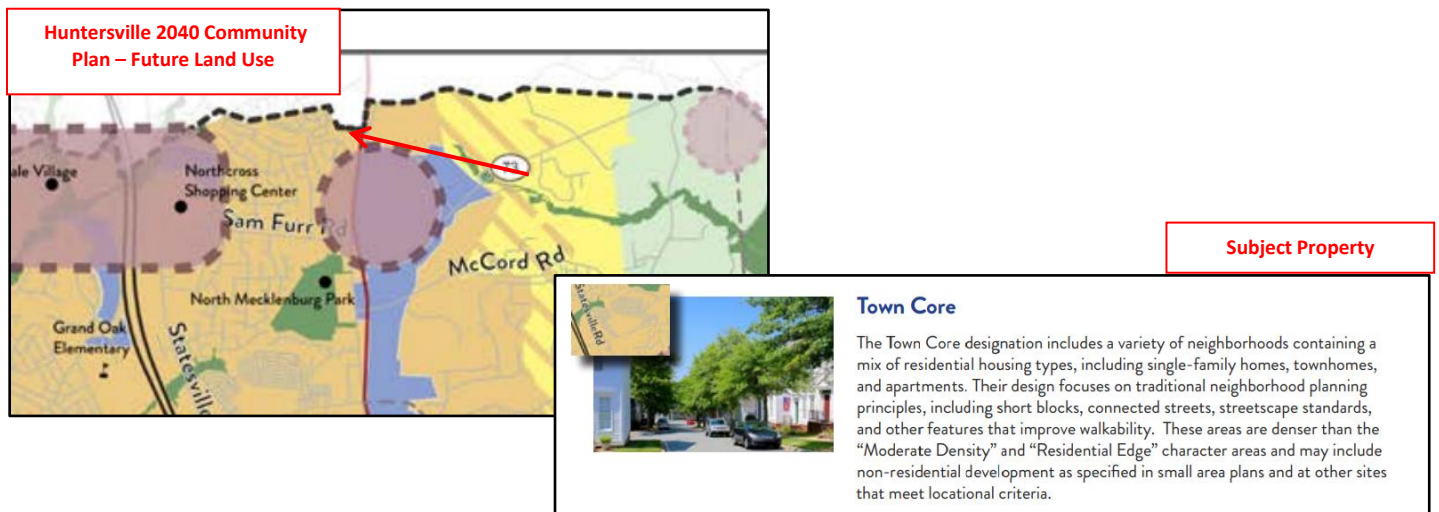
Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to,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



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 took place 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 took place June 28th, 2022.

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

Planning Board:

In considering the proposed rezoning Petition R21-13, Calamar Senior Living Facility, the Planning Board recommended approval based on the amendment being consistent with LU 1.1 and 10.5 of the Huntersville 2040 Plan and with the character of the existing adjacent development with the condition that the plan meet or exceed current lighting standards. The motion passed unanimously (9-0).

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)]</u> AND detail the ways the <u>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 [consistent OR inconsistent] with [insert applicable plan reference(s)]. It is not reasonable and in the public interest to amend the Zoning Ordinance because...[Explain]

FOR

CALAMAR

PROPOSED

**CALDWELL STATION
SENIOR APARTMENTS**

VICINITY MAP

N.T.S.

<i>SHEET INDEX</i>	
Sheet Number	Sheet Title
C-101	COVER SHEET
C-201	EXISTING CONDITIONS
C-202	ALTA/TREE SURVEY (DRAFT)
C-301	SITE PLAN
C-401	SWM & UTILITY PLAN
C-501	LANDSCAPE PLAN

THIS PLAN TO BE UTILIZED FOR
INFORMATIONAL
PURPOSES ONLY

REFERENCES

♦ **ARCHITECTURAL PLAN:**

RACONA ARCHITECTURE & DESIGN
145 SCALEYBARK RD A
CHARLOTTE, NC 28209

GOVERNING AGENCIES

♦ **PLANNING DEPARTMENT**
TOWN OF HUNTERSVILLE
PLANNING DEPARTMENT
105 GILEAD ROAD, 3RD FLOOR
HUNTERSVILLE, NC 28070
PHONE: (704) 875-7000 (ATTN: PLANNING)
FAX: (704) 892-5528

♦ **ENGINEERING & PUBLIC WORKS**
ENGINEERING & PUBLIC
WORKS DEPARTMENT
PO BOX 664
HUNTERSVILLE, NC 28070
ENGINEERING PHONE: (704) 766-2220
PUBLIC WORKS PHONE: (704) 875-7007

♦ **FIRE & RESCUE**
TOWN OF HUNTERSVILLE TOWN HALL
101 HUNTERSVILLE-CONCORD ROAD
HUNTERSVILLE, NC 28078
PHONE: (704) 875-6541

♦ **ELECTRIC (ELECTRICITIES)**
11316 SAM FURR ROAD
HUNTERSVILLE, NC 28078
PHONE: (704) 866-6950
FAX: (704) 948-1111

* THE ABOVE REFERENCED DOCUMENTS ARE INCORPORATED BY REFERENCE AS PART OF THESE PLANS, HOWEVER, BOHLER ENGINEERING DOES NOT CERTIFY THE ACCURACY OF THE WORK REFERENCED OR DERIVED FROM THESE DOCUMENTS, BY OTHERS.

CALDWELL STATION PROPERTIES LLC
10700 SIKES PLACE STE 300
CHARLOTTE NC 28277

CALAMAR
JIM JERVIS - DIRECTOR OF
BUSINESS DEVELOPMENT
3949 FOREST PARKWAY, SUITE 100
WHEATFIELD, NEW YORK 14120

F: 716-693-0006
P: 716-693-3590
EMAIL: JJERVIS@CALMAR.COM

BOHLER 
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132

CONTACT: STEVEN SINGLETON
PHONE: 980-272-3400
EMAIL: SSINGLETON@BOHLERENG.COM

[illegible]

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.:	CNDS-0

PROJECT:

**PROP.
REZONING PLAN
DOCUMENTS**

_____ FOR _____

CALDWELL STATION
SENIOR APARTMENTS
11130 WILL KNOX RD.
HUNTERVILLE, 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:

COVER SHEET

SHEET NUMBER:

C-101

ORG. DATE - 07/30/2021

un 15, 2022
\\h1\2021\NCC212038\CAD\DRAWINGS\PLAN SETS\NCC212038 - CNDS - 0----->LAYOUT: C-101 COVER SHEET

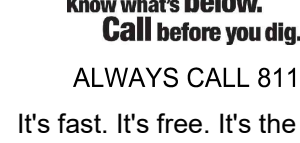


PARCEL(S) INFORMATION
 PID #S: 00544328, 00544329, 00544332
 LOCATION: WILL KNOX RD.
 HUNTERVILLE, NORTH CARO
 MCLENNBURG COUNTY
 SITE AREA: +/- 6.95 AC

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

NOTES:

1. SITE NOT WITHIN FEMA REGULATED FLOODPLAIN FEMA PANEL #: 37047R0476 FEMA FLOOD ZONE: OUT FEMA PANEL DATE 02/04/2004
2. EXISTING CONDITIONS (INCLUDING TOPO DATA) BASED ON MCLENNAN COUNTY GIS
3. A TREE SURVEY OF TREES 8" AND GREATER WILL BE PROVIDED WITH SECOND SUBMISSION
4. A 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 SIGNIFICANT 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.



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.:	EXST-0

PROJECT:

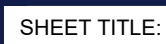
PROP.
REZONING PLAN
DOCUMENTS
____ FOR ____

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



EXISTING CONDITIONS

SHEET NUMBER

C-201

ORG. DATE - 07/30/2021

1. AREAS COMPUTED BY COORDINATE METHOD.
2. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
3. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
4. #4 REBAR SET AT ALL CORNERS UNLESS NOTED OTHERWISE.
5. NO GRID COORDINATES (NAD83) OBTAINED BY USING GPS, PER THE NCVRS NETWORK, BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).
6. VERTICAL DATUM SHOWN HEREON IS NAVD83.
7. THE SUBJECT PARCELS ARE LOCATED IN FLOOD ZONE 'X', PER FLOOD INSURANCE RATE MAP(S) 3710465200K, DATED 11/16/2018.
8. THE LEGAL DESCRIPTION SHOWN HEREON DESCRIBES THE SAME PROPERTY AS IS DESCRIBED IN THE TITLE COMMITMENT PROVIDED.
9. THE BOUNDARY LINES ARE CONTIGUOUS, AND THERE ARE NO GAPS, STRIPS OR GORES.
10. THE RECORD LEGAL DESCRIPTION OF THE PROPERTY, MATHEMATICALLY DOES NOT CLOSE.
11. SUBJECT PARCELS ARE ZONED NR (TND-0) NEIGHBORHOOD RESIDENTIAL DISTRICT.
12. THE UNDERSIGNED HAS NOT BEEN ADVISED OF OTHER EASEMENTS OR OFF SITE EASEMENTS, RIGHT-OF-WAYS, IMPLIED OR RECORDED, EXCEPT THOSE PROVIDED IN THE TITLE COMMITMENT.
13. THE SUBJECT PARCELS HAVE ACCESS FROM A PUBLICLY DEDICATED AND MAINTAINED RIGHT-OF-WAY.
14. THERE WAS NO EVIDENCE OF ANY CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS NOTED AT TIME OF SURVEY.
15. THERE WAS NO OBSERVED EVIDENCE OF A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL ON THE SUBJECT PROPERTY NOTED AT TIME OF SURVEY.
16. THERE WAS NO EVIDENCE OF CEMETERIES, GRAVE SITES OR BURIAL GROUNDS NOTED AT TIME OF SURVEY.
17. THERE WAS NO EVIDENCE OF RECENT SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED DURING THE PROCESS OF CONDUCTING THE FIELD WORK.
18. PARCELS HAVE PUBLIC ACCESS TO AND FROM WILL KNOX ROAD

INVESTORS TITLE INSURANCE COMPANY SCHEDULE B, PART II EXCEPTIONS

FILE NO: 20-0700122CO DATED: JANUARY 17, 2007 AT 2:28 PM

1. TAXES FOR THE YEAR 2007 AND SUBSEQUENT YEARS NOT YET DUE AND PAYABLE.
- NOTE: AFFIRMATIVE INSURED CLOSING PROTECTION COVERAGE PROVIDED: AS TO THE TRANSACTION FOR WHICH THIS BINDER AND/OR POLICY IS ISSUED, THE COMPANY AFFORDS INSURED CLOSING PROTECTION AS DESCRIBED IN THE NORTH CAROLINA INSURED CLOSING PROTECTION LETTER (NCRIB-01-2003) TO THE PROPOSED AND/OR INSURED LENDER AND ITS SUCCESSORS AND/OR THE PROPOSED AND/OR INSURED OWNER, SAID LETTER IS INCORPORATED HEREIN ITS ENTIRETY, THE APPROVED ATTORNEY IS THE CLOSING ATTORNEY REFERENCED ABOVE, CLAIMS UNDER SUCH LETTER SHALL BE MADE PROMPTLY TO THE COMPANY AT ITS CLAIMS OFFICE AT P.O. DRAWER 2637, CHAPEL HILL, NC 27515, [NOT A MATTER OF SURVEY]
- AS TO TRACT I (005-44-332)
2. EASEMENT(S) TO DUKE POWER RECORDED IN BOOK 1025 AT PAGE 10.
- [AFFECTS SUBJECT PARCEL, BLANKET EASEMENT TO PROPERTY, NOT PLOTTABLE]
3. TEMPORARY CONSTRUCTION EASEMENT TO D. R. HORTON, INC., - TORREY IN DEED BOOK 15335 AT PAGE 177 (BOOK 10630 PAGE 366 PER SURVEY), [AFFECTS SUBJECT PARCEL, AS SHOWN HEREON]
4. TITLE TO THAT PORTION OF INSURED PREMISES WITHIN THE RIGHT-OF-WAY OF WILL KNOX ROAD (SR 2432), [AFFECTS SUBJECT PARCEL, AS SHOWN HEREON]
5. RIGHTS OF OTHERS THERETO ENTITLED IN AND TO THE DITCHES) ALONG THE BOUNDARY LINE(S) OF INSURED PREMISES, [AFFECTS SUBJECT PARCEL, AS SHOWN HEREON]
6. PLAT OF SURVEY BY THOMAS E. MONTGOMERY, PLS, DATED 12/11/2006, SHOWS 68' DUKE POWER RIGHT OF WAY AND POWER POLES, LOCATED ON INSURED PREMISES.
- [AFFECTS SUBJECT PARCEL, AS SHOWN HEREON]
7. ATTENTION IS DIRECTED TO THE FACT THAT THE PLAT OF SURVEY BY THOMAS E. MONTGOMERY, PLS, DATED 12/11/2006, IS A "BOUNDARY SURVEY" AND THIS POLICY DOES NOT INSURE OTHER MATTERS THAT A COMPLETE SURVEY SHOWING ANY AND ALL IMPROVEMENTS WOULD DISCLOSE.
- [AFFECTS SUBJECT PARCEL, NOT PLOTTABLE]
- AS TO TRACT II (005-44-329)
8. EASEMENT(S) TO DUKE POWER RECORDED IN BOOK 938 AT PAGE 623.
- [AFFECTS SUBJECT PARCEL, BLANKET EASEMENT, NOT PLOTTABLE]
9. EASEMENT(S) TO SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY, TO THE EXTENT, IF ANY, THAT IT AFFECTS THE SUBJECT PROPERTY AS RECORDED IN DEED BOOK 1132 AT PAGE 418.
- [AFFECTS SUBJECT PARCEL, 50' OFFSET FROM EDGE OF ROAD, AS SHOWN HEREON]
10. RIGHTS OF WAY OF AGREEMENT TO STATE HIGHWAY COMMISSION AND PUBLIC WORKS COMMISSION, TO THE EXTENT, IF ANY, THAT IT AFFECTS THE SUBJECT PROPERTY AS RECORDED IN DEED BOOK 1691 AT PAGE 223, [DOES NOT AFFECT SUBJECT PARCEL]
11. TITLE TO THAT PORTION OF INSURED PREMISES WITHIN THE RIGHT-OF-WAY OF WILL KNOX ROAD (SR 2432), [DOES NOT AFFECT, RIGHT OF WAY AS SHOWN HEREON]
12. EASEMENT(S) TO DUKE POWER COMPANY, TO THE EXTENT, IF ANY, THAT IT AFFECTS THE SUBJECT PROPERTY, AS RECORDED IN DEED BOOK 2334 AT PAGE 177.
- [DOES NOT AFFECT SUBJECT PARCEL]
13. EASEMENT(S) TO DEPARTMENT OF TRANSPORTATION FOR WILL KNOX ROAD (SR 2432), TO THE EXTENT, IF ANY, THAT IT AFFECTS THE SUBJECT PROPERTY AS RECORDED IN DEED BOOK 6658 AT PAGE 696, [PUBLICLY RECORDED DEED IS NOT LEGIBLE]
14. PERMANENT STORM DRAINAGE EASEMENT TO THE TOWN OF HUNTERSVILLE AS RECORDED IN DEED BOOK 13688 AT PAGE 641, [AFFECTS SUBJECT PARCEL, AS SHOWN HEREON]
15. TEMPORARY GRADING EASEMENT TO THE TOWN OF HUNTERSVILLE, AS RECORDED IN DEED BOOK 13058, AT PAGE 644, [AFFECTS SUBJECT PARCEL, NO EXPIRATION DESCRIBED, AS SHOWN HEREON]
16. PLAT OF SURVEY BY THOMAS E. MONTGOMERY, PLS, DATED 12/11/2006, SHOWS 68' DUKE POWER RIGHT OF WAY, POWER POLE(S), AND OVERHEAD ELECTRIC LINES LOCATED ON INSURED PREMISES.
- [AFFECTS SUBJECT PARCEL, AS SHOWN HEREON]
17. ATTENTION IS DIRECTED TO THE FACT THAT THE PLAT OF SURVEY BY THOMAS E. MONTGOMERY, PLS, DATED 12/11/2006, IS A "BOUNDARY SURVEY" AND THIS POLICY DOES NOT INSURE OTHER MATTERS THAT A COMPLETE SURVEY SHOWING ANY AND ALL IMPROVEMENTS WOULD DISCLOSE.
- [AFFECTS SUBJECT PARCEL, NOT PLOTTABLE]
- AS TO TRACT III (005-44-328)
18. EASEMENT(S) TO DUKE POWER RECORDED IN BOOK 938 AT PAGE 623.
- [AFFECTS SUBJECT PARCEL, BLANKET EASEMENT, NOT PLOTTABLE]
19. RIGHT OF WAY TO SOUTHERN BELL TELEPHONE & TELEGRAPH, TO THE EXTENT, IF ANY, THAT IT AFFECTS THE SUBJECT PROPERTY AS RECORDED IN DEED BOOK 1132 AT PAGE 418.
- [AFFECTS SUBJECT PARCEL, 50' OFFSET FROM EDGE OF ROAD, AS SHOWN HEREON]
20. RIGHT OF WAY AGREEMENT TO THE STATE HIGHWAY COMMISSION AND PUBLIC WORKS COMMISSION, TO THE EXTENT, IF ANY, THAT IT AFFECTS THE SUBJECT PROPERTY AS RECORDED IN DEED BOOK 1691, AT PAGE 223, [DOES NOT AFFECT SUBJECT PARCEL]
21. TITLE TO THAT PORTION OF INSURED PREMISES WITHIN THE RIGHT-OF-WAY OF WILL KNOX ROAD (SR 2432), [DOES NOT AFFECT, RIGHT OF WAY AS SHOWN HEREON]
22. EASEMENT(S) TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 6658 AT PAGE 694, [PUBLICLY RECORDED DEED NOT LEGIBLE]
23. MEMO OF ACTION FROM THE TOWN OF CORNELIUS, RECORDED IN DEED BOOK 17520 AT PAGE 695.
- [AFFECTS SUBJECT PARCEL, BLANKET EASEMENT, NOT PLOTTABLE]
24. EASEMENT(S) TO DUKE POWER COMPANY, TO THE EXTENT, IF ANY, THAT IT AFFECTS THE SUBJECT PROPERTY, AS RECORDED IN DEED BOOK 2334 AT PAGE 174.
- [AFFECTS SUBJECT PARCEL, BLANKET EASEMENT, NOT PLOTTABLE]
25. ATTENTION IS DIRECTED TO THE FACT THAT THE PLAT OF SURVEY BY THOMAS E. MONTGOMERY, PLS, DATED 12/11/2006, IS A "BOUNDARY SURVEY" AND THIS POLICY DOES NOT INSURE OTHER MATTERS THAT A COMPLETE SURVEY SHOWING ANY AND ALL IMPROVEMENTS WOULD DISCLOSE.
- [AFFECTS SUBJECT PARCEL, NOT PLOTTABLE]

MEASURED COMPOSITE DESCRIPTION:

LYING AND BEING SITUATE IN MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING NCGS MONUMENT "WELL" WITH NORTH CAROLINA GRID COORDINATES N623.411.532 E:1,451,017.196 LOCATED ON THE WESTERN RIGHT OF WAY LINE OF THE NORFOLK SOUTHERN RAILWAY (NOW OR FORMERLY) AS DESCRIBED IN DEED BOOK 32842, PAGE 544 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE NORTH 15 DEGREES 09 MINUTES 34 SECONDS WEST, A DISTANCE OF 221.90 FEET TO AN EXISTING #5 REBAR, MARKING THE POINT AND PLACE OF BEGINNING; THENCE WITH THE WESTERN PROPERTY LINE OF RANDALL WOLF (NOW OR FORMERLY), AS DESCRIBED IN DEED BOOK 13884, PAGE 773, SOUTH 07 DEGREES 46 MINUTES 35 SECONDS WEST, A DISTANCE OF 280.89 FEET TO AN EXISTING 1" PIPE; THENCE WITH THE WESTERN PROPERTY LINE OF JEANNE LOWRANCE (NOW OR FORMERLY), AS DESCRIBED IN DEED BOOK 1469, PAGE 248, SOUTH 07 DEGREES 30 MINUTES 43 SECONDS WEST, A DISTANCE OF 120.29 FEET TO AN EXISTING 1" PIPE; THENCE WITH THE PROPERTY LINE OF CALDWELL PARTNERS LLC AND PHIL GANDY JR. (NOW OR FORMERLY), AS DESCRIBED IN DEED BOOK 10163, PAGE 769, THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) SOUTH 07 DEGREES 08 MINUTES 31 SECONDS WEST, A DISTANCE OF 68.96 FEET TO AN EXISTING 1" PIPE; 2) THENCE NORTH 82 DEGREES 28 MINUTES 27 SECONDS WEST, A DISTANCE OF 320.23 FEET TO A NEW #4 IRON SET; THENCE WITH THE NORTHERN PROPERTY LINE OF CALDWELL PARTNERS NC LLC (NOW OR FORMERLY) AS DESCRIBED IN DEED BOOK 30411, PAGE 400, THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) NORTH 24 DEGREES 34 MINUTES 39 SECONDS WEST, A DISTANCE OF 74.40 FEET TO AN EXISTING #4 DISTURBED IRON; 2) THENCE NORTH 56 DEGREES 55 MINUTES 06 SECONDS WEST, A DISTANCE OF 263.07 FEET TO AN EXISTING #5 IRON; 3) THENCE SOUTH 75 DEGREES 26 MINUTES 41 SECONDS WEST, A DISTANCE OF 91.76 FEET TO AN EXISTING #4 IRON SET; THENCE WITH THE EASTERN PROPERTY LINE OF CALDWELL STATION HOMEOWNERS ASSOCIATION INC (NOW OR FORMERLY), AS DESCRIBED IN DEED BOOK 26300, PAGE 762, NORTH 10 DEGREES 14 MINUTES 53 SECONDS EAST, A DISTANCE OF 420.47 FEET TO A DISTURBED #4 IRON; THENCE WITH THE EASTERN PROPERTY LINE OF LENA KNOX FERRELL (NOW OR FORMERLY), AS DESCRIBED IN DEED BOOK 3258, PAGE 123, NORTH 06 DEGREES 33 SECONDS EAST, A DISTANCE OF 43.63 FEET TO A NEW IRON SET; THENCE WITH THE SOUTHERN RIGHT OF WAY OF WILL KNOX ROAD, HAVING A VARIABLE RIGHT OF WAY WIDTH, AS SHOWN IN MAP BOOK 40, PAGE 765, THE FOLLOWING TEN (10) COURSES AND DISTANCES: 1) WITH A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 65 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 106.27 FEET, HAVING A RADIUS OF 1023.94 FEET AND LENGTH OF 106.31 FEET TO A NEW #4 IRON SET; 2) THENCE SOUTH 64 DEGREES 27 MINUTES 50 SECONDS EAST, A DISTANCE OF 63.15 FEET TO A NEW #4 IRON SET; 3) THENCE WITH A CURVE TO THE LEFT, HAVING A CHORD BEARING OF SOUTH 68 DEGREES 24 DEGREES 38 SECONDS EAST, A DISTANCE OF 104.95 FEET, HAVING A RADIUS OF 1303.13 FEET AND LENGTH OF 104.98 FEET TO A NEW #4 IRON SET; 4) THENCE SOUTH 07 DEGREES 45 MINUTES 83 SECONDS WEST, A DISTANCE OF 2.49 FEET TO A NEW #4 IRON SET; 5) THENCE SOUTH 64 DEGREES 51 MINUTES 15 SECONDS EAST, A DISTANCE OF 131.19 FEET, HAVING A RADIUS OF 262.72 FEET AND LENGTH OF 83.24 FEET TO AN EXISTING #5 REBAR; 6) THENCE SOUTH 83 DEGREES 29 MINUTES 17 SECONDS EAST, A DISTANCE OF 90.43 FEET TO A NEW #4 IRON SET; 10) THENCE SOUTH 82 DEGREES 11 MINUTES 50 SECONDS EAST, A DISTANCE OF 89.23 FEET TO AN EXISTING #5 REBAR, WHICH IS THE POINT AND PLACE OF BEGINNING, CONTAINING 7.018 ACRES MORE OR LESS.

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1(M)	1023.94	106.31	S65°46'35"E	106.27
C2(R,M)	1303.13	104.98	S68°24'38"E	104.95
C3(M)	262.73	83.24	S74°16'09"E	25.51
C4(R)	1023.94	106.90	S65°47'34"E	106.85
C5(R)	1303.13	104.98	S68°24'38"E	104.95

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

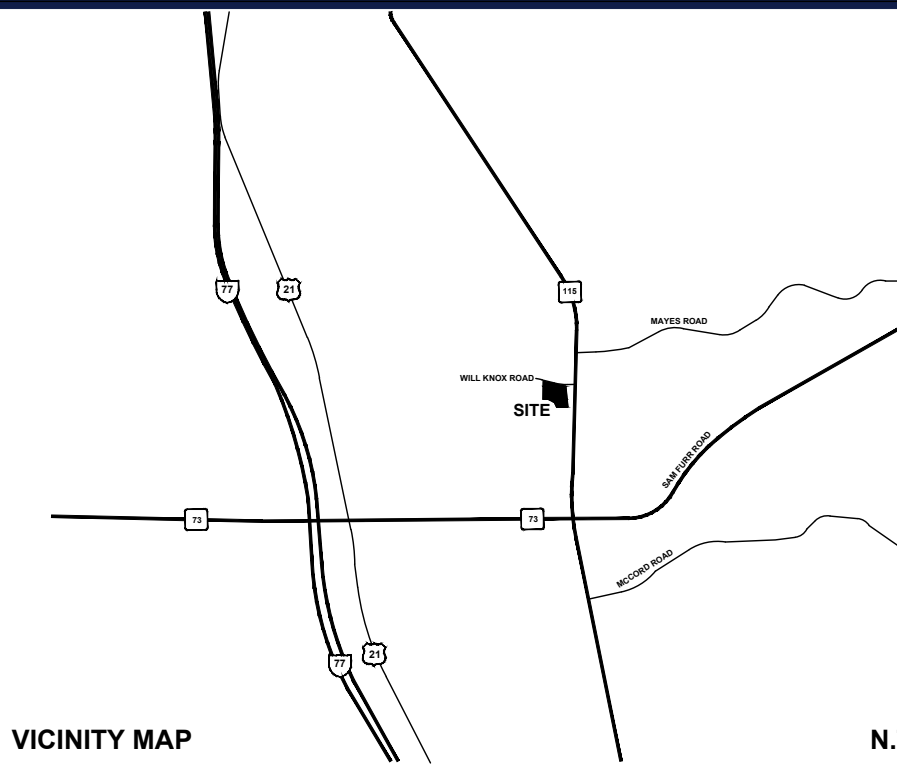
PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE		
LINE	BEARING	DISTANCE
L1(R,M)	S04° 31' 56"E	3.63
L2(M)	S04° 31' 21"E	3.63
L3(M)	S64° 42' 78"E	21.73
L4(R)	S07° 45' 46"E	3.52
L5(R)	S64° 56' 09"E	21.92
L6(R)	N08° 48' 29"E	16.21

PROPERTY LINE TABLE



1. SITEMENT PLANS ARE FOR ACTIVE SENE LIVING APARTMENTS DEVELOPMENT.
2. SUBMIT NOT WITHIN SWM BUFFER REGULATIONS.
3. NO PROPOSED PHASING.
4. EXISTING CONDITIONS BASED ON SURVEY PREPARED BY BOHLER, DATED 09/08/2021.
5. SLOPING TO BE PROVIDED PER TOWN OF HUNTERSVILLE.
6. WHERE POSSIBLE.
7. SOME SIGNIFICANT OR SPECIMEN TREES LOCATED AT THE PERIMETER OF THE SITE TO BE SAVED,
8. EXCEPTED.
9. MAIL DELIVERY WILL BE AT A KIOSK WITHIN THE MAIN BUILDING.
10. ALL DEVELOPMENT AND CONSTRUCTIONS SHALL COMPLY WITH ALL ZONING AND SUBDIVISION
11. EXACTLY AS SHOWN ON THE TOWN OF HUNTERSVILLE ZONING ORDINANCE AND NCDOT, AS APPLICABLE.
12. LOTS SUBJECT TO FLOODING SHOULD NOT BE EST. IN SUBDIVISIONS EXCEPT AS PROVIDED IN SECTION
13. 7.280 (IF APPLICABLE).
14. NOTE THE TOWN OF HUNTERSVILLE BUILD TO LINE DEFINITION.
15. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
16. NOTE ARTICLE 8.16.1 & 2 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE.
17. ANY CONSTRUCTION OR USE WITHIN THE AREA DELINEATED BY FLOODWAY FRINGE DISTRICT
18. SHALL BE SUBJECT TO FLOODWAY FRINGE DISTRICT ENCROACHMENT LINE IS SUBJECT TO THE RESTRICTIONS
19. IMPOSED BY FLOODWAY REGULATIONS.
20. ALL AREAS DESIGNATED AS COMMON OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE
21. DEVELOPER AND THE MEADOWS.
22. ACCESS (INGRESS/EGRESS) LOCATIONS AND DESIGN SHOWN ON THIS SKETCH PLAN ARE SUBJECT TO
23. ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES. TURN LANE IMPROVEMENTS INCLUDING
24. RIGHT-OF-WAY AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS
25. TO THE PLAN MAY BE NECESSARY.
26. IF ADJACENT TO A THOROUGHFARE, DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS
27. PROHIBITED.
28. EXISTING TREES ARE PRESENT ALONG MAIL KNOX ROAD, AND NO NEW STREET TREE PLANTINGS ARE
29. REQUIRED UNLESS INDICATED BY STAFF. REPLACE SICK/DYING TREES AS NEEDED AND MAINTAIN
30. EXISTING STREET TREES IN FRONT OF THE PROPERTY.
31. THE PROPERTY IS LOCATED WITHIN THE TOWN OF HUNTERSVILLE BUILDING ENVELOPE. AN
32. APPROXIMATE LOCATION IS SHOWN BUT THIS IS SUBJECT TO CHANGE PROVIDED THAT CODE
33. REQUIREMENTS SHALL BE MET WITH THE FINAL LOCATION INCLUDING SCREENING AND VISIBILITY
34. FROM THE PUBLIC ROW.
35. EXISTING STREET TREES ALONG MAIL KNOX ROAD WILL BE PROTECTED AND/OR REMOVED AS
36. INDICATED TO ACCOMMODATE IMPROVEMENTS. SUPPLEMENTAL STREET TREES MAY BE ADDED TO
37. ENSURE A CONTINUOUS STREET TREE EFFECT IS ACHIEVED. SICK OR DYING TREES WILL BE
38. REPLACED.
39. TRASH WILL BE LOCATED WITHIN TRASH ENCLOSURE OUTSIDE THE BUILDING ENVELOPE. AN
40. APPROXIMATE LOCATION IS SHOWN BUT THIS IS SUBJECT TO CHANGE PROVIDED THAT CODE
41. REQUIREMENTS SHALL BE MET WITH THE FINAL LOCATION INCLUDING SCREENING AND VISIBILITY
42. FROM THE PUBLIC ROW.
43. THE PETITIONER REQUESTS VESTING OF THE 1998 DEVELOPMENT ORDINANCE BE MAINTAINED AND
44. APPLICABLE TO THIS REZONING PLAN. ASPECTS OF THE PLAN THAT WOULD REMAIN VESTED INCLUDE
45. STORM, STORM WATER, LIGHTING, LANDSCAPING, AND TRAFFIC IMPACT ANALYSIS DETERMINATION
46. (TIA).
47. TREE PRESERVATION SHALL BE ACHIEVED WHERE POSSIBLE AND IS INTENDED TO MEET OR EXCEED
48. THE CURRENT CITY OF HUNTERSVILLE TREE PRESERVATION ORDINANCE.
49. INTERNAL VEHICULAR ACCESS TO THE ADJACENT PARCEL 05044326 IS INTENDED TO BE
50. PAVED UP TO THE PROPERTY LINE SO LONG AS GRADING WILL PERMIT.
51. THE INTERNAL TRAIL, INTENDED TO CONNECT ACCESS TO AN EXISTING TRAIL, AT THE
52. ADJACENT PARCEL, IS NOT PART OF THE PETITIONER AGREES TO MAKE THIS
53. CONNECTION INCLUSIVE OF A PEDESTRIAN BRIDGE OVER THE STREAM BUT FINAL ALIGNMENT WILL
54. NEED TO BE VETTED DURING THE LAND DEVELOPMENT PROCESS.
55. THE PETITIONER REQUESTS THAT THE TIA BE REVIEWED AND WAS SUBMITTED AND REVIEWED BY
56. TRANSPORTATION STAFF FOR THE PROPOSED APPLICATION. UPON STAFF REVIEW, IT WAS FOUND
57. THAT A TRAFFIC IMPACT ANALYSIS WAS NOT REQUIRED. THE DIFFERENCE BETWEEN THE NEW
58. TRAIL AND EXISTING TRAIL AND THE PROPOSED IMPROVEMENTS WOULD NOT CREATE TRIPS TO
59. CROSS THE THRESHOLD OF REQUIRING A TIA.
60. THE PLAN INTENDS TO PRESERVE EXISTING TREES WHERE POSSIBLE AND/OR ARE SERVING TO
61. FULFILL THE 20' PERIMETER BUFFER. HOWEVER, SHOULD GRADING IMPACTS INTO THE BUFFER BE
62. MORE THAN 10' PER PERIMETER BUFFER, THE PETITIONER REQUESTS THAT THE TIA BE REVIEWED
63. IN THIS SCENARIO. THE PETITIONER WILL REPLANT PER ARTICLE 7.5.3.
64. RECESSED FACE OF BUILDING SHALL BE ARCHITECTURALLY DIFFERENT THAN THE TWO FACES
65. OF THE KNOX ROAD BUILDING. THE RECESSED FACE OF THE BUILDING SHALL BE INTENTED
66. IS TO REINFORCE THE TWO END BUILDINGS AS MORE DOMINANT THAN THE RECESSED FACE.

ORG. DATE - 07/30/2021



- 210728 - Will Knox** Type II 24-hr 50 YR Rainfall=6.48"
Prepared by Bohler Engineering Printed 6/14/2022
HydroCAD® 10.00-24 s/n 03478 © 2018 HydroCAD Software Solutions LLC Page 33

[95] Warning: Outlet Device #2 rise exceeded

Routing by Dyn-Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Peak Elev= 781.93' @ 12.05 hrs Surf.Area= 12,696 sf Storage= 50,903 cf

Plug-Flow detention time= 1,002.5 min calculated for 2.468 af (95% of inflow)
Center-of-Mass det. time= 976.3 min (1,778.2 - 801.9)

Device	Routing	Invert	Outlet Devices
#1	Primary	773.00'	18.0" Round RCP, Round 18" L= 50.0' RCP, sq.cut end projecting, Ke= 0.500 Inlet / Outlet Invert= 773.00' / 772.00' S= 0.0200 1' Cc= 0.900 n= 0.012 Concrete pipe, finished, Flow Area= 1.77 sf
#2	Device 1	777.00'	Infiltration Head (feet) 0.00 0.01 0.25 0.50 0.75 1.00 1.25 1.50 1.75 2.00 2.25 2.50 Disch. (cfs) 0.000 0.081 0.089 0.097 0.105 0.113 0.122 0.130 0.138 0.146 0.154 0.162
#3	Primary	781.25'	16.5" long Sharp-Crested Rectangular Weir 0 End Contraction(s)

Primary OutFlow Max=28.90 cfs @ 12.05 hrs HW=781.92' (Free Discharge)
 1=RCP_Round 18" (Passes 0.16 cfs of 24.32 cfs potential flow)
 2=Infiltration (Custom Controls 0.16 cfs)
 3=Sharp-Crested Rectangular Weir (Weir Controls 28.74 cfs @ 2.68 fps)

NOTE: GRADING AND SWM DESIGN SHOWN IS CONCEPTUAL AND SUBJECT TO CHANGE WITH FINAL DESIGN WITHIN THE TOWN OF HUNTERSVILLE REGULATIONS.



REVISIONS



**Know what's below.
Call before you dig.**

ALWAYS CALL 811

It's fast. It's free. It's the law.

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

PROJECT:

CALAMAR

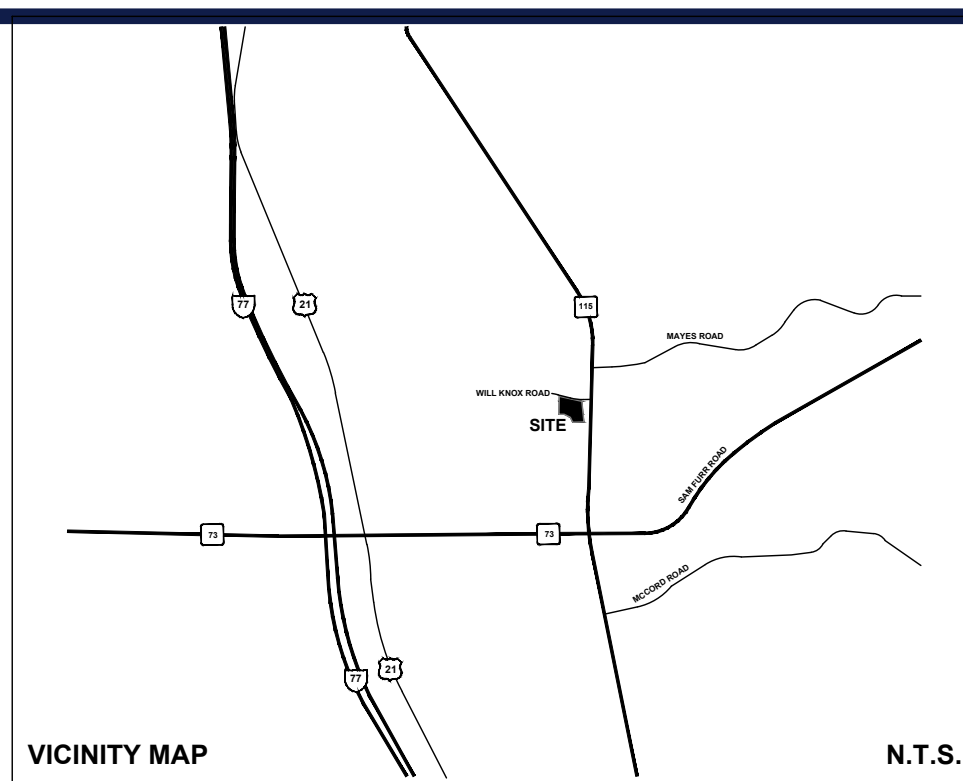
BOHLER 
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132

A circular professional engineer seal for the State of North Carolina. The outer ring contains the text "NORTH CAROLINA" at the top and "MICHAEL A. THEBERGE" at the bottom. The inner circle contains the text "PROFESSIONAL" at the top, "SEAL" in the center, "043610" below the seal, and "ENGINEER" at the bottom.

SHEET NUMBER:

C-401

ORG. DATE - 07/30/2021



LANDSCAPE SCHEDULE						
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL. / HT.	CONT.	
SHADE TREES						
GB	7	GINGKO BLOBA	MAIDENHAIR TREE GINGKO	2' CALPER x HT.	B+B	
LSR	13	LIQUIDAMBAR STYRACIJA ROTUNDOLOBA	SEEDLESS SWEETGUM	2' CALPER x HT.	B+B	
OPH	24	QUERCUS PHELLOS	WILLOW OAK	2' CALPER x HT.	B+B	
OPF	6	QUERCUS ROBUR FASTIGIATA	PYRAMIDAL ENGLISH OAK	2' CALPER x HT.	B+B	
UPD	6	ULMUS PARVIFOLIJA "DYNASTY"	"DYNASTY" ELM	2' CALPER x HT.	B+B	
SUBTOTAL:	56					
EVERGREEN TREES						
IO	3	ILEX OPACA	AMERICAN HOLLY	2' CALPER x HT.	B+B	
SUBTOTAL:	3					
EVERGREEN SHRUBS						
IGS	16	ILEX GLABRA "SHARROCK"	SHARROCK HENBERRY HOLLY	MIN 30" HEIGHT	AS CAN	
TOE1	5	TAXUS OCCIDENTALIS "EMERALD"	EMERALD GREEN ARBORVITAE	MIN 30" HEIGHT	AS CAN	
VR	131	VERBENUM X RHYTHODENDRILLUM	LEATHERLEAF VERBENUM	MIN 30" HEIGHT	AS CAN	
KGBR	114	ILEX CORNUTA	DWARF BURFORD HOLLY	MIN 30" HEIGHT	AS CAN	
SUBTOTAL:	266					
NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN THE AMOUNTS SHOWN IN THE PLAN AND THE PLANT LIST, THE PLAN WILL DICTATE.						

BOHLER™
BOHLER ENGINEERING NC, PLLC

SITE CIVIL AND CONSULTING ENGINEERING

LAND SURVEYING
PROJECT MANAGEMENT
UNIVERSITY OF ARIZONA
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

WE ARE COMMITTED TO YOUR SUCCESS. CONTACT US TODAY TO GET THE BEST ADVICE AND SUPPORT FROM AN INDUSTRY LEADER WITH 40 YEARS OF EXPERIENCE. WE'VE HELPED BUILD SOME OF THE MOST CHALLENGING AND IMPORTANT INFRASTRUCTURE IN THE COUNTRY. WE'VE HELPED CONSTRUCTED AIRPORTS,

[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***

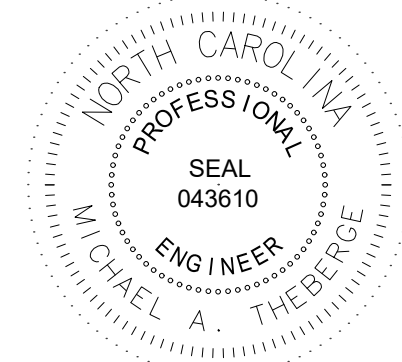
_____ FOR _____

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

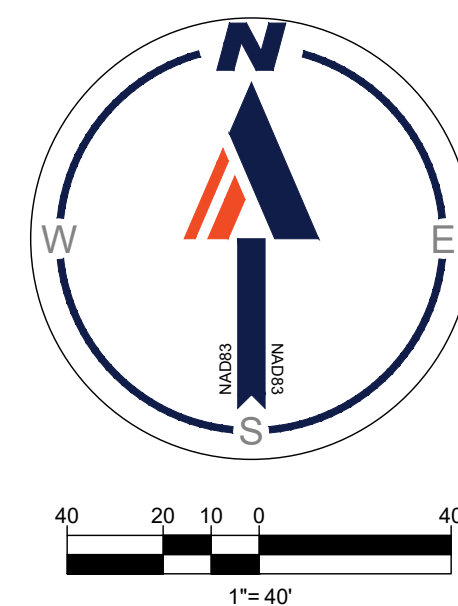
ORG. DATE - 07/30/2021

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 ARE TO RECEIVE A MINIMUM OF 4" OF TOPSOIL.
3. ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE OF PESTS AND DISEASE.
4. PLANTS FOR BOLLARDS, TREES, SHRUBS, 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. ALL LAWN AREAS TO BE SEEDDED SHALL USE A LOCALLY GROWN COMMERCIAL BERMUHA 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. ALL TREES MUST BE GUYYED OR STAKED AS SHOWN IN THE DETAILS.
9. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THIS COURSE OF WORK. LOCATIONS OF EXISTING BURIED UTILITY LINE SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CORRECTED AT APPROXIMATELY 10% DEPTH BELOW SURFACE.
10. THE CONTRACTOR 1) TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA 2) TO PROTECT OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD 3) TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC., WHICH OCCURS AS A RESULT OF THE CONSTRUCTION.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING MULCH, SOIL AMENDMENT, AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
13. THE CONTRACTOR SHALL COMPLETELY GUARANTEE AND 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.
14. ANY PLANT MATERIAL WHICH IS DAMAGED, DISTRESSED DEAD, OR REJECTED PRIOR TO SUBSTANTIAL COMPLETION SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
15. SCHEDULES SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
16. 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 MULCH SOURCE HARVESTED IN A SUSTAINABLE MANNER.
17. BIGGER TREES AND SHRUBS ARE TO BE PLANTED IN THE AREAS DESIGNATED FOR THEM. SHRUB BEDS AT BUILDING FACADE SHALL BE PLANTED WITH PLANT QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN.
18. THE CONTRACTOR IS ENCOURAGED TO COMPLETE TEMPORARY OR PERMANENT SEEDING IN STAGES FOR SOIL STABILIZATION AS AREAS ARE COMPLETED AFTER GRADING.

LANDSCAPE COMPLIANCE CHART

LANDSCAPE COMPLIANCE CHART			
SECTION, TOWN OF FARMINGTON, CT ZONING ORDINANCE ADOPTED NOVEMBER 15, 1995	REQUIREMENT	PROVIDED	COMPLIANCE
ARTICLE 6: OFF-STREET PARKING DESIGN	<u>REQUIREMENTS - PERIMETER LANDSCAPING OF PARKING LOT</u> 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	<u>REQUIREMENTS - INTERIOR LANDSCAPING OF PARKING LOTS.</u> LARGE MATURING CANOPY TREES PLACED SUCH THAT EACH SECTION OF PARKING IS ENCLOSED BY TREES. <u>REQUIREMENTS - DUMPSTER SCREENING</u> 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.	





**CALDWELL
STATION
SENIOR
APARTMENTS**

11130 WILL KNOX RD.
HUNTERSVILLE, NC

KEY PLAN

Revisions		
#	Date	Description

Project Number: 21153
Issued for: CONCEPT
Issue Date: 12/21/21

DRAWING TITLE
**WILL KNOX RD.
FLOOR PLAN**

SHEET NUMBER
A.100

1 FLOOR PLAN
SCALE: 1/16" = 1'-0"

**CALDWELL
STATION
SENIOR
APARTMENTS**

11130 WILL KNOX RD.
HUNTERSVILLE, NC
KEY PLAN

Revisions		
#	Date	Description

Project Number: 21153
Issued for: CONCEPT
Issue Date: 12/21/21

DRAWING TITLE
**WILL KNOX RD.
EXTERIOR
ELEVATIONS**
SHEET NUMBER
A.101



3 FRONT ELEVATION 'B'

SCALE: 3/16" = 1'-0"



2 FRONT ELEVATION 'A'

SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION

SCALE: 1" = 10'-0"



**CALDWELL
STATION
SENIOR
APARTMENTS**

11130 WILL KNOX RD.
HUNTERSVILLE, NC
KEY PLAN

Revisions		
#	Date	Description

Project Number: 21153
Issued for: CONCEPT
Issue Date: 12/21/21

DRAWING TITLE
RENDERINGS

SHEET NUMBER
A.102



**CALDWELL
STATION
SENIOR
APARTMENTS**

11130 WILL KNOX RD.
HUNTERSVILLE, NC
KEY PLAN

Revisions		
#	Date	Description

Project Number: 21153
Issued for: CONCEPT
Issue Date: 12/21/21

DRAWING TITLE
RENDERINGS

SHEET NUMBER
A.103





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

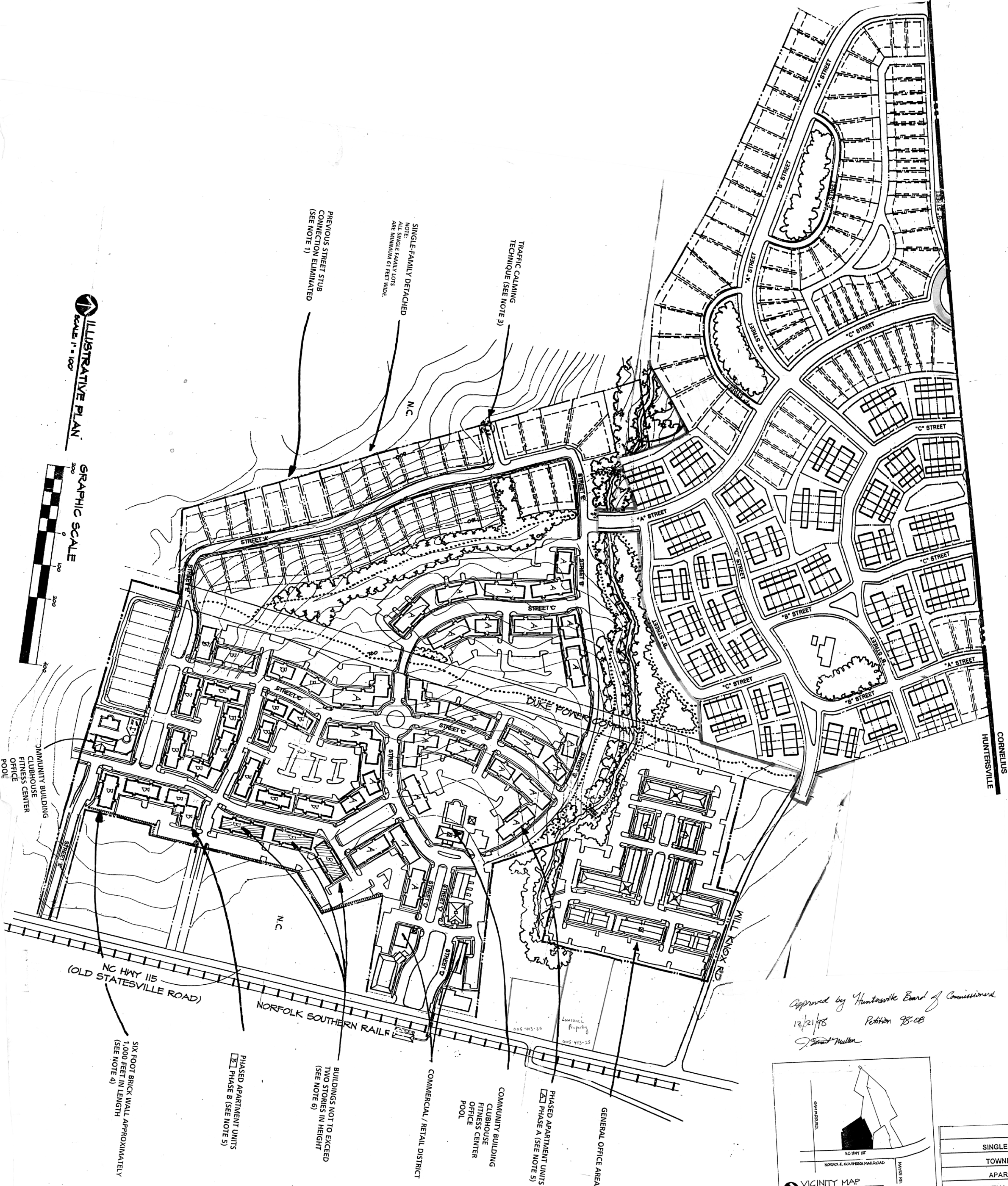
TIA Required (Yes/No) No

Date of Determination: 7/28/21

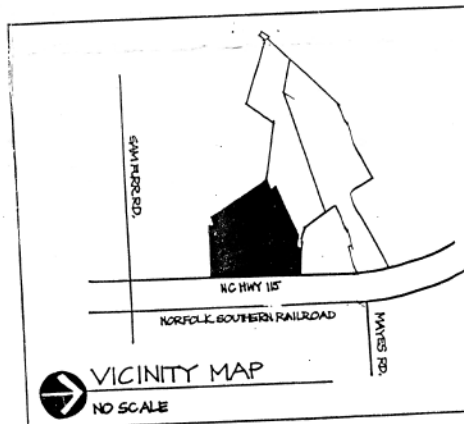
Comments: Determination based on 134 proposed age restricted apartment units minus 108 vested age restricted apartment units.

ILLUSTRATIVE PLAN
SCALE: 1" = 100'

GRAPHIC SCALE
0 100 200 300 400

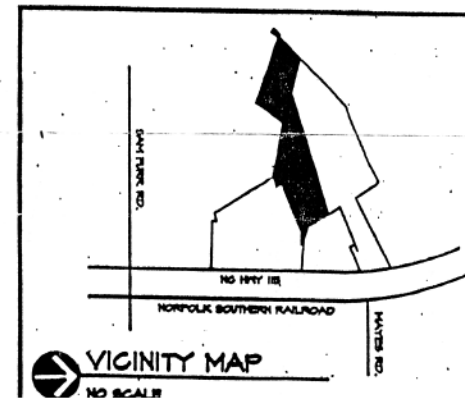


Approved by Huntersville Board of Commissioners
12/21/98 Petition 98-08
J. Stuart Mullen



	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



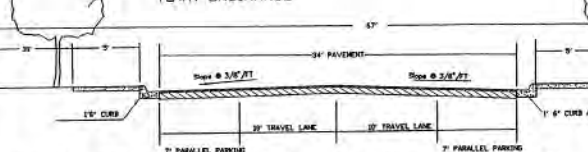
GENERAL NOTES

- Mail Delivery will be to a Kiosk.
- All development and construction shall comply with all zoning and subdivision standards of the Town of Huntersville, Mecklenburg County, and NCDOT, as applicable.
- Lots subject to flooding should not be set. In subdivisions except as provided in Section 7.280 (If applicable).
- The Town of Huntersville Build to Line for TND-U is 15' from ROW. Buildings along Will Knox Rd to touch Build to Line. All buildings will front a public road, or a pedestrian way, per Article 6.1.4 General Provisions. Bldgs 1 and 5 will front Will Knox Road and Bldgs 2, 3, and 4 will front a pedestrian way.
- This property may be subject to easements and right-of-way of record.

- Note Article 8.16.1 & 2 of the Town of Huntersville Zoning Ordinance: On lots greater than 60' in width, front loading garages shall be recessed at least 10' behind the primary plane of the front facade of the structure.
- On lots 60' in width or less, alley access is required if on-site parking is provided.
- 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.
- All areas designated as common open space shall be owned and maintained by the homeowners association.

- Access (ingress/egress) location and design shown on this sketch plan area subject to achieving vertical and horizontal sight distances, turn lane improvements (including right-of-way) and intersection with adjacent and opposing access points. Modifications to plan may result.
- If adjacent to a thoroughfare- direct access from lots to a thoroughfare is prohibited.
- Large maturing trees will be planted 40' O.C. within the required planting strip along all streets with the exception of rural parkways where existing trees can satisfy the street tree requirement. Small maturing trees are to be used where overhead power lines exist.
- Garbage collection system will be roll out. Trash cans will be located inside the building envelope.

STREET TREE AS PER TOWN ORDINANCE

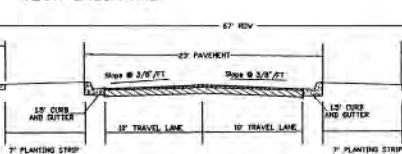


TYPICAL SECTION FOR PARALLEL PARKING INTERIOR ACCESS

Washington St, Abernathy St, Cornwell St. see note #14

SCALE: N.T.S.

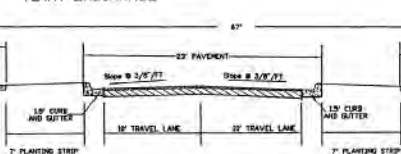
STREET TREE AS PER TOWN ORDINANCE



TYPICAL SECTION FOR WILL KNOX RD

SCALE: N.T.S.

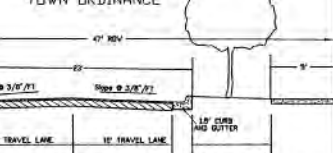
STREET TREE AS PER TOWN ORDINANCE



TYPICAL SECTION FOR WASHINGTON ST, ABERNATHY ST, CORNWELL ST.

SCALE: N.T.S.

STREET TREE AS PER TOWN ORDINANCE



TYPICAL SECTION FOR GABRIEL STREET

SCALE: N.T.S.

VICINITY MAP
Not to Scale



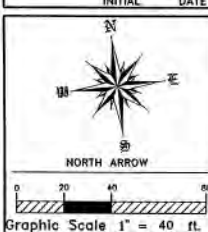
environmental DESIGN

landscape architecture
civil engineering
land planning
land surveying

20816 n. main street suite 204
 Huntersville, NC 28031
 P: 704.894.8020
 F: 704.893.5479
 E: edpa@edesign.net



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



SITE INFORMATION

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 HOV)
Bldg. 3 and 5 have 90 underground spaces
Bldg. 4 has 18 underground spaces
above surface parking has 64 spaces

PID #00544329, #00544332 and #00544328
Site Area: 6.95 ac
Proposed Use: Retirement Community

Block Length	220 ft
Abernathy Street	240 ft
West Washington Street	440 ft
East Washington Street	540 ft
Cornwell Street	137 ft

Impervious Area Calculations	50 ac
Sidewalk	1.66 ac
Asphalt and Curb and Gutter	1.54 ac
Buildings and Clubhouse	1.54 ac
Total	3.7 ac

Open Space Calculations	6.95 - 3.7 = 3.25 ac
Open Space Provided	total of .78 ac (11%)
Urban Open Space	= 26,819 sf (.61 ac)
Community Square	= 5,400 sf (.12 ac)
Parkway paved	= 2,290 sf (.052 ac)
Parkway mulched	= 2.9 ac
Other pervious area	= 3.25/6.95 = 46.7%

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 R98-08, Approved Dec. 21, 1998, the proposal is a revision to this petition. Revisions include relocating adjacent property connection. Changing the use from 108,000 sf 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 #: 370478047E, FEMA Flood Zone: OUT FEMA, Panel Date: 02/04/2004
 5. Site Not Within SWM 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 an architectural review. Parking will conform to CMLDS 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.

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.

CALDWELL STATION
SENIOR CONDOMINIUMS
Will Knox Road
Huntersville, NC

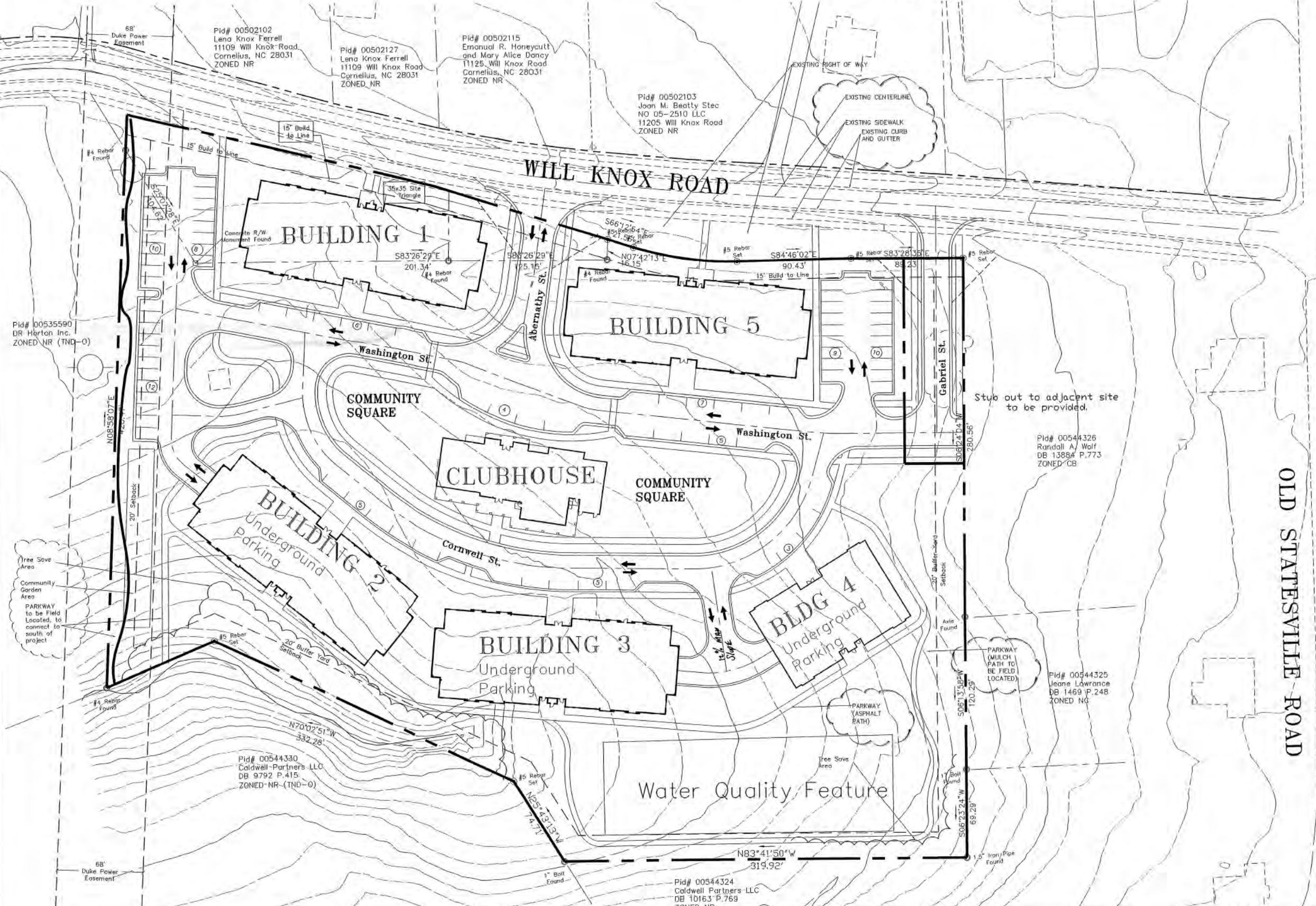
SKETCH PLAN

DEVELOPER/OWNER
Gary T. Knox
17824 Statesville Road
Cornelius, NC 28031
(704) 892-3522

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

Revisions
11/06/06: Town and Client Comments
11/06/06: Town and Client Comments
11/06/06: Town and Client Comments
11/06/06: County Comments

Sheet 1 of 3
Project Number 06042



PID# 00544324
Caldwell Partners LLC
DB 10163 P.769
ZONED NR

PID# 00544325
Jeane Lawrence
DB 1469 P.248
ZONED NG

PID# 00544326
Randall A. Wolf
DB 1388 P.773
ZONED CB

PID# 00535590
DR Horton Inc.
ZONED NR (TND-U)

PID# 00544330
Caldwell Partners LLC
DB 9792 P.415
ZONED NR-(TND-U)

PID# 00502102
Lena Knox Ferrell
11109 Will Knox Road
Cornelius, NC 28031
ZONED NR

PID# 00502127
Lena Knox Ferrell
11109 Will Knox Road
Cornelius, NC 28031
ZONED NR

PID# 00502115
Emanuel R. Honeycutt
and Mary Alice Dancy
11125 Will Knox Road
Cornelius, NC 28031
ZONED NR

PID# 00502103
Joan M. Beatty Stec
NO 05-2510 LLC
11205 Will Knox Road
ZONED NR

OLD STATESVILLE ROAD



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
cornellus, NC 28031
phone: 704.892.5479
f: 704.892.5479
e: 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
Cornellus, NC 28031
(704) 892-3322

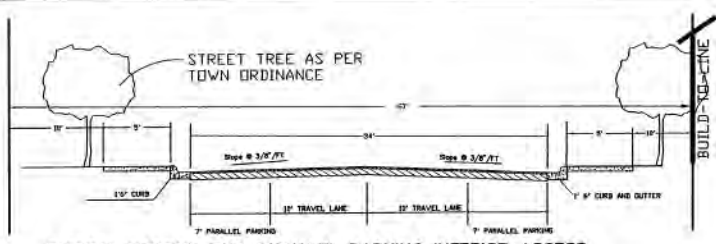
Designed By EDPA
Drawn By JDL
Date 6/22/06

Revisions

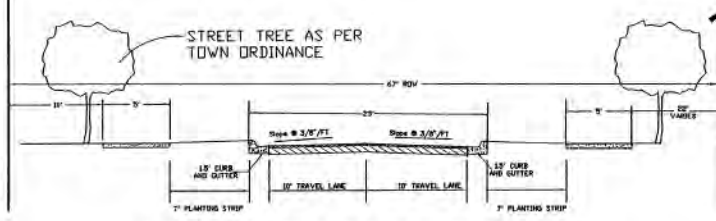
Revised	By	Comments
10/16/06		Comments
10/27/06		Comments
1/15/07		Comments

Sheet 2 of 3
Project Number 06042

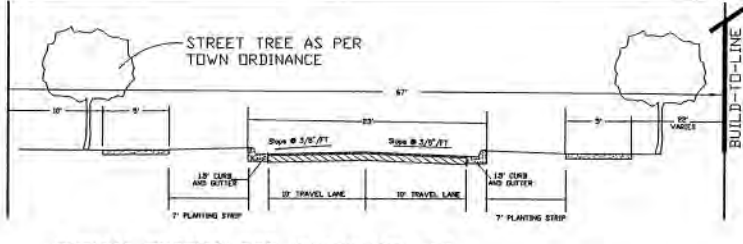
IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS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



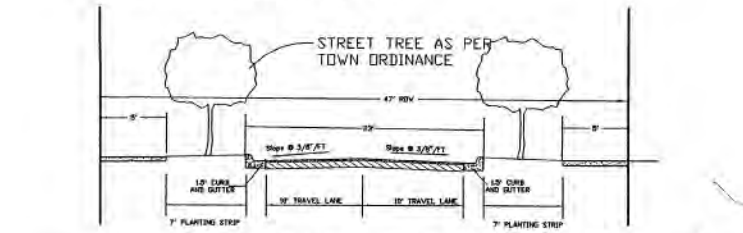
TYPICAL SECTION FOR PARALLEL PARKING INTERIOR ACCESS
Washington St., Abernathy St., Cornwell St. see note #14
SCALE: N.T.S.



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	

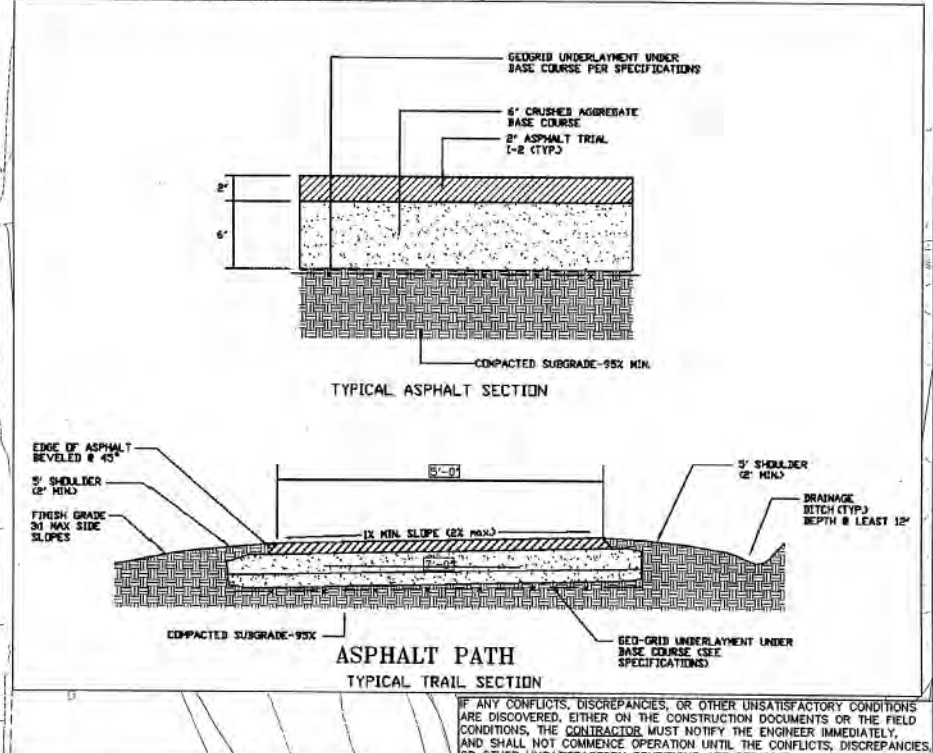
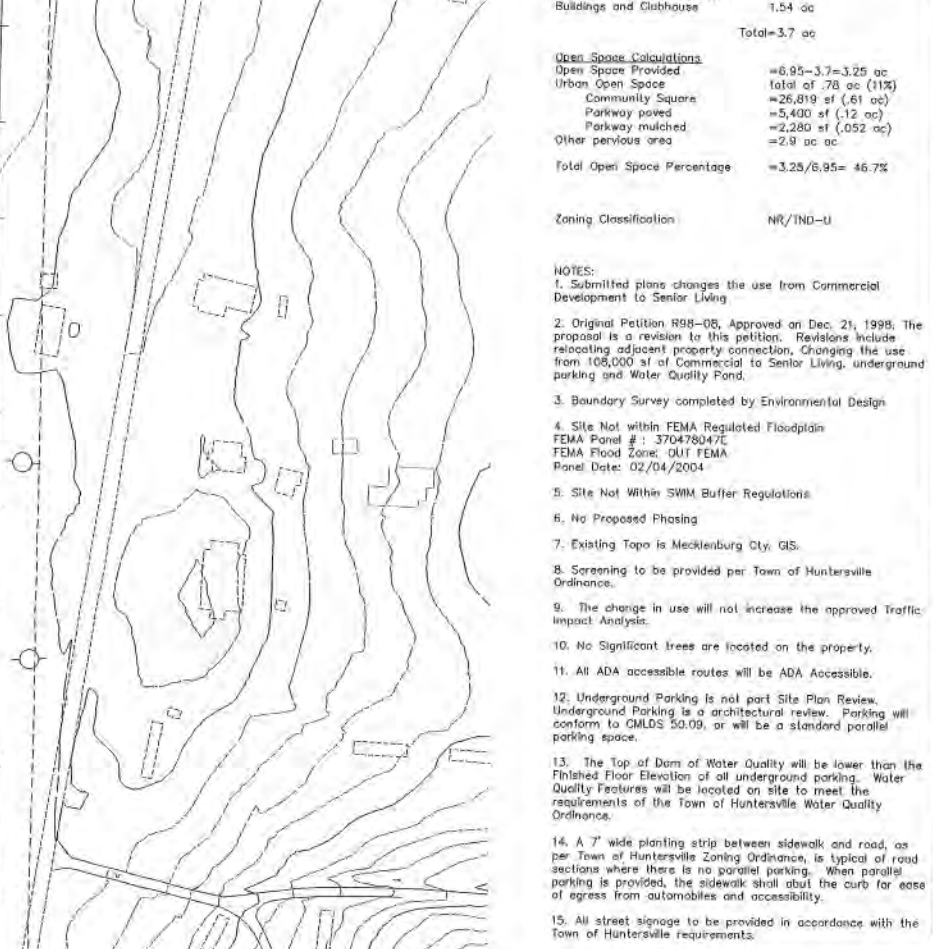
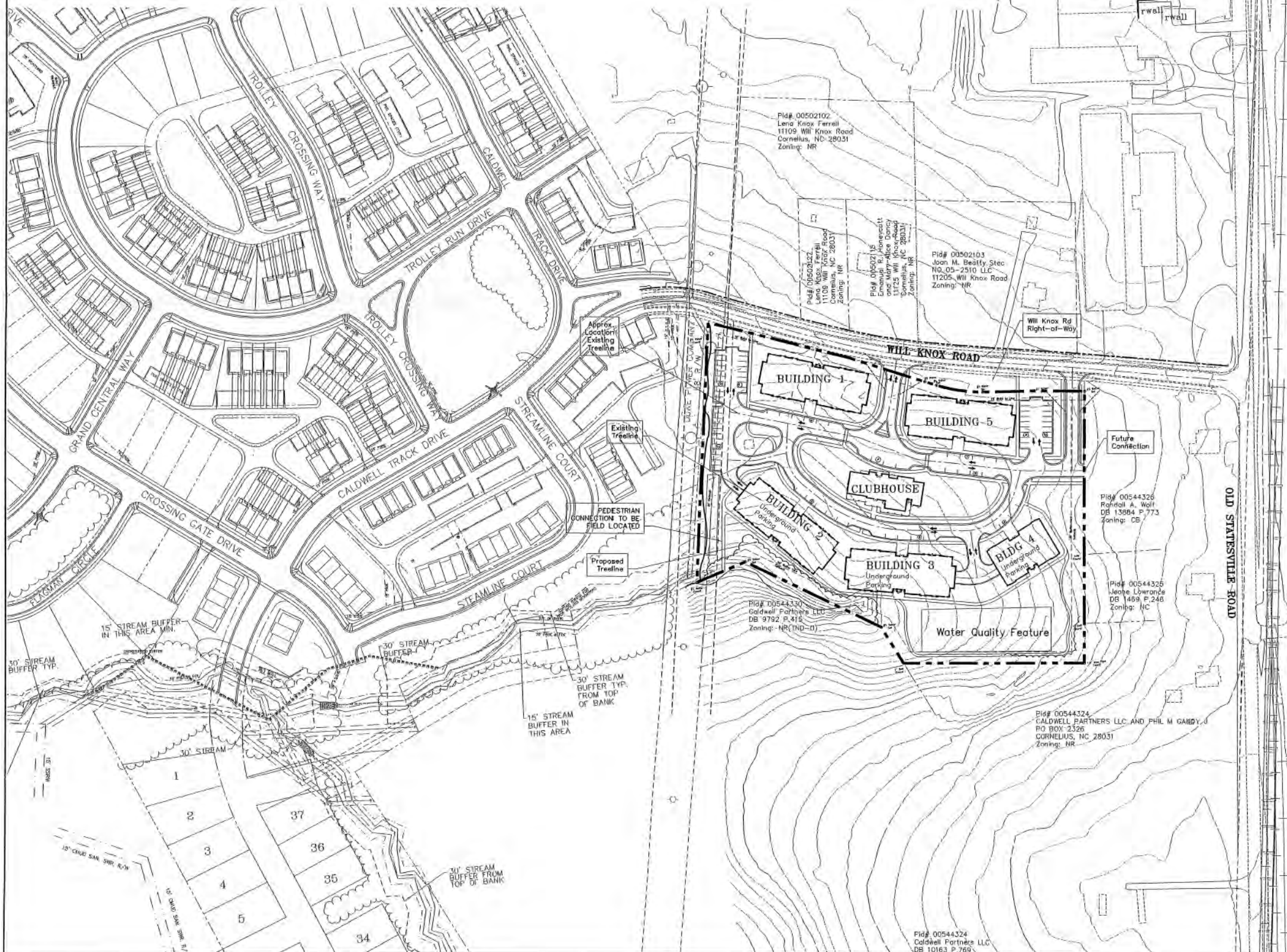
PID #00544320, #00544332 and #00544328	
Site Area	6.95 ac
Proposed Use	Retirement Community
Block Length	
Abernathy Street	220 ft
West Washington Street	240 ft
East Washington Street	440 ft
Cornwell Street	540 ft



SITE INFORMATION

Impervious Area Calculations	
Asphalt and Curb and Gutter	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 R98-08, 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 City, 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

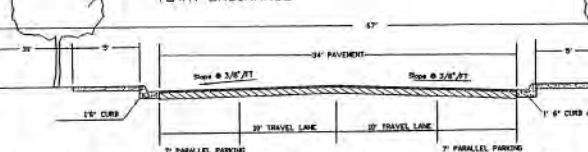
GENERAL NOTES

- Mail Delivery will be to a Kiosk.
- All development and construction shall comply with all zoning and subdivision standards of the Town of Huntersville, Mecklenburg County, and NCDOT, as applicable.
- Lots subject to flooding should not be set. In subdivisions except as provided in Section 7.280 (If applicable).
- The Town of Huntersville Build to Line for TND-U is 15' from ROW. Buildings along Will Knox Rd to touch Build to Line. All buildings will front a public road, or a pedestrian way, per Article 6.1.4 General Provisions. Bldgs 1 and 5 will front Will Knox Road and Bldgs 2, 3, and 4 will front a pedestrian way.
- This property may be subject to easements and right-of-way of record.

- Note Article 8.16.1 & 2 of the Town of Huntersville Zoning Ordinance: On lots greater than 60' in width, front loading garages shall be recessed at least 10' behind the primary plane of the front facade of the structure.
- On lots 60' in width or less, alley access is required if on-site parking is provided.
- 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.
- All areas designated as common open space shall be owned and maintained by the homeowners association.

- Access (ingress/egress) location and design shown on this sketch plan area subject to achieving vertical and horizontal sight distances, turn lane improvements (including right-of-way) and intersection with adjacent and opposing access points. Modifications to plan may result.
- If adjacent to a thoroughfare—direct access from lots to a thoroughfare is prohibited.
- Large maturing trees will be planted 40' O.C. within the required planting strip along all streets with the exception of rural parkways where existing trees can satisfy the street tree requirement. Small maturing trees are to be used where overhead power lines exist.
- Garbage collection system will be roll out. Trash cans will be located inside the building envelope.

STREET TREE AS PER TOWN ORDINANCE

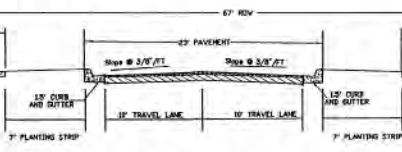


TYPICAL SECTION FOR PARALLEL PARKING INTERIOR ACCESS

Washington St, Abernathy St, Cornwell St. see note #14

SCALE: N.T.S.

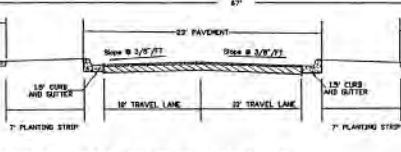
STREET TREE AS PER TOWN ORDINANCE



TYPICAL SECTION FOR WILL KNOX RD

SCALE: N.T.S.

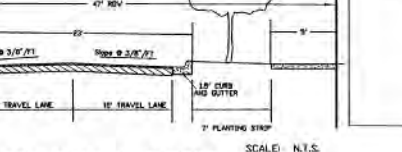
STREET TREE AS PER TOWN ORDINANCE



TYPICAL SECTION FOR WASHINGTON ST, ABERNATHY ST, CORNWELL ST.

SCALE: N.T.S.

STREET TREE AS PER TOWN ORDINANCE

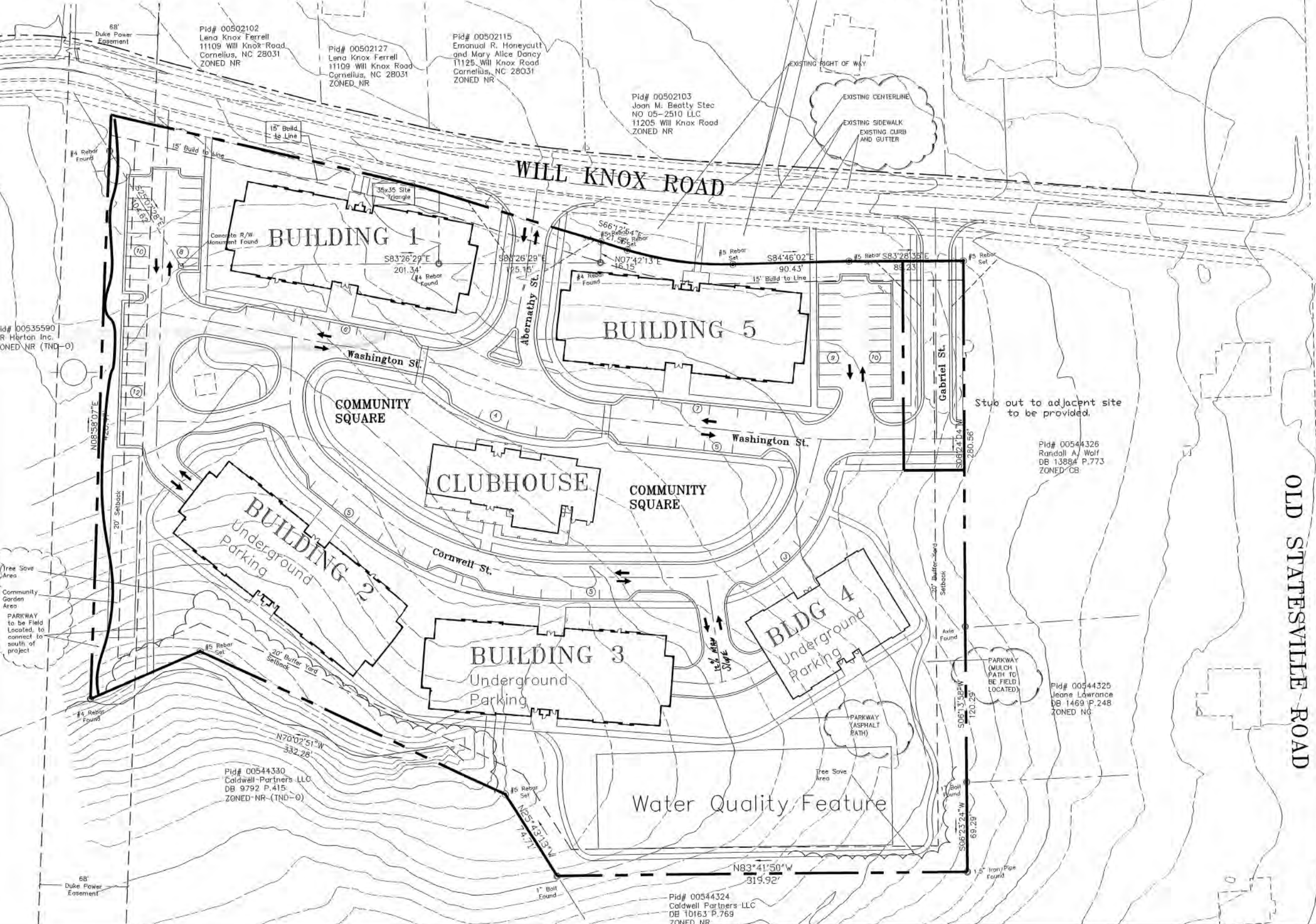


TYPICAL SECTION FOR GABRIEL STREET

SCALE: N.T.S.

VICINITY MAP
Not to Scale

Scale: N.T.S.



SITE INFORMATION

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 HOV)
Bldg. 3 and 5 have 90 underground spaces
Bldg. 4 has 18 underground spaces
above surface parking has 64 spaces

PID #00544328, #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
Gabriel Street: 137 ft

Impervious Area Calculations:
Sidewalk: .50 ac
Asphalt and Curb and Gutter: 1.66 ac
Buildings and Clubhouse: 1.54 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 sf (.61 ac)
Parkway paved: =5,400 sf (.12 ac)
Parkway mulched: =2,290 sf (.052 ac)
Other pervious area: =2.9 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 R98-08, Approved Dec. 21, 1998, the proposal is a revision to this petition. Revisions include relocating adjacent property connection, Changing the use from 108,000 sf 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 #: 370478047E
FEMA Flood Zone: OUT FEMA
Panel Date: 02/04/2004
 5. Site Not Within SWM 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 an architectural review. Parking will conform to CMLDS 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.

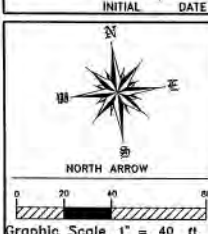
environmental DESIGN

landscape architecture
civil engineering
land planning
land surveying

20816 n. main street suite 204
 Huntersville, NC 28031
 P: 704.894.8020
 F: 704.893.5479
 E: edpa@edesign.net



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



SKETCH PLAN

CALDWELL STATION
SENIOR CONDOMINIUMS
Will Knox Road
Huntersville, NC

DEVELOPER/OWNER

Gary T. Knox
17824 Statesville Road
Cornelius, NC 28031
(704) 892-3522

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

Revisions

11/06/06: Town and Client Comments
11/06/06: Town and Client Comments
11/22/06: Town Comments
11/22/06: County Comments

Sheet 1 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.



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
phone: 704.892.5479
f: 704.892.5479
e: edpa.info@edpa.net

PROFESSIONAL SEAL

SEAL 028396

1/15/07

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

EXISTING FEATURES

Project Location Sheet Title

DEVELOPER/OWNER

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

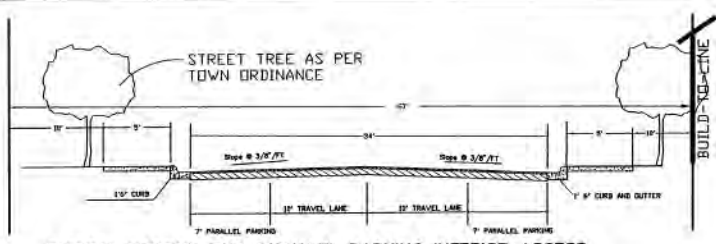
Designed By EDPA
Drawn By JDL
Date 6/22/06

Revisions

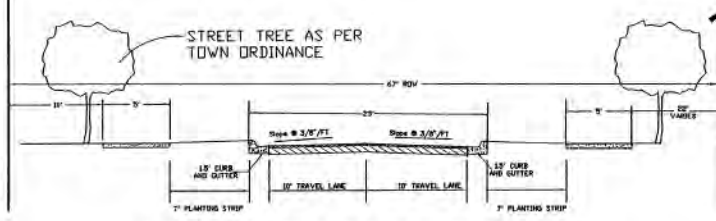
Revised	By	Comments
10/16/06		Comments
10/27/06		Comments
1/15/07		Comments

Sheet 2 of 3
Project Number 06042

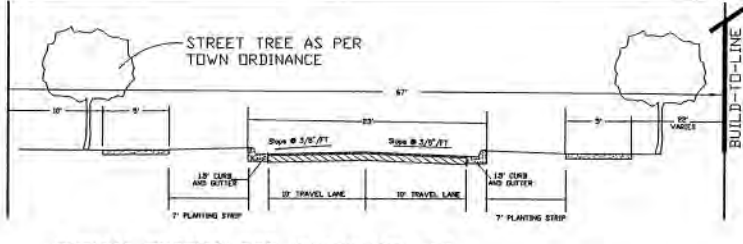
IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS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



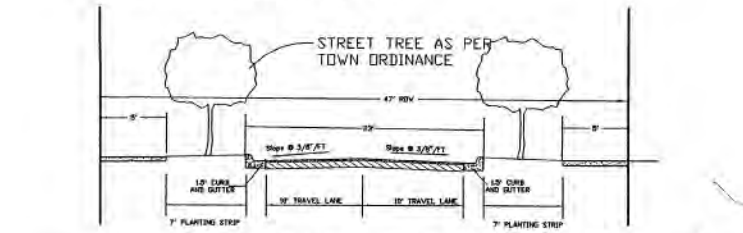
TYPICAL SECTION FOR PARALLEL PARKING INTERIOR ACCESS
Washington St., Abernathy St., Cornwell St. see note #14
SCALE: N.T.S.



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	

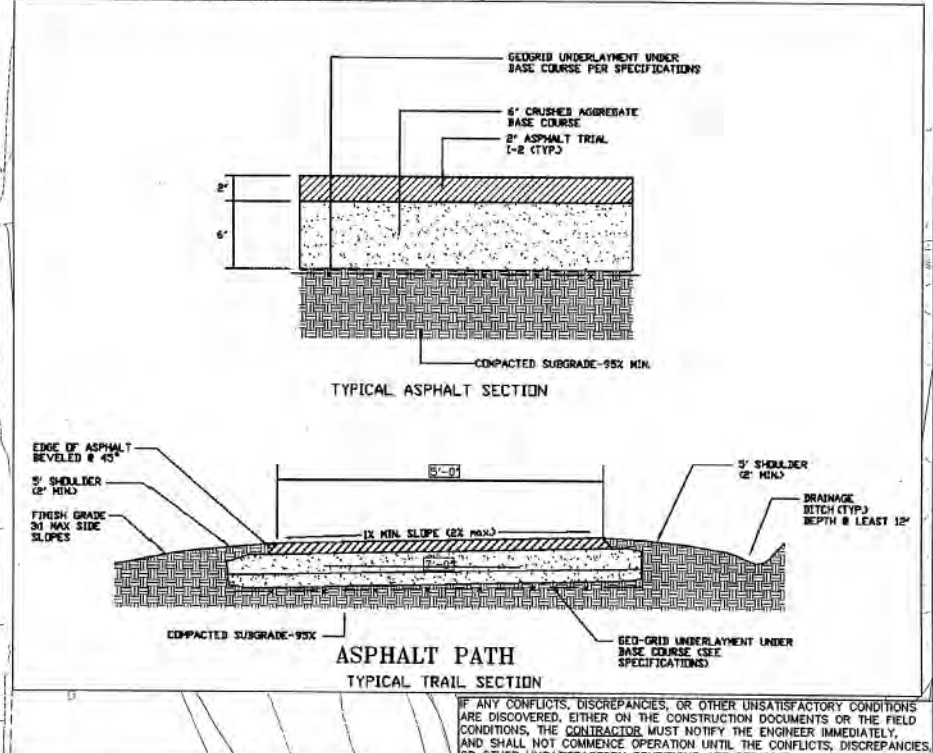
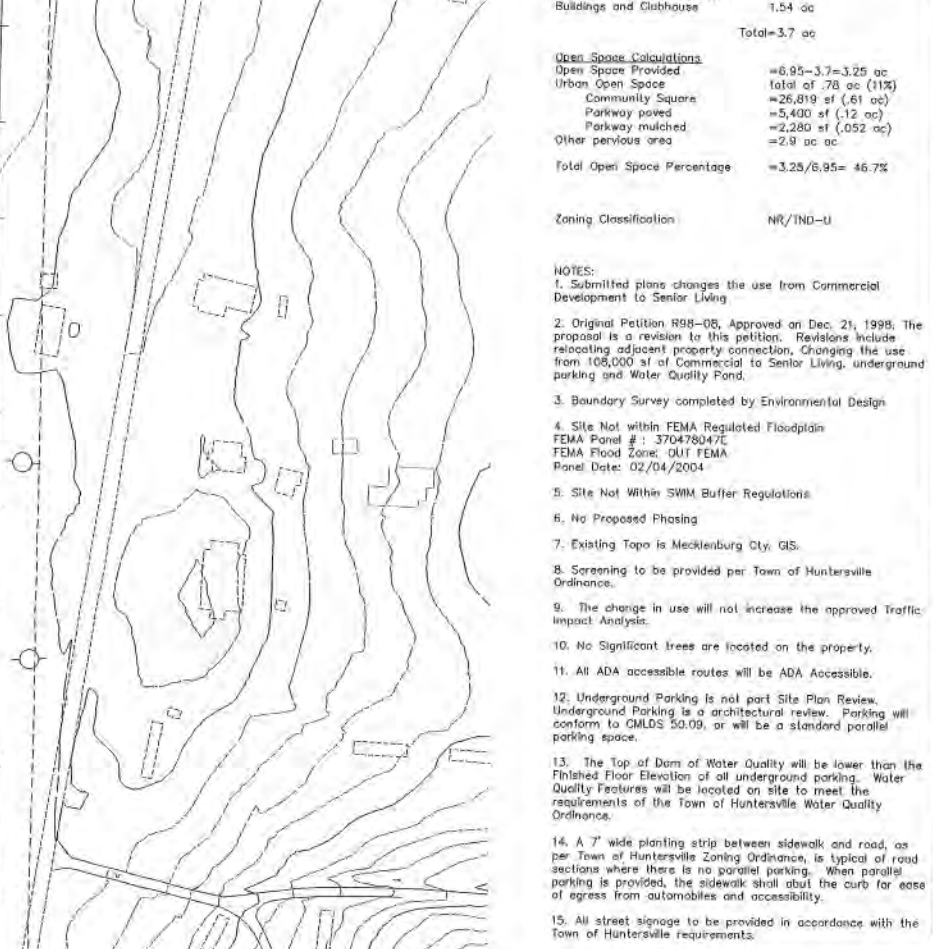
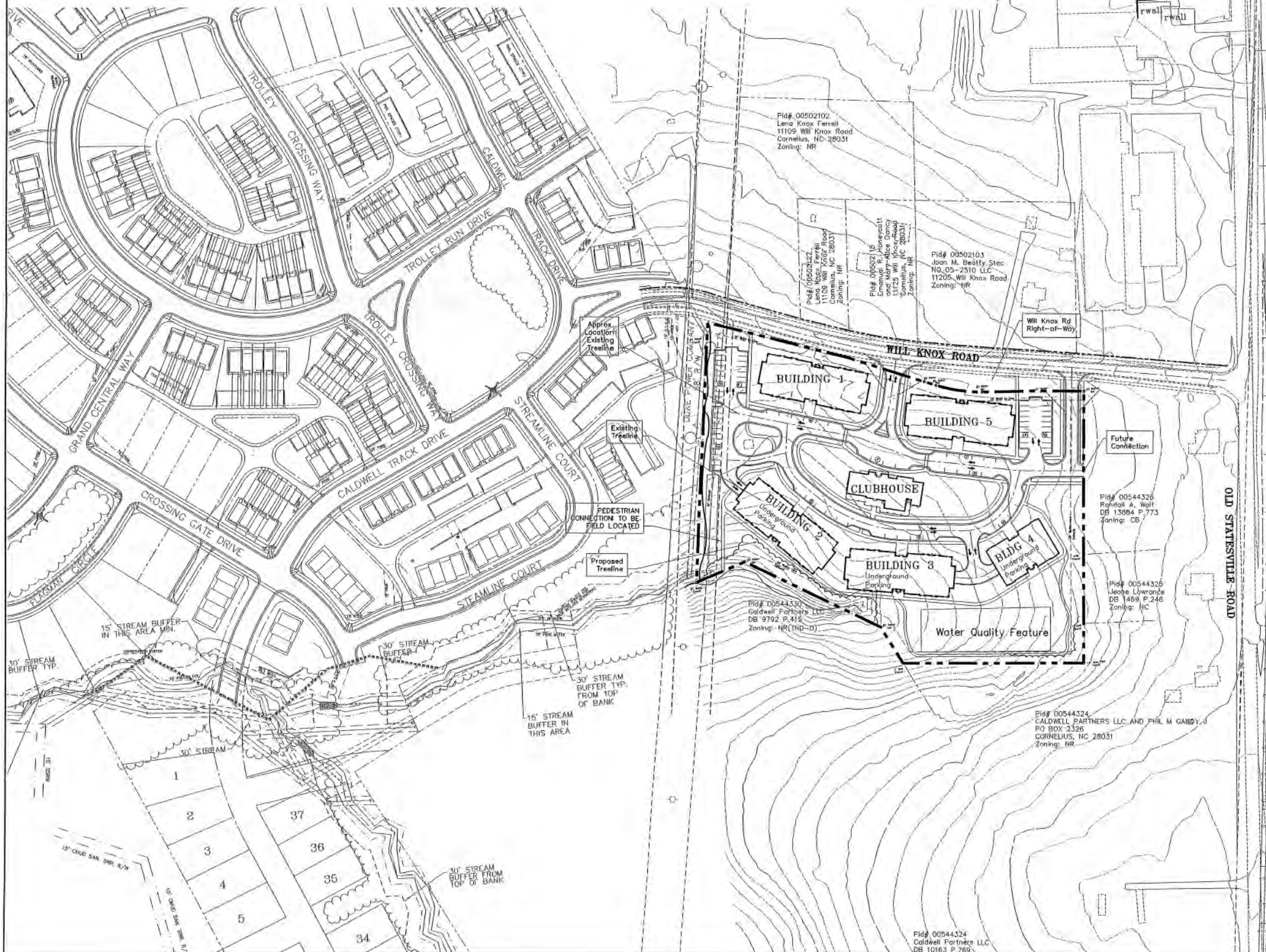
PID #00544320, #00544332 and #00544328	
Site Area	6.95 ac
Proposed Use	Retirement Community
Block Length	
Abernathy Street	220 ft
West Washington Street	240 ft
East Washington Street	440 ft
Cornwell Street	540 ft



SITE INFORMATION

Impervious Area Calculations	
Open Space Provided	50 ac
Asphalt and Curb and Outer	1.66 ac
Buildings and Clubhouse	1.54 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



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.

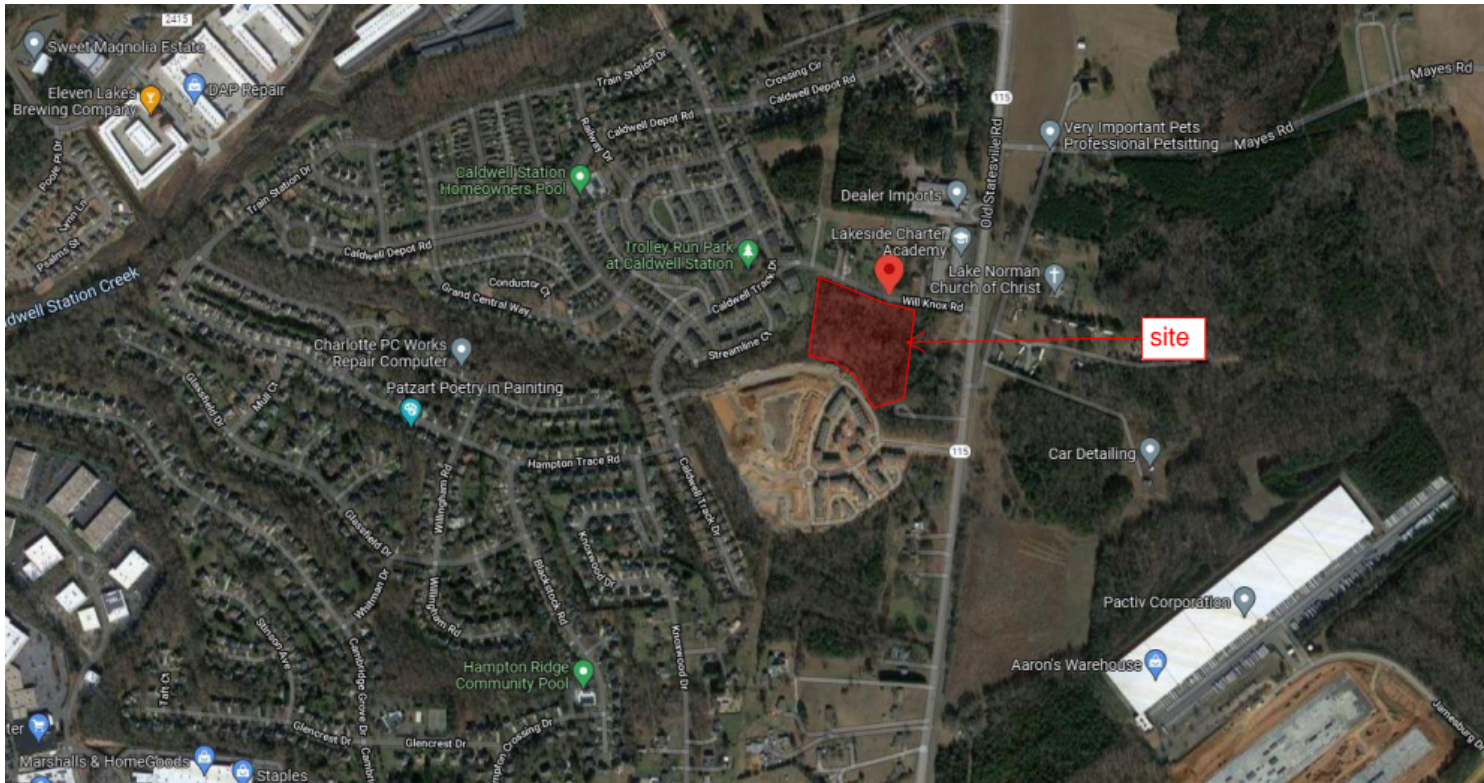
Background and Summary of Request:

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

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

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



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>.

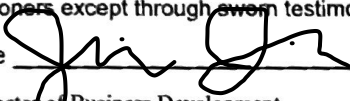
5. Outside Agency Information

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

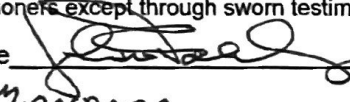
Title Director of Business Development Email jjervis@calamar.com

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
July 18, 2022**

To: Town Board

From: David Peete, Principal Planner

Date: July 18, 2022

Subject: QUASI-JUDICIAL on Hamlet at Huntersville Subdivision Sketch Plan

EXPLAIN REQUEST:

QUASI-JUDICIAL. Conduct evidentiary hearing and consider decision on Hamlet at Huntersville Subdivision Sketch Plan, a request by Middleburg Communities, LLC to subdivide 43.91-acres located along Old Statesville Road (immediately north of Plum Creek Subdivision) at 12349 Old Statesville Road, Parcel # 017-361-02 and portion of 01736104 for a 265-unit, for-rent residential development.

ACTION RECOMMENDED:

QUASI-JUDICIAL. Conduct evidentiary hearing and consider decision on Hamlet at Huntersville Subdivision Sketch Plan, a request by Middleburg Communities, LLC to subdivide 43.91-acres located along Old Statesville Road (immediately north of Plum Creek Subdivision) at 12349 Old Statesville Road, Parcel # 017-361-02 and portion of 01736104 for a 265-unit, for-rent residential development.

FINANCIAL IMPLICATIONS:

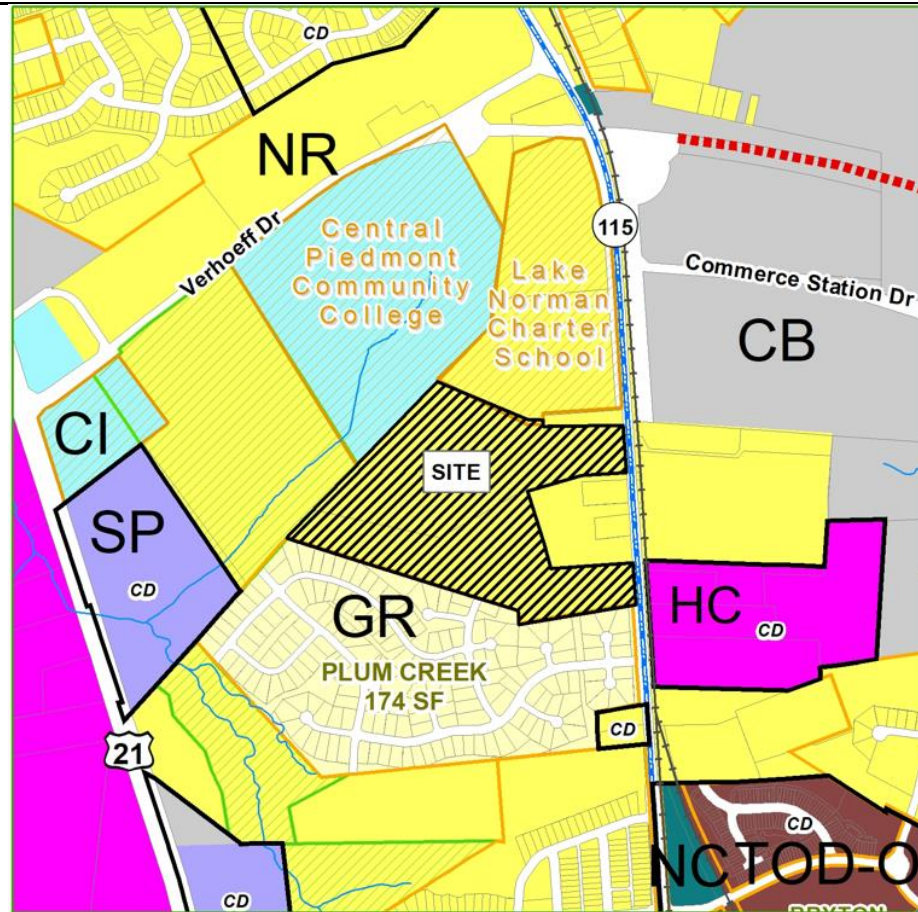
N/A

ATTACHMENTS:

1. Hamlet at Huntersville Staff Report-TB July 18 2022
2. Attachment A - Sketch Plan Application
3. Attachment B - Hamlet at Huntersville Sketch Plan (5th cycle)
4. Attachment C-1 - First Neighborhood Mtg Report (1-26-22)
5. Attachment C-2 - Second Neighborhood Mtg Report (4-20-22)
6. Attachment D - CMS Report - Hamlet at Huntersville
7. Attachment E - Resident comments received

Hamlet at Huntersville Subdivision Sketch Plan

PART 1: PROJECT SUMMARY



Applicant: Middleburg Communities, LLC.

Property Owner: Donna Stancil Abbott

Property Address: 12349 Old Statesville Road.

Project Size: (+/-) 43.91 acres.

Parcel Number(s): 01736102 & portion of 01736104.

Zoning: Neighborhood Residential (NR).

Land Use: Vacant /wooded, one single-family home.

Proposed Land Use:

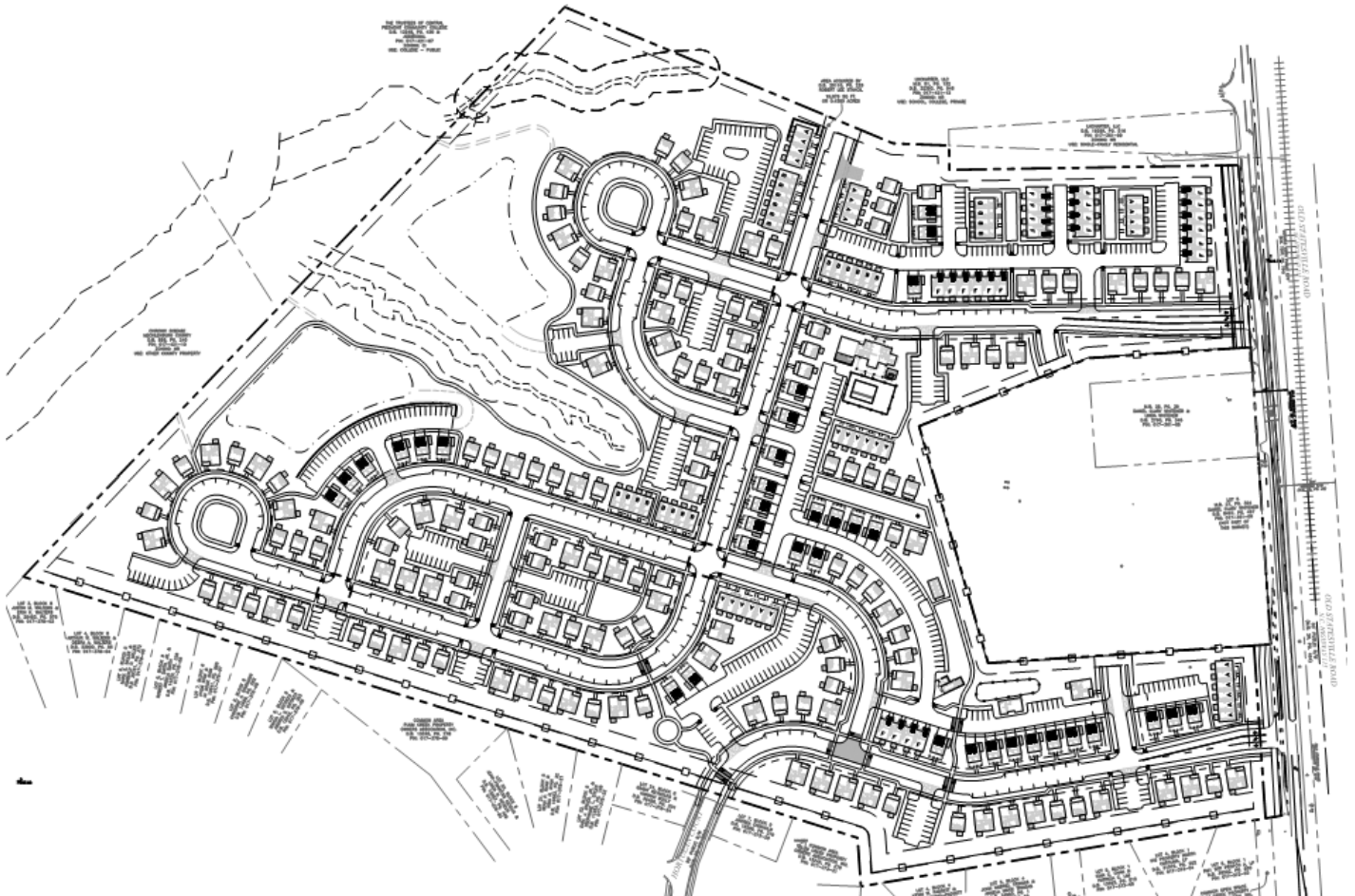
For-rent residential units: 187 single-family homes & 78 townhomes (265 total units). The overall proposed density is 6.15 units/acre for entire development. Abutting Plum Creek Subdivision, proposed density is 4.69 units/acre.

PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Purpose: To subdivide 43.91-acres of land located along Old Statesville Road, immediately north of Plum Creek Subdivision (shown as "site" above) into a rental community consisting of 187 single-family homes and 78 townhomes as for-rent units.
2. Adjoining Zoning and Land Uses:
 - North: Neighborhood Residential (NR) & Campus Institutional (CI) – Lake Norman Charter School and Central Piedmont Community College.
 - South: General Residential (GR) – Single-Family homes (Plum Creek Subdivision).
 - East: Neighborhood Residential (NR) & Highway Commercial – Agricultural (Whitener Greenhouses, Large-lot, single-family homes & Vacant.
 - West: Campus Institutional (CI) & Neighborhood Residential (NR) – Central Piedmont Community College & Huntersville Athletic Park.
3. Two (2) neighborhood meetings were held on January 26, and April 20, 2022. The meeting summaries are provided in Attachments C-1 & C-2, and all comments received are included in Attachment E.
4. The proposed subdivision has 265 total units, made up of 187 single-family homes (70.1%) and 78 townhomes (29.4), all of which will be rental units.

5. The current site's tree canopy coverage is 94.7%, of which, 12% will be saved (10% tree-save required by Ord.). There are 29 specimen trees located on the site, and 17 (58.6%) are to be saved. There are no known heritage trees on the site.
6. A water-quality concept plan is required and has not yet been approved.
7. A willingness to serve letter from Charlotte Water, dated March 11, 2021, has been provided.
8. Required Urban Open Space is to be provided by several spaces located throughout the development. However, the type of Urban Open Space has not been identified. This must be clarified in order to evaluate them, per Article 7 of the Zoning Ordinance. Staff does not support the proposed Urban Open Space (labeled "Serpentine Colonnade", as it does not achieve the intended function of an Urban Open Space to serve as an alternative frontage. The walkway itself has limited function, but the units that would front on that space are facing the community swimming pool, rather than other units, as described in Article 7. Furthermore, the proposed passageway does not create a connection to uses – the space is a one-way connection.
9. Buffers are provided on all sides. The Buffers along the west and north borders are 20 ft. undisturbed buffers. Along the Old Statesville Road (NC115) frontage, a landscape easement for a second row of street trees, per Zoning Ordinance requirement, is provided. Along the southern border abutting the Plum Creek development, the proposed buffer consists of an outermost 20 ft. to be undisturbed and an additional 30 ft of open space to be landscaped and include a six (6) feet tall opaque fence.

SUBDIVISION SKETCH PLAN



PART 3: TRANSPORTATION ISSUES/TRAFFIC IMPACT ANALYSIS (TIA)

A TIA was required for the development. The land use and intensities for the site plan have been revised on the recent plan submission to the Town. The TIA calls for the following improvements:

Old Statesville Road at Access A (unsignalized) (northern access)

- Construct Access A to have an exclusive eastbound left-turn lane with 100 feet of storage and the through lane terminating as a right-turn lane.
- Access A to have a 100-foot internal protected stem.
- Construct an exclusive northbound left-turn lane on Old Statesville Road with 150 feet of storage.
- Construct an exclusive southbound right-turn lane on Old Statesville Road with 100 feet of storage.
- Construct a 3-lane section on Old Statesville Road between Access A and Access B.

Old Statesville Road at Access B (unsignalized) (southern access)

- Construct Access B to have an exclusive eastbound left-turn lane with 100 feet of storage and the through lane terminating as a right-turn lane.
- Access B to have a 100-foot internal protected stem.
- Construct an exclusive northbound left-turn lane on Old Statesville Road with 150 feet of storage.
- Construct an exclusive southbound right-turn lane on Old Statesville Road with 100 feet of storage.
- Construct a 3-lane section on Old Statesville Road between Access A and Access B.

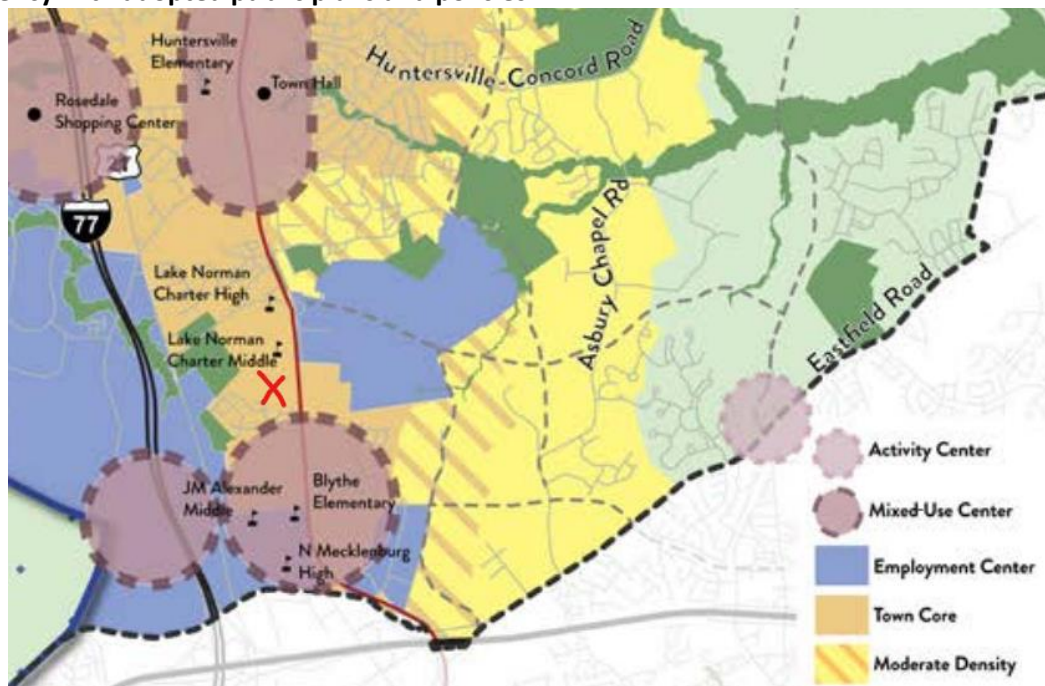
In addition, the following comments must be addressed:

- Update the Radii of all public roads (other than the circles toward western boundary) to be a minimum of 200'.

PART 4: PLANNING STAFF ANALYSIS

Section 6.200 of the Subdivision Ordinance outlines the “general requirements and policies to be used in the design, review, and approval” of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board’s consideration of the Hamlet at Huntersville Sketch Plan.

1. Consistency with adopted public plans and policies.





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.

The following sections of the 2040 Huntersville Community Plan support this subdivision:

- The proposed Hamlet at Huntersville Subdivision lies completely within the “Town Core” Future Land Use Character Area of the 2040 Community Plan (see above). The overall density of the proposed Hamlet at Huntersville is 6.15 units per acre, which is appropriate in the Town Core area, as there is no density maximum. It should be noted that the density along the southern border (abutting Plum Creek) has been limited to 4.69 units (see item #2 Conformity, below).
- **EOS 8.3: Continue to require locational standards for open space in new developments. Urban Open Space should be located within walking distance of homes in new subdivisions that are not located in rural areas. Open space should be located in undivided preserves, where possible, and should be accessible to the largest number of lots with the development.** Comment: The development provides several urban open spaces, located throughout the development, however, the type of urban open spaces must be identified.
- **EOS 10: Improve bicycle and pedestrian facilities throughout Town.** Comment: The developer is proposing a ten-foot side path adjacent to the frontage along Old Statesville Road which will support pedestrians & bikers in the vicinity. No public greenway is planned through this property, however a greenway is proposed to the south of the Huntersville Athletic Park and therefore it is recommended that this subdivision provide trail connections to the park for a future connection – which have been provided in several locations.
- **EOS 10.1: Implement the Bicycle and Pedestrian Committee’s 30-by-30 plan. Connect all parks, schools, neighborhoods, major shopping into the Greenway System by 2030 incrementally over the next 10 years.** Comment: This project will help to facilitate the development of pedestrian and bike facilities along Old Statesville Road by providing a 10 ft. wide multi-use path along the frontage of the development. Trail connections to Huntersville Athletic Park (to the northwest) are provided to improve pedestrian connectivity to adjacent parks and a trail and street stub are shown to the school to the north, as well.
- **LU 2.1: Higher intensity residential uses will be focused generally within two miles of the I-77/ NC-115 corridor and future activity centers in the eastern and western areas of Huntersville’s zoning jurisdiction.** Comment: The proposed development is located within the Town Core Character Area and is within two miles of the I-77/NC 115 corridor as it immediately abuts NC 115 (Old Statesville Road).

- **LU 5.3: Support infill housing options near services, shopping, employment, and transit stations. Encourage infill development opportunities to increase housing options with proximity to nearby services, shopping, employment opportunities, and transit stations.** Comment: The proposed development abuts a public park (Huntersville Athletic Park), a higher-education facility (Central Piedmont Community College) and a High School (Lake Norman Charter) and is located approximately one mile from commercial uses. Currently, there are no 100%, for-rent developments within Huntersville or the Town Core as designated in the 2040 Community Plan.
- **LU 7.1: Require all new development to adhere to the following design principles: All buildings shall front a public street or open space.** Comment: All residential units associated with the proposed subdivision are to front either a public street or urban open space.
- **LU 9.1: In higher intensity areas including Mixed Use Centers, Activity Centers, the Town Core, and Moderate Density areas neighborhoods should adhere to the following design principles:**
 - All homes must front a public street or open space.
 - Front porches and recessed garages are encouraged.
 - On-street parking is required in new developments that have lot widths below 60'. Alley-loading is also encouraged in these cases.Comment: The proposed subdivision meets these design principles-as all residential units either front on public streets or urban open spaces, with the exception of the “serpentine Colonnade area. The frontage for these units will have to be re-evaluated. The entire development is for-rent, and all of the units are on several large lots, rather than on individual lots, therefore lot-width requirements do not apply.
- **LU 10.1: Align housing options with resident needs and promote attainable housing options. Accommodate a mix of housing by type, tenure, and location to serve a growing and increasingly diverse population. Housing offerings should align with workforce opportunities, including management, professional positions, and service positions.** Comment: This development would provide a 100% for-rent detached and attached housing development that does not currently exist in Huntersville.

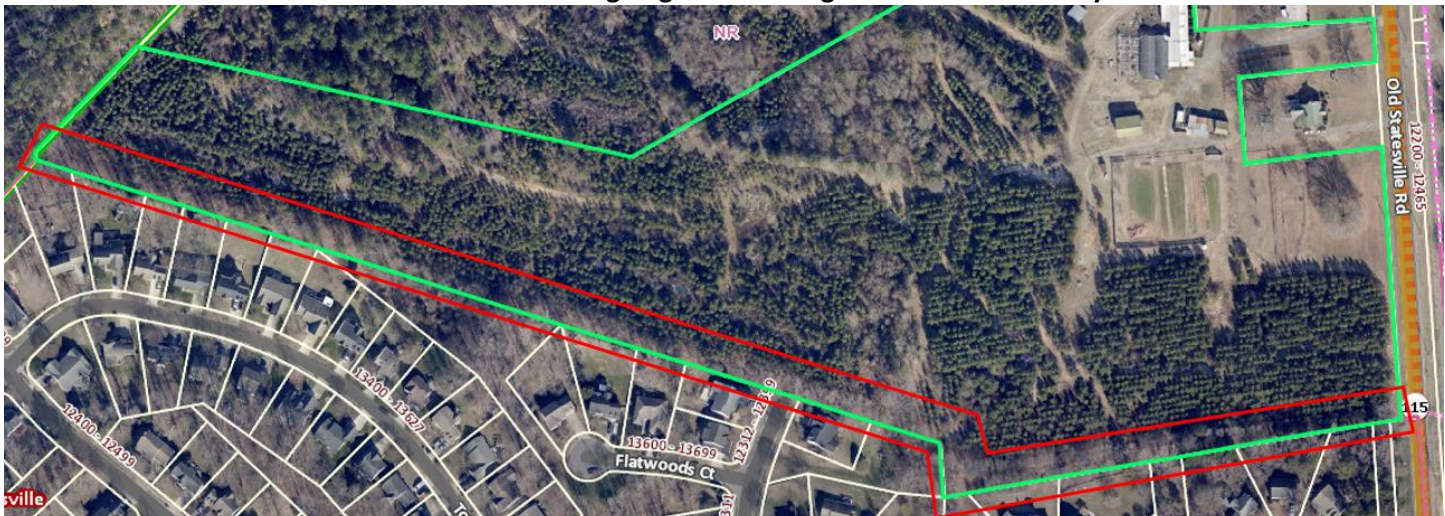
2. Conformity.

- The proposed development has an overall density of 6.15 dwelling units /acre (DUA). That density, while permitted in the Neighborhood Residential (NR) zoning district, is higher than the adjacent Plum Creek subdivision (2.67 units/acre). To provide a density transition between two abutting developments, the applicant adjusted the site plan along the southern border to provide a lower density of 4.69 units/acre. The lower density along this common boundary, combined with an enhanced 50-foot buffer proposed by the developer along the southern boundary, will provide an appropriate buffer between the two housing developments. It should be noted that the majority of the area shown as “undisturbed” along the southern boundary does not have much vegetation (see image below). To serve the intent of Article 7 of the Zoning Ordinance and to “create special separation and to minimize the adverse impacts on adjacent properties”, the existing vegetation may have to be augmented or it may be more appropriate to install a full-replanted 50 feet buffer, rather than leave the outer 20 feet as undisturbed. This can be noted on the Sketch Plan and addressed at Preliminary/Construction Plan phase.

Density Along Plum Creek Boundary:



Existing Vegetation along Plum Creek Boundary:



3. Access between Adjoining Properties.

Subdivision Ordinance Section 6.100.3 states that “all streets shall connect to create a comprehensive transportation network, which allows free movement of automobiles, bicyclists and pedestrians. The subdivision provides a connection to Hortulan Court, an existing public street, providing a connection to Plum Creek to the south and a stub to the Lake Norman Charter School site to the north. The western border does not provide future street stubs, as they abut a park and the CPCC campus. Two (2) street connections to Old Statesville Road (NC 115) are proposed along the eastern edge. The connection to Plum Creek will also provide a second access into that development for emergency services, as well.

4. Relation to topography.

The street network and lot layout have been designed to respect the general topography of the site.

5. Mature trees and natural vegetation.

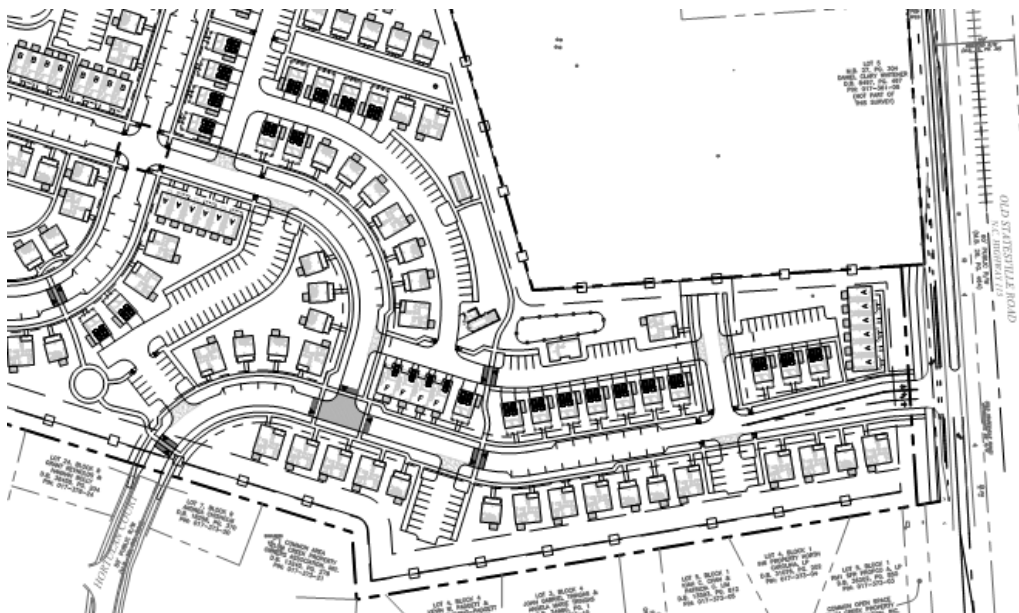
The proposed project is required to save 10 percent of the tree canopy and the proposed plan saves 12%. There are 29 specimen trees located on site and 17 (58.6%) of them are to be saved and there are no heritage trees located on site. All three of these requirements are being satisfied, as outlined in Part 2, Item 5 of this report.

6. Access to parks, schools, etc.

The proposed development immediately abuts a park (Huntersville Athletic Park), a college campus (Central Piedmont Community College) and a high school and middle school (Lake Norman Charter High & Middle). Trails and/or flexible easements along the western and northern borders will provide pedestrian connectivity.

7. Discourage through traffic.

All streets are appropriately sized for residential traffic. The proposed subdivision will connect to the existing public streets of Hortulan Court to the south and Old Statesville Road (NC 115) to the east. The internal circulation for the new development has placed the emphasis on traffic moving to the development's entrance by making the use of Hortulan Court less convenient (see below).



8. Relationship to railroad rights-of-way.

Not Applicable.

9. Half streets.

Not Applicable.

10. Parallel streets along thoroughfares.

Not Applicable.

11. Public School and Public Park Sites

The parcels associated with Hamlet at Huntersville Subdivision Sketch Plan have not been identified for a school or park.

12. Public Facilities

The parcels associated with the Hamlet at Huntersville Subdivision Sketch Plan have not been identified for a public facility.

13. Proposed street names

The street names for Hamlet at Huntersville Subdivision Sketch Plan will be provided with Preliminary (Construction) Plan submission (if Sketch Plan is approved).

14. Easements.

Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments for review.

15. Proposed water and sewerage system.

A willingness to serve letter has been provided by Charlotte Water for this development.

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

Streams are located adjacent to the site. However, none of the site is in a designated flood zone.

17. Open Space

Urban open space will be provided via three (3) Greens, one (1) Pedestrian Passageway and several other spaces that must be identified.

18. Impact of Development on Public Facilities

There is no indication the proposed subdivision will adversely impact public facilities. While this section of the Ordinance does not call for the specific consideration of impact to public schools (CMS), staff contacts Charlotte-Mecklenburg Schools (CMS) for an enrollment evaluation for all major subdivision requests. According to CMS, the development will generate 140 new students who will attend local schools. A section of CMS's report is provided below (see Attachment D - CMS Report.)

This development may add 140 students to the schools in this area.

The following data is as of 20th Day of the 2021-22 school year.

<u>Schools Affected</u>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
LEGETTE BLYTHE ELEMENTARY	49.50	50	855	864	99%	57	105%
JM ALEXANDER MIDDLE	50.8	54	856	910	94%	35	98%
NORTH MECKLENBURG HIGH	118.5	108	2095	1909	110%	48	113%

PART 5: STAFF RECOMMENDATION

COMPLETENESS OF APPLICATION:

Town Staff has reviewed the proposed Hamlet at Huntersville Subdivision Sketch Plan and finds the application complete.

COMPLIANCE WITH APPLICABLE REQUIREMENTS:

Hamlet at Huntersville Subdivision Sketch Plan complies with all applicable requirements and is supported by findings of fact outlined in Parts 2-4 of this report, with the following conditions:

- All Urban Open Spaces must be identified by type on the plans.
- Transportation comments must be addressed.
- Water-quality concept plan must be approved by Staff.
- Mail kiosk(s) location has not been identified.
- All other plan comments are addressed.

There are several Subdivision Sketch Plan issues that staff makes **RECOMMENDATION** on:

- Several sidewalk sections should be moved closer to the street / on-street parking to provide greater open space in front of the residential units.
- The proposed “Serpentine Colonnade” does not qualify as urban open space and should be redesigned.
- Parking provided near Clubhouse is inadequate. Per Ord., only 7 spaces are required, however, there are 265 units within the development. Additional parking should be provided in close proximity to the clubhouse/pool.
- Elevations facing public streets should not have blank walls and should provide architectural interest. Some facades have been identified, but there are others that have not been labeled. A note stating this intention should be provided at Sketch Plan.

APPROVAL:

The Hamlet at Huntersville Subdivision Sketch Plan could comply with all applicable requirements once the conditions listed above are addressed. Staff Recommends Approval of the proposed Subdivision Sketch Plan based on satisfaction of the above listed items.

PART 6: PLANNING BOARD RECOMMENDATION

On Tuesday, May 24, 2022, **the Planning Board recommended approval, by unanimous vote (9-0) to approve this subdivision, with conditions.** The motion to approve was based on the Hamlet at Huntersville Subdivision Sketch Plan application being complete and complying with all applicable requirements and is supported by the findings of fact outlined in parts 2-4 of this report and subject to the following conditions being addressed: all urban open spaces must be identified by type on the plans, water-quality concept plan must be approved by staff, all outstanding town transportation comments be addressed, all outstanding redline comments be addressed, mail kiosk location be identified and that the applicant continue to work with staff to reach an agreeable resolution on staff’s recommendations regarding moving several sidewalk sections closer to the street/on-street parking to provide greater open space in front of the residential units; the proposed “serpentine colonnade” should be redesigned; parking provided near clubhouse is inadequate, additional parking should be included; and elevations facing public streets should not have blank walls and should provide architectural interest with all facades identified and labeled on plans.

PART 7: TOWN BOARD FINAL ACTION

The Town Board is tentatively scheduled to conduct a quasi-judicial hearing on this request on Monday, July 18, 2022.

PART 8: ATTACHMENTS AND ENCLOSURES

- A – Subdivision Sketch Plan Application
- B – Hamlet at Huntersville Subdivision Sketch Plan
- C – Neighborhood Meeting Report
- D – CMS Report
- E – Comments received.

PART 9: DECISION STATEMENTS

Please refer to Part 5 of this report for recommendation.

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in [Section 6.320.5](#) of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement)? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*
- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.



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 _____

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 06/08/21 Revised 06/10/22

Name of Project The Hamlet at Huntersville Phase # (if subdivision) _____

Project Address 12349 Old Statesville Rd, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01736102

Current Zoning District NR Proposed District (for rezoning only) _____

Property Size (acres) ±43.9 AC Gross / ±35.7 AC Net Street Frontage (feet) 307

Current Land Use Forest - Commercial Production

Proposed Land Use(s) Single Family For Rent Cottages and Townhouses

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.

Administrative review of sketch plan to propose up to 8 dwelling units/acre of single family for rent cottages and townhouses.

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 Middleburg Communities, LLC Phone 843-806-2801
☐ 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: Steve Farmartino
Title Development Manager Email sfarmartino@livemiddleburg.com
Address of Applicant 1921 Gallows Rd. #700, Vienna, VA 22182

7. Property Owner (if different than applicant)

*Printed Name Donna Stancil Abbott Phone (757) 865-6719
☐ 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 Donna S. Abbott Printed Name Donna S. Abbott
Title Trustee Email abbottd618@gmail.com

Address of Property Owner 108 Nansemond Turn, Yorktown, VA 23693

* 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>Middleburg Communities, LLC</u>	<u>Steve Farmartino</u>	<u>843-806-2801</u>	<u>sfarmartino@livemiddleburg.com</u>
Development Firm	Name of Contact	Phone	Email
<u>Design Resource Group, P.A.</u>	<u>Sam Kelleher</u>	<u>704-343-0608</u>	<u>sam@drgrp.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

THE HAMLET AT HUNTERSVILLE

HUNTERSVILLE, NC

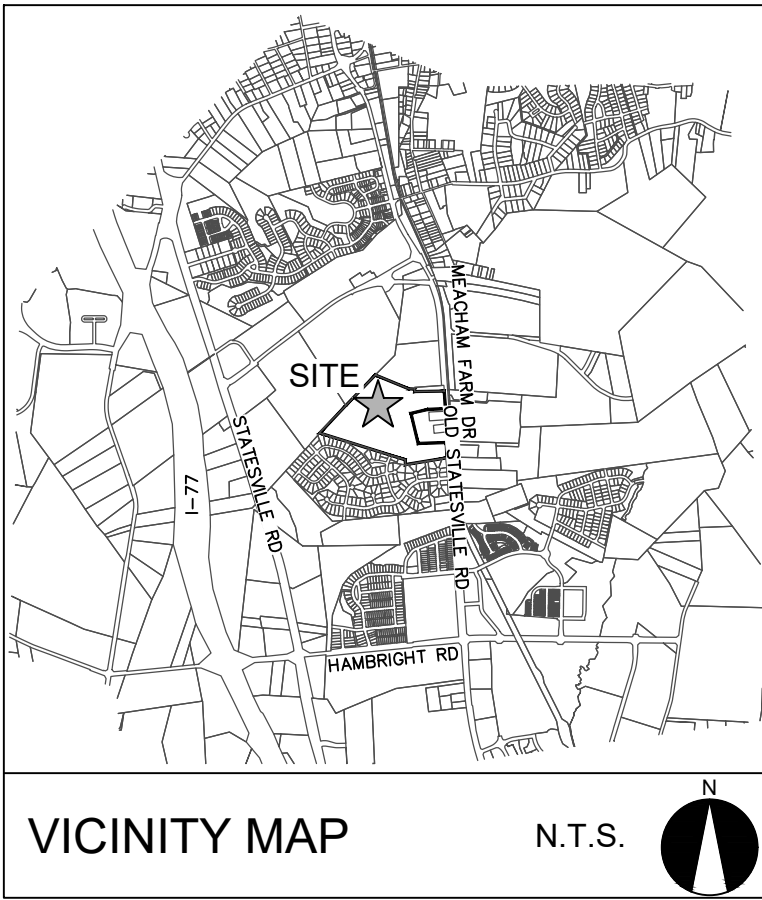
MIDDLEBURG COMMUNITIES

1921 GALLOWES RD. STE 700

VIENNA, VA 22182

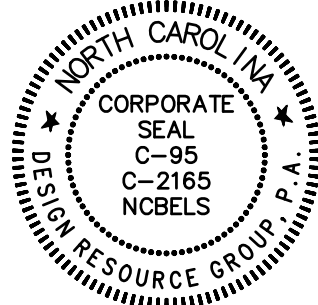
P: 703.291.0300

EPM# 425673



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

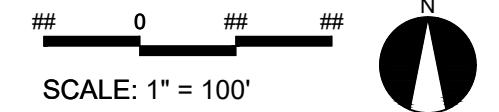
2459 Wilkinson Blvd., Ste 200 Charlotte, NC 28208
704.343.0608
www.drgroup.com



SKETCH PLAN

HAMLET AT
HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA
MIDDLEBURG COMMUNITIES
1921 GALLOWES RD. STE 700
VIENNA, VA 22182
703.291.0300

COVER
SHEET



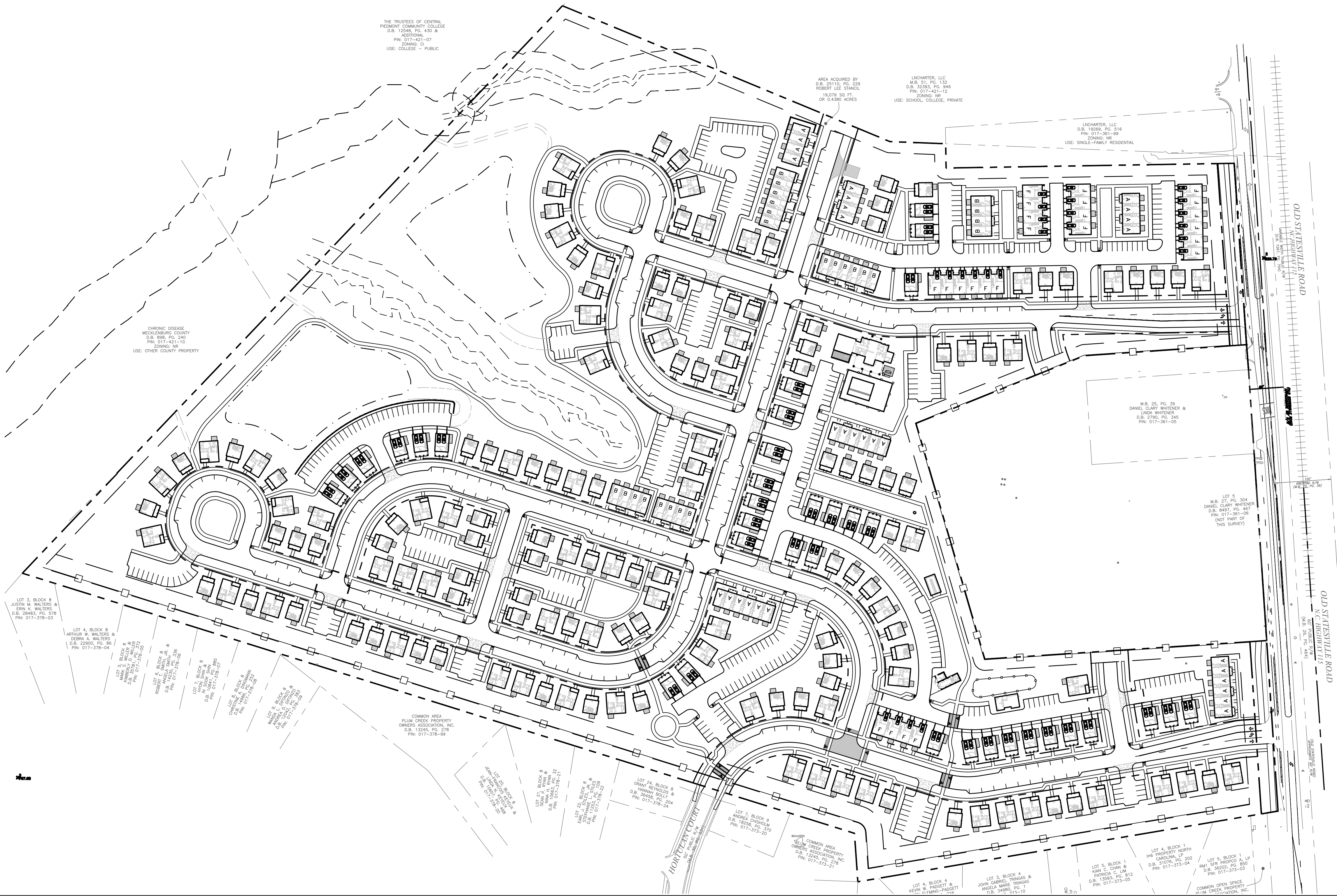
PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

REVISIONS:

SK0.00

SUBDIVISION SKETCH PLAN



Sheet List Table

Sheet Number	Sheet Title
SK0.00	COVER SHEET
SK0.10	EXISTING FEATURES PLAN
SK1.00A	SURVEY
SK1.00B	SURVEY
SK1.01	SKETCH PLAN
SK1.02	PARKING PLAN
SK1.03	POD ENLARGEMENT PLAN
SK1.04	POD ENLARGEMENT PLAN
SK1.05	POD ENLARGEMENT PLAN
SK1.06	POD ENLARGEMENT PLAN
SK1.07	GRADING PLAN
SK1.08	FIRE TRUCK ACCESS
SK1.09	STORMWATER MANAGEMENT PLAN
SK1.10	UTILITY PLAN
SK1.11	TREE INVENTORY PLAN
SK1.12	LANDSCAPE PLAN
SK1.13	FRONTAGE AND BLOCK LENGTH PLAN
SK1.14	URBAN OPEN SPACE ENLARGEMENT
SK1.15	URBAN OPEN SPACE ENLARGEMENT
SK1.16	URBAN OPEN SPACE ENLARGEMENT
SK1.17	URBAN OPEN SPACE ENLARGEMENT
SK1.18	UNIT DIAGRAMS & STREET SECTIONS
ARCH	ARCHITECTURAL ELEVATIONS

CONSULTANTS:

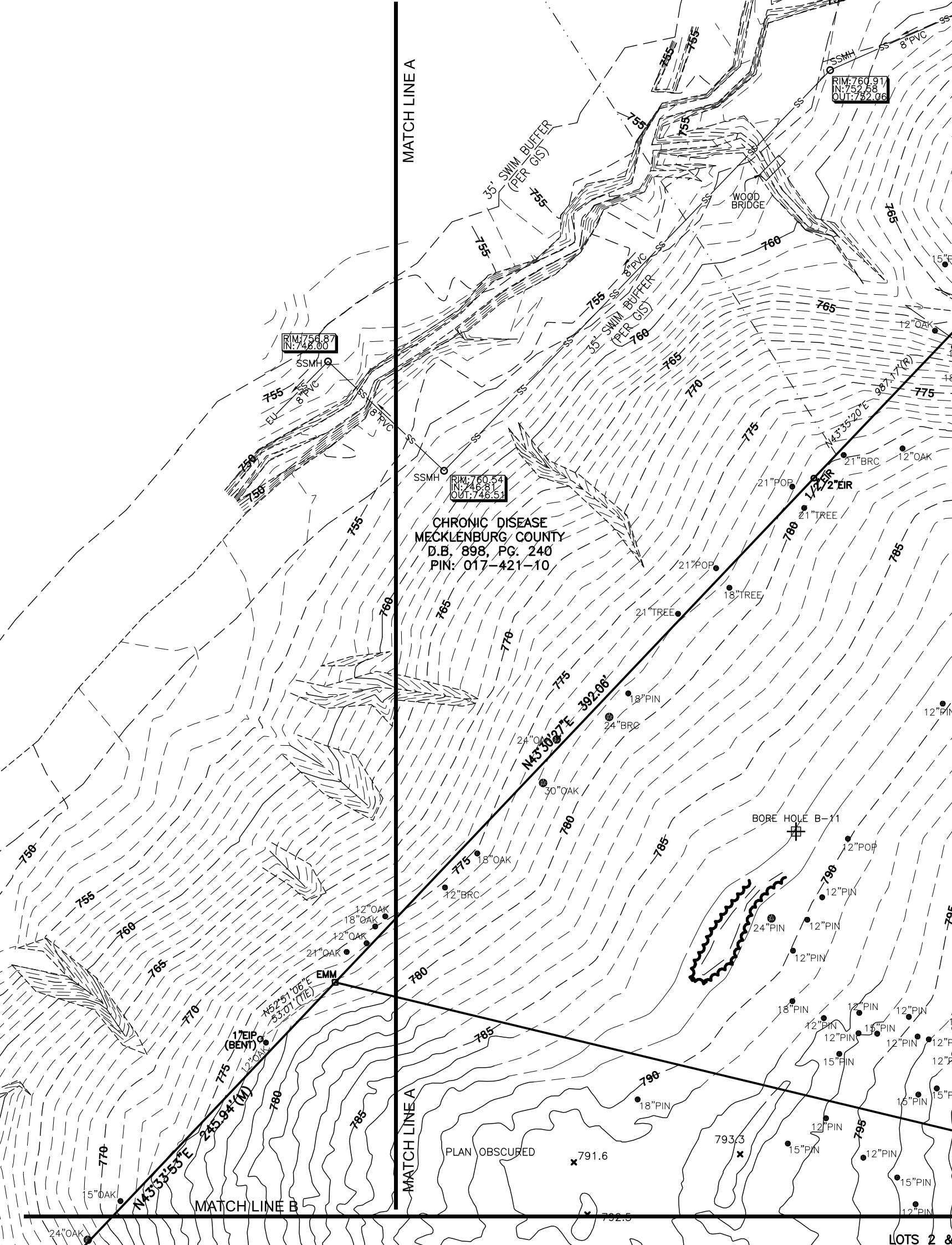
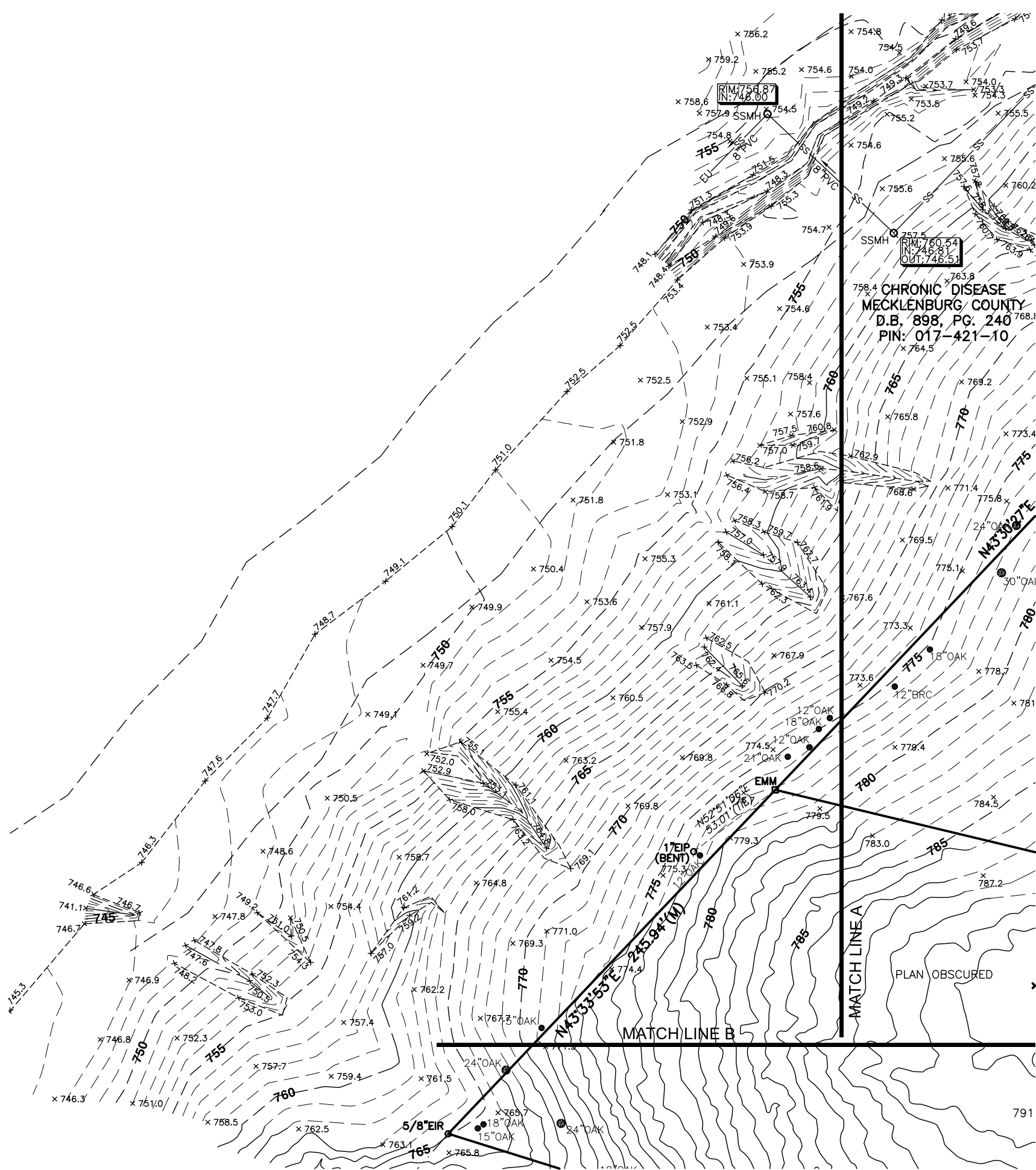
DEVELOPER: MIDDLEBURG COMMUNITIES
1921 GALLOWES RD., #700
VIENNA, VA 22182
703.291.0300

LANDSCAPE ARCH.: DESIGN RESOURCE GROUP, PA
2459 WILKINSON BOULEVARD
SUITE 200
CHARLOTTE, NC 28208
704.343.0608

CIVIL ENGINEER: DESIGN RESOURCE GROUP, PA
2459 WILKINSON BOULEVARD
SUITE 200
CHARLOTTE, NC 28208
704.343.0608

SURVEYOR: McADAMS
3430 TORINGDON WAY
SUITE 110
CHARLOTTE, NC 28277
704.527.0800

ARCHITECT: NARMOUR WRIGHT DESIGN
1815 S. TRYON ST.
SUITE A
CHARLOTTE, NC 28203
704.332.5668



LEGEND:
CGF - COMBINED GRID FACTOR
CMP - CORRUGATED METAL PIPE
D.B. - DEED BOOK
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EUM - EXISTING METAL MONUMENT
EL - END UNKNOWN
PH - FIRE HYDRANT
PG - FLAG POLE
GM - GAS METER
GW - GUY WIRE
ICV - IRRIGATION CONTROL VALVE
LP - LIGHT POLE
MB - MEASUREMENT
MB - MAP BOOK
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
PIN - PARCEL IDENTIFICATION NUMBER
PM - POWER METER
PG - POWER POLE
PG - POLE
RW - RIGHT-OF-WAY
RCP - REINFORCED CONCRETE PIPE
TV - TIE
TBM - TEMPORARY BENCHMARK
TPED - TELEPHONE PEDestal
WV - WATER VALVE

TREE LEGEND:
BCH - BEECH
CED - CEDAR
HIC - HICKORY
LCK - LOCUST
MAP - MAPLE
PIN - PINE
POP - POPLAR
WLC - WILD CHERRY

LINE LEGEND:
EASEMENT
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY (NOT SURVEYED)
RIGHT-OF-WAY (NOT SURVEYED)
FIBER OPTIC LINE
POWER LINE
TIME BANNER CABLE
FENCE

UTILITIES:
POWER
PUKE POWER ENERGY
1-800-777-9898
TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-557-6399
WATER & SEWER
CHAR-MECK. UTILITY DEPT. (CMUD)
(704) 336-2564 WATER
(704) 357-0664 SEWER
GAS
PEDEMONT NATURAL GAS CO.
1-800-752-7304
CABLE TELEVISION
TIME BANNER CABLE
1-800-892-2253

R. B. PHARR & ASSOCIATES JOB NO. 93022
TITLE COMMITMENT FOR TAX PARCELS: 017-361-02 & 017-361-03
CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NO. 21-002638A, EFFECTIVE DATE: MAY 4, 2021 at 08:09 AM
SCHEDULE B - II (EXCEPTIONS)
[1] Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstances affecting the Title disclosed by plat(s) recorded in Book of Maps 25, Page 39 (AS TO PARCELS ONE & TWO); and Book of Maps 51, Page 132 (AS TO PARCEL ONE). (As Shown)
[2] Right of Way Agreement between Sydney Whitener Stancil and Spouse, Robert Lee Stancil and Lake Norman Charter School, recorded July 7, 2006, in Book 2013, Page 519. (AS TO PARCEL ONE) (As Shown)
[3] Easement Agreement to City of Charlotte, recorded February 27, 2007 in Book 21830, Page 980. (AS TO PARCEL ONE) (As Shown)
[4] Affidavit of Correction of Typographical or other Minor, recorded October 31, 2013 in Book 28802, Page 115. (AS TO PARCEL TWO) (Not a survey matter, no platable material)
[5] The reservation of the life estate in favor of Robert Lee Stancil as described in the grantee block in the deed recorded in Book 28802, Page 119. (AS TO PARCEL TWO) (As Shown)
[6] That portion of PARCEL ONE conveyed out by deed recorded in Book 7267, Page 754. (10.4 acres between Railroad C1, and C2, Hwy 115, no longer within subject property)

R. B. PHARR & ASSOCIATES JOB NO. 93022
SCHEDULE A PROPERTY DESCRIPTION:
The Land is described as follows:
Lying and being situate in Mecklenburg County, NC, and being more particularly described as follows:
PARCEL ONE:
BEING all of that certain tract designated as Lot 1 consisting of 24.2901 acres as shown on Boundary survey and Division of the Property of LOSS CLARY WHITENER ESTATE recorded in Map to which map reference is hereby made for a more particular description, LESS the 1.2441 acre tract of Robert L. Stancil and wife, Sydney B. Stancil, described in deed recorded in Book 2873 on page 49 of said Registry and as shown on said recorded map; and
TOGETHER with all Grantor's right, title and interest in and to that certain 0.6216 acre tract lying between the eastern line of the aforescribed Lot 1 and the center line of the railroad tracks as shown on the aforesaid map.
PARCEL TWO:
BEGINNING at a new iron which is located N. 78°-50' W. 675.6 feet from the northeast corner of the property of Daniel C. Whitener and wife, Linda Lee Whitener, as shown in Book 2790 at Page 435, run thence N. 61°-57' W. 273.0 feet to an iron; thence S. 13°-13' W. 130.0 feet to an iron; thence S. 81°-57' E. 373.0 feet to an iron; thence N. 13°-13' E. 130.0 feet to the point and place of beginning, and being part of the property conveyed to the parties of the first part by deed of Henry E. Whitener, which is dated September 9, 1966 and recorded in Book 2790 at page 357 of the Mecklenburg Public Registry; See also deed recorded in Book 862 at page 235 of the Mecklenburg Public Registry; and
EASEMENT PARCEL:
TOGETHER WITH all real estate interests in that certain easement and right-of-way, thirty (30) feet in width, for the purposes of ingress, egress, which said easement runs in a meandering course from the northeastern corner of property hereinafter described to Old Statesville Road (N.C. Highway 9115) at the point marked by the southern boundary line of the property of Daniel C. Whitener.

NOTES:
1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
5. ELEVATIONS BASED ON N.G.S. MONUMENT "M 022" ELEVATION = 819.40 FEET NAVD 88.
6. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
7. OLD STATESVILLE ROAD IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-NORTH METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 36' FROM CENTERLINE.
8. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERGROUND CERTIFIED ONLY TO THE RIGHT-OF-WAY SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT-OF-WAY WIDTH OF ANY ADJACENT PROPERTIES.
9. AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF CEMETERIES OR BURIAL GROUNDS.
10. THE INSURED LEGAL DESCRIPTION IN TITLE COMMITMENT IS THE SAME PROPERTY AS SHOWN ON THIS SURVEY.
11. THE PURPOSE OF THIS SURVEY IS TO DEPICT BOTH PROPERTIES SURVEYED BY R. B. PHARR & ASSOCIATES, P.A. ON ONE SURVEY SINCE BOTH SITES ARE ADJACENT TO ONE ANOTHER. THE NORTHERLY PARCELS WERE SURVEYED JULY 30, 2021 (JOB NO. 93022) AND THE SOUTHERLY PARCEL WAS SURVEYED DECEMBER 1, 2021 (JOB NO. 93533).

Huntersville Parcels
GPI Job No. 2021854.00

This map was produced by photogrammetric methods from LIDAR data and aerial photography in accordance with National Map Accuracy Standards for 1"=50' scale mapping with 1' contours as published by the USGS. Planimetric features that lie in areas delineated as "VISUALLY OBSCURED" may not adhere to National Map Accuracy Standards. Unless expressly noted otherwise, lidar generated topographic features are not mitigated in the VISUALLY OBSCURED areas.

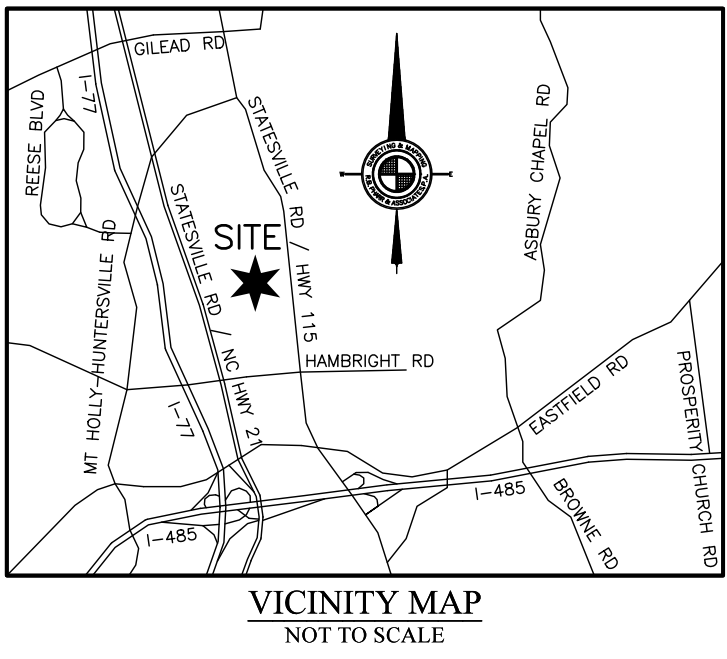
Ninety-five (95) percent of all contours on clear unobscured ground will be correct to within one-half (1/2) of the contour interval. The remaining five (5) percent will not exceed error of more than the contour interval. Dashed-line contours shall have an accuracy with respect to true elevation of one contour interval or one-fourth (1/4) the average height of the ground cover, whichever is greater.

Ninety (90) percent of all spot elevations on clear unobscured ground will be correct to within twenty-five (25) percent of the specified contour interval, and none will be in error by more than fifty (50) percent of that contour interval.

Ninety-five (95) percent of all visible planimetric features shall be within one-fortieth (1/40) of an inch, at map scale, of their correct coordinate positions. No such well defined features shall be in error by more than one-twentieth (1/20) of an inch.

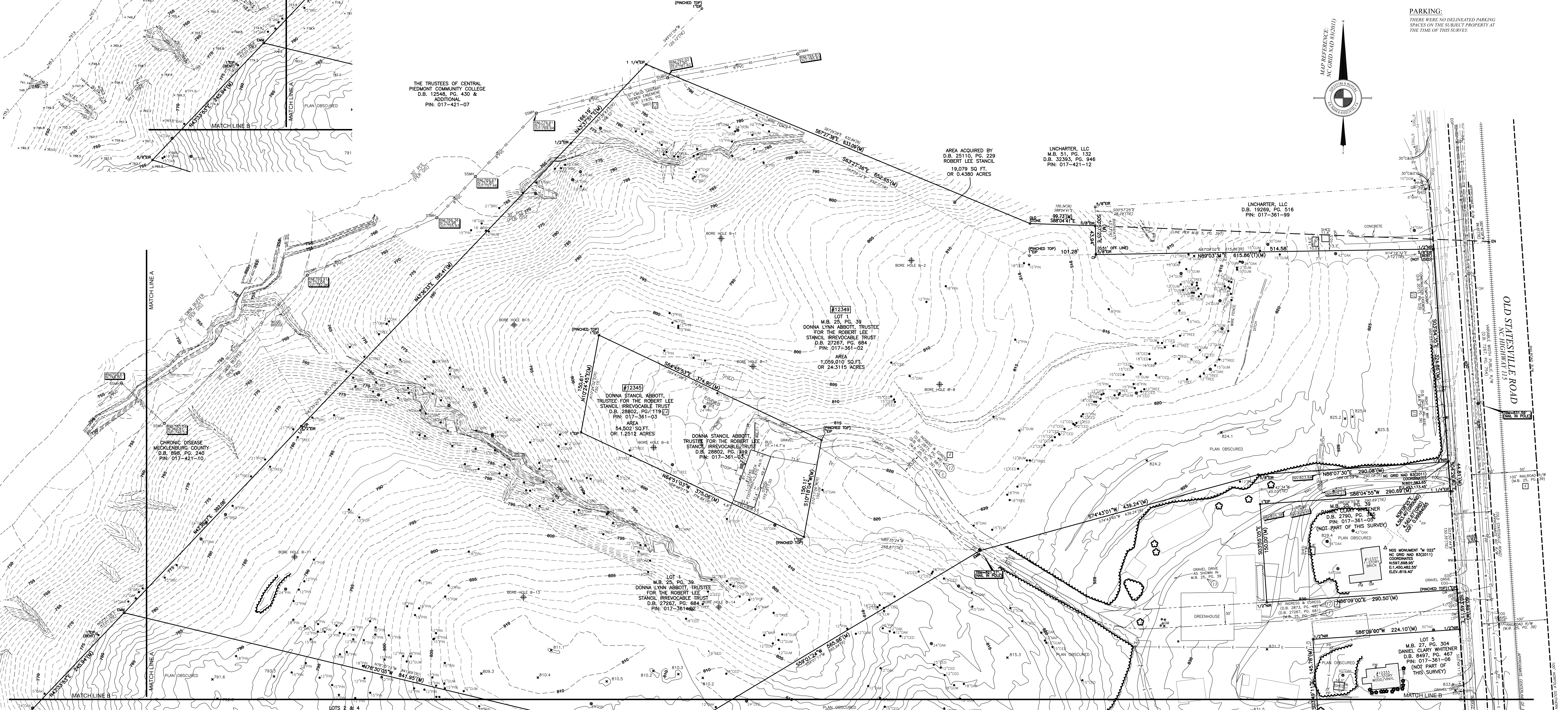
Scale: 1" = 50'
0' 25' 50'

Contour Interval: 1 Foot
Date of LIDAR Acquisition: November 2, 2021
Date of Photography: November 2, 2021



ZONING:
SUBJECT PROPERTY ZONED: NR (NEIGHBORHOOD RESIDENTIAL)
NOTE: NO ZONING REPORT HAS BEEN PROVIDED TO THE SURVEYOR. PURSUANT TO ALTA TABLE A ITEM 6, OWNER / DEVELOPER TO VERIFY ZONING REQUIREMENTS PRIOR TO FURTHER DEVELOPMENT OF SITE.
FOR FURTHER INFORMATION CONTACT THE TOWN OF HUNTERVILLE PLANNING DEPARTMENT AT 704-875-7000.

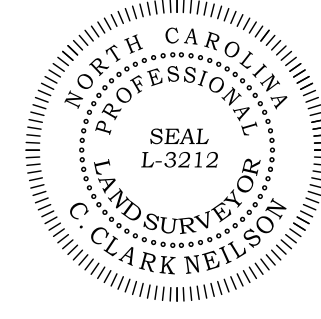
PARKING:
THERE WERE NO DELINEATED PARKING SPACES ON THE SUBJECT PROPERTY AT THE TIME OF THIS SURVEY.



GPS CERTIFICATION:
I, C. CLARK NELSON, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: ALTA/NSPS
(2) POSITIONAL ACCURACY: HORIZONTAL N=0.00625', E=0.00375'; VERTICAL=0.00905'
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC; ONLINE POSITION USER SERVICE (NTRIP)
(4) DATES OF SURVEY: 5/24/2021
(5) DATUM/EPOCH: NAD 83(2011), NAVD 88 LOCALIZATION=120, ZONE: NC 3200
(6) PUBLISHED FIXED CONTROL USE: NGS MONUMENT "M 022"
(7) GEOID MODEL: GEOID10/CONUS
(8) COMBINED GRID FACTORS: 0.9994685
(9) UNITS: US SURVEY FEET

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED NOVEMBER 15, 2018.
MAP NUMBER: 3710465000K; ZONE X

THIS IS TO CERTIFY THAT ON THE 1st DAY OF DECEMBER, 2021, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1600 (C) WAC 36, AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER. A PERIMETER OF 70,300 SQUARE FEET, THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.
SIGNED: C. Clark Nelson
DATE: 1/25/2022



ALTA/NSPS CERTIFICATION:
I, C. CLARK NELSON, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: ALTA/NSPS
(2) POSITIONAL ACCURACY: HORIZONTAL N=0.00625', E=0.00375'; VERTICAL=0.00905'
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC; ONLINE POSITION USER SERVICE (NTRIP)
(4) DATES OF SURVEY: 5/24/2021
(5) DATUM/EPOCH: NAD 83(2011), NAVD 88 LOCALIZATION=120, ZONE: NC 3200
(6) PUBLISHED FIXED CONTROL USE: NGS MONUMENT "M 022"
(7) GEOID MODEL: GEOID10/CONUS
(8) COMBINED GRID FACTORS: 0.9994685
(9) UNITS: US SURVEY FEET

SHEET 1 OF 2
NOTE: NOT A VALID SURVEY WITHOUT BOTH SHEETS.
(AREA FOR JOB NO. 93022)
LOT 1 = 1,059,010 SQ. FT. OR 24.3115 ACRES
AREA ACQUIRED BY D.B. 25110, PG. 229 = 19,079 SQ. FT. OR 0.4380 ACRES
LOT 2 = 34,302 SQ. FT. OR 1.2512 ACRES
TOTAL = 1,132,591 SQ. FT. OR 26.0007 ACRES

REVISIONS				ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:			
1/25/2022; ADDITIONAL TOPOGRAPHY ADDED				MIDDLEBURG REAL ESTATE PARTNERS, LLC			
				12335, 12345, & 12349 OLD STATESVILLE ROAD TOWN OF HUNTERVILLE, MECKLENBURG COUNTY, NC			
				DEED REF.: 6983-162, 27267-684, 28802-119, & 25110-229			
				TAX PARCEL #S: 017-361-04A, 017-361-02, & 017-361-03			
				R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING			
				969 E. 7TH ST., #100 CHARLOTTE, NC 28208 TEL: (704) 376-2186			
DRAWN: BJR/JM	BM	REVIEWED:		SCALE: 1" = 60'	DATE: JAN. 5, 2022	JOB NO.	93022/93533

3. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
4. ALL CORNERS MONUMENTED AS SHOWN.
5. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
6. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITIES LOCATIONS AS SHOWN HEREIN ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, DEPTH, OR SIZE OF TIE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
7. ELEVATIONS BASED ON N.G.S. MONUMENT "M 027": ELEVATION = 819.40 FEET. NAD 83
8. BROWN LINES INDICATE PROPERTY LINES NOT SURVEYED.
9. OLD STATEVILLE ROAD IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MCKENNA-PUGH VILLAGE METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE.
10. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREIN IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDENSED CERTITIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
11. AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF CEMETERIES OR BURIAL GROUNDS.
12. THE INSURED LEGAL DESCRIPTION IN TITLE COMMITMENT IS THE SAME PROPERTY AS SHOWN ON THE SURVEY.

MAP REFERENCE:
NC GRID NAD 83 (2011)

SCHEDULE B - II (EXCEPTIONS)

SCHEDULE B - II (EXCEPTIONS,

3. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Map Book 25, page 39 and Map Book 27, page 304.
(AS SHOWN HEREON)

(10) Title to that portion of the Land containing 0.2878 conveyed to Arnold Wilson Johnson by Non-Warranty Deed in Book 7267, page 756-757.
(CONTAINS NO PLOTTABLE MATTERS)

11. Title to that portion of the Land shown as "Overlap of adjoining Deeds" on plat recorded in May Book 25, page 39.

(12) Thirty-foot (30') Right-of-Way to Robert L. Stancil and wife, Sydney W. Stancil, as described in Deed Book 2873, page 49, and as shown on plat recorded in Map Book 25, page 39, as affected by the Partition Deed recorded in Book 6983, pages 162-164, and rights of others in and to the use thereof.

13. Existing gravel driveway running from NC HWY 115 in a general westerly direction as shown on plan recorded in Map Book 25, page 39, and rights of others in and to the use thereof.
(AS SHOWN HEREON)

(14) Two Thirty-foot (30') Access Easements running along a portion of the southern boundary of the Land, and rights of others in and to the use thereof, as shown on plats recorded in Map Book 27, page 304; and Map Book 25, page 39.

15. Right of Way Agreement between Daniel C. Whitener and wife, Linda L. Whitener, and Lake Norman Charter School recorded in Book 20713, page 504-508
(NO LONGER AFFECTS NC H/S R/W GUARANTEES THIS USE FOR AL PUBLIC USE)

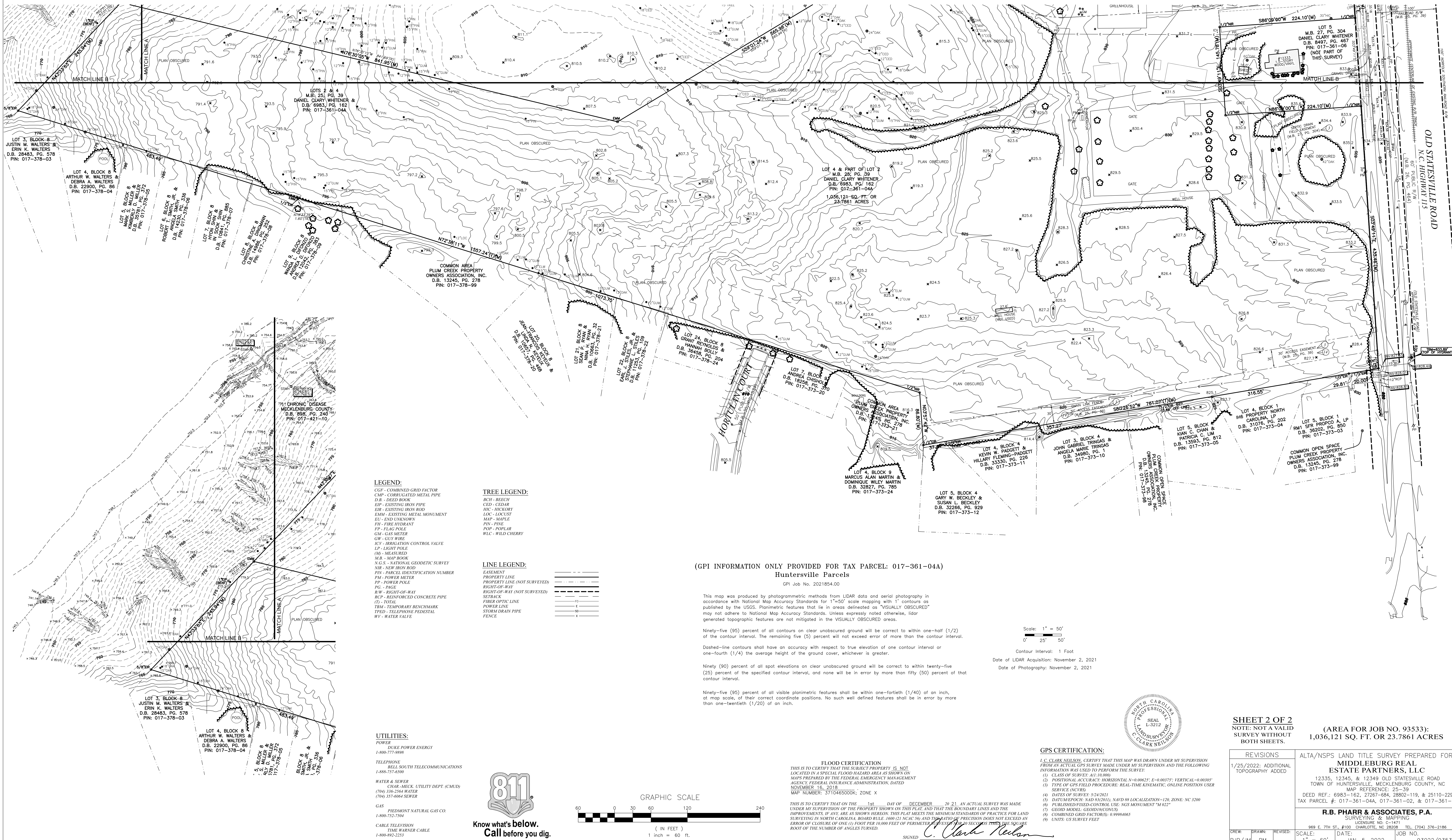
SCHEDULE A PROPERTY DESCRIPTION:

The Land is described as follows

Lying and being situate in Mecklenburg County, NC, and being more particularly described as follows:

TRACT 1:
BEING all of Lot 2 containing 23.3246 acres, more or less, as shown on survey recorded in Book of Maps 25, page 39, Mecklenburg County Registry.

TRACT 2:
BEING all of those two parcels containing 0.129 acres, and containing 2.228 acres, as shown on plat recorded in Book of Maps 27, page 304, Mecklenburg County Registry.



SITE DATA

TAX MAP NO:
STREET ADDRESS:
CURRENT ZONING:
SITE AREA:
NET SITE AREA:
D.U.A.:
ALLOWABLE D.U.A.:
EXISTING USE:
PROPOSED USE:
PROPOSED UNITS:
NUMBER OF LOTS CREATED:
PARKING REQUIRED:
PARKING PROVIDED:
BUILDING TYPE:
BUILDING HEIGHT:
SETBACKS:
FRONT:
BUILD TO RANGE:
MIN. BUILDING SEPARATION:
CORNER:
REAR:
SIDE:
REFERENCE SK1.18 FOR TYPICAL UNIT DIAGRAMS.
URBAN OPEN SPACE:
ESTIMATE TIMELINE:

01736102
12349 OLD STATESVILLE ROAD
NEIGHBORHOOD RESIDENTIAL (NR)
±43.91 ACRES (1,912,611 SF)
35.67 ACRES (1,553,588 SF)
6.15
N/A
FOREST-COMMERCIAL PRODUCTION
SINGLE-FAMILY RESIDENTIAL &
MULTI-FAMILY RESIDENTIAL
265 UNITS
187 SINGLE FAMILY AND 78 TOWNHOUSES
(% OF ATTACHED UNITS= 29.4%; NOT MORE
THAN 30% ATTACHED ALLOWED)
±3,200 SF CULHOUSE FOR RESIDENTIAL USE
1 LOT
383 (30 1 BEDROOM UNITS & 235 UNITS
WITH MORE THAN 1 BEDROOM)
(1 BEDROOM DWELLING UNIT: 1 SPACE)
(DWELLING UNITS WITH MORE THAN 1
BEDROOM: 1.5 SPACES)
401 STANDARD SPACES
172 ON-STREET SPACES
94 GARAGE SPACES
667 SPACES (2.52 SPACES PER UNIT)
SEE SHEET SK1.02 FOR POD PARKING
BREAKDOWN
ATTACHED HOMES AND DETACHED HOMES
(FOR RENT)
30' FOR DETACHED HOUSES
10'
5'-15'
10'
N/A
N/A
N/A
PER ORDINANCE REQUIREMENTS. SEE SHEETS
SK1.14 THROUGH SK1.17 FOR MORE DETAILS
2024

NOTE:

WHERE BUILDINGS HAVE BEEN HIGHLIGHTED IN RED, SPECIAL
TREATMENT FOR THESE FRONTAGE ELEVATIONS WILL BE PROVIDED
INCLUDING ADDITIONAL WINDOWS/ DETAILING TO MINIMIZE BLANK
WALL CONDITIONS. REFER TO ARCHITECTURAL ELEVATIONS FOR
MORE INFORMATION.*
*ALL B1, B3, AND C1 UNITS CONFORM TO BUILDING ORDINANCE
REQUIREMENTS. REFER TO ARCHITECTURAL ELEVATIONS FOR MORE
INFORMATION.

THE TRUSTEES OF CENTRAL
PIEDMONT COMMUNITY COLLEGE
D.B. 12545, PG. 430 &
ADDITIONAL
PIN: 017-431-07
ZONING: C1
USE: COLLEGE - PUBLIC

POTENTIAL FUTURE TRAIL CONNECTION
(ACCESS EASEMENT TO BE PROVIDED FOR
FUTURE CONSTRUCTION BY OTHERS)

URBAN OPEN SPACE: THE
LOOKOUT LOOP. SEE SHEET
SK1.17 FOR MORE DETAILS

BUILDING FRONTAGE, (TYP.)

6" ASPHALT PATH (NOT INCLUDED
AS URBAN OPEN SPACE)

20' SCM ACCESS
EASEMENT

POTENTIAL FUTURE TRAIL CONNECTION
(ACCESS EASEMENT
TO BE PROVIDED FOR FUTURE
CONSTRUCTION BY OTHERS)

20' SCM ACCESS
EASEMENT

TYPE II-MODIFIED DRIVEWAY DETAIL
WITH WIDE PLANTING STRIP AND
STANDARD CURB, (TYP.)

TOWNHOUSE UNIT B, (TYP.)
SEE ARCHITECTURAL ELEVATIONS

POTENTIAL FUTURE TRAIL CONNECTION
(ACCESS EASEMENT TO BE PROVIDED FOR
FUTURE CONSTRUCTION BY OTHERS)

URBAN OPEN SPACE: THE POND
WALK TERMINUS. SEE SHEET
SK1.16 FOR MORE DETAILS

LOT 3, BLOCK 8
JUSTIN M. WALTERS &
ERIN K. WALTERS
D.B. 28483, PG. 578
PIN: 017-378-03

LOT 4, BLOCK 8
ARTHUR W. WALTERS &
DEBRA A. WALTERS
D.B. 22200, PG. 86
PIN: 017-378-04

LOT 5, BLOCK 8
AMBER S. WALTERS &
ANDREW S. WALTERS
D.B. 17814, PG. 102
PIN: 017-378-05

LOT 6, BLOCK 8
ROBERT J. WALTERS &
JENNIFER L. WALTERS
D.B. 17815, PG. 103
PIN: 017-378-06

LOT 7, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17816, PG. 104
PIN: 017-378-07

LOT 8, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17817, PG. 105
PIN: 017-378-08

LOT 9, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17818, PG. 106
PIN: 017-378-09

LOT 10, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17819, PG. 107
PIN: 017-378-10

LOT 11, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17820, PG. 108
PIN: 017-378-11

LOT 12, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17821, PG. 109
PIN: 017-378-12

LOT 13, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17822, PG. 110
PIN: 017-378-13

LOT 14, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17823, PG. 111
PIN: 017-378-14

LOT 15, BLOCK 8
JAMES S. WALTERS &
JENNIFER L. WALTERS
D.B. 17824, PG. 112
PIN: 017-378-15

COMMON AREA
PLUM CREEK PROPERTY
OWNERS ASSOCIATION, INC.
D.B. 12545, PG. 278
PIN: 017-378-978

COMMON OPEN SPACE (NOT
INCLUDED AS URBAN OPEN SPACE)
B1 UNIT, (TYP.)
SEE ARCHITECTURAL ELEVATIONS
B3 UNIT, (TYP.)
SEE ARCHITECTURAL ELEVATIONS
C1 UNIT WITH (2) INTERNAL PARKING SPACES, (TYP.)
SEE ARCHITECTURAL ELEVATIONS

COMMON OPEN SPACE (NOT
INCLUDED AS URBAN OPEN SPACE)

20' UNDISTURBED BUFFER REQUIRED BY ORDINANCE (TYP.). NOTE: IF ANY
PORTION IF THE BUFFER DOES NOT MEET THE STANDARDS OF A 20' BUFFER
(AS DETERMINED DURING FIELD INSPECTION AT TIME OF CONSTRUCTION) DUE
TO UNHEALTHY OR MISSING VEGETATION, THE DEVELOPER WILL REMOVE ANY
DEAD VEGETATION AND REPLANT THOSE AREAS TO MEET THE MINIMUM
ORDINANCE STANDARDS FOR BUFFERS OF THIS SIZE AND TYPE. SEE TYPICAL
20' REPLANTED BUFFER SECTION ON SHEET SK1.12
30' ADDITIONAL BUFFER PROVIDED ALONG SOUTHERN PROPERTY
BOUNDARY FOR TOTAL OF 50' BUFFER TO INCLUDE A 6' TALL
OPAQUE FENCE AND TO BE PLANTED TO 2 EVERGREEN TREES
AND 4 EVERGREEN SHRUBS PER 1,000 SQUARE FEET. SEE
SHEET SK1.12 FOR MORE INFORMATION.

GENERAL NOTES:

- ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND
SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY,
AND NCDOT, AS APPLICABLE.
- THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF
RECORD.
- ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE
OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR
PERPETUITY.
- ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN
AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN
LANE IMPROVEMENTS (INCLUDING) RIGHT-OF-WAY) AND INTERSECTION WITH
ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MY RESULT.
- LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING
STRIP ALONG ALL STREETS WITH THE EXCEPTION OF RURAL PARKWAYS WHERE
EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. SMALL MATURING
TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
- MAIL DELIVERY TO BE A COMMUNAL STRUCTURE FOR THE ENTIRE PROJECT. TRASH
AND RECYCLING TO BE PROVIDED VIA PRIVATE COLLECTION.

WATERSHED INFORMATION

REGULATED DRINKING WATERSHED: NO
WATERSHED DISTRICT: MOUNTAIN ISLAND PA-2
DENSITY: HIGH DENSITY
PERCENTAGE OF IMPERVIOUS ALLOWED: MAX. 70%
PERCENTAGE OF IMPERVIOUS AREA
SHOWN: 41.1% (792,272 SF)



VICINITY MAP

N.T.S.



FUTURE R/W, (TYP.)
60' DEDICATION

EX. R/W, (TYP.)
EX. ROAD
CENTERLINE, (TYP.)

TOWNHOUSE UNIT F WITH (1) INTERNAL
PARKING SPACE EACH, (TYP.)
SEE ARCHITECTURAL ELEVATIONS

OLD STATESVILLE ROAD
NCDOT ROUTE 158
VIENNA, VA 22182

FUTURE VEHICULAR
CONNECTION

PUBLIC STREET 'A' BUILT TO
NEIGHBORHOOD STREET STANDARDS, (TYP.)
LANE TRANSITIONS AND
INTERNAL PROTECTED STEM PER
TOWN AND NCDOT STANDARDS

M.B. 25, PG. 39
DANIEL CLARY WHITENER &
LINDA WHITENER
D.B. 3780, PG. 345
PIN: 017-361-05

BUILDING FRONTAGE, (TYP.)

MAIL KIOSK
POOL AND CLUB AMENITIES NOT
INCLUDED IN URBAN OPEN SPACE
(SHOWN FOR REFERENCE ONLY)

URBAN OPEN SPACE: THE SERPENTINE COLONNADE.
SEE SHEET SK1.15 FOR MORE DETAILS

URBAN OPEN SPACE: THE ALLE. SEE
SHEET SK1.15 FOR MORE DETAILS

6' OPAQUE FENCE 1' OFF
PROPERTY LINE

20' DISTURBED BUFFER REQUIRED BY
ORDINANCE. PLANTINGS AND FENCE
INCLUDED PER CONTRACTUAL OBLIGATIONS
WITH THE WHITENERS

URBAN OPEN SPACE: THE ALLE. SEE
SHEET SK1.15 FOR MORE DETAILS

6' OPAQUE FENCE 1' OFF
PROPERTY LINE

20' DISTURBED BUFFER REQUIRED BY
ORDINANCE. PLANTINGS AND FENCE
INCLUDED PER CONTRACTUAL OBLIGATIONS
WITH THE WHITENERS

URBAN OPEN SPACE: THE ALLE. SEE
SHEET SK1.15 FOR MORE DETAILS

6' OPAQUE FENCE 1' OFF
PROPERTY LINE

20' DISTURBED BUFFER REQUIRED BY
ORDINANCE. PLANTINGS AND FENCE
INCLUDED PER CONTRACTUAL OBLIGATIONS
WITH THE WHITENERS

URBAN OPEN SPACE: THE ALLE. SEE
SHEET SK1.15 FOR MORE DETAILS

6' OPAQUE FENCE 1' OFF
PROPERTY LINE

20' DISTURBED BUFFER REQUIRED BY
ORDINANCE. PLANTINGS AND FENCE
INCLUDED PER CONTRACTUAL OBLIGATIONS
WITH THE WHITENERS

URBAN OPEN SPACE: THE ALLE. SEE
SHEET SK1.15 FOR MORE DETAILS

6' OPAQUE FENCE 1' OFF
PROPERTY LINE

20' DISTURBED BUFFER REQUIRED BY
ORDINANCE. PLANTINGS AND FENCE
INCLUDED PER CONTRACTUAL OBLIGATIONS
WITH THE WHITENERS

URBAN OPEN SPACE: THE ALLE. SEE
SHEET SK1.15 FOR MORE DETAILS

6' OPAQUE FENCE 1' OFF
PROPERTY LINE

20' DISTURBED BUFFER REQUIRED BY
ORDINANCE. PLANTINGS AND FENCE
INCLUDED PER CONTRACTUAL OBLIGATIONS
WITH THE WHITENERS

URBAN OPEN SPACE: THE ALLE. SEE
SHEET SK1.15 FOR MORE DETAILS

6' OPAQUE FENCE 1' OFF
PROPERTY LINE

20' DISTURBED BUFFER REQUIRED BY
ORDINANCE. PLANTINGS AND FENCE
INCLUDED PER CONTRACTUAL OBLIGATIONS
WITH THE WHITENERS

URBAN OPEN SPACE: THE ALLE. SEE
SHEET SK1.15 FOR MORE DETAILS

6' OPAQUE FENCE 1' OFF
PROPERTY LINE

TRASH & RECYCLING, (TYP.)
DOG PARK (NOT INCLUDED
IN URBAN OPEN SPACE)
MAINTENANCE BUILDING

FUTURE VEHICULAR
CONNECTION

LANE TRANSITIONS AND
INTERNAL PROTECTED STEM PER
TOWN AND NCDOT STANDARDS

FULL ACCESS
DRIVEWAY

LANE TRANSITIONS AND
INTERNAL PROTECTED STEM PER
TOWN AND NCDOT STANDARDS

FULL ACCESS
DRIVEWAY

LANE TRANSITIONS AND
INTERNAL PROTECTED STEM PER
TOWN AND NCDOT STANDARDS

FULL ACCESS
DRIVEWAY

LANE TRANSITIONS AND
INTERNAL PROTECTED STEM PER
TOWN AND NCDOT STANDARDS

FULL ACCESS
DRIVEWAY

LANE TRANSITIONS AND
INTERNAL PROTECTED STEM PER
TOWN AND NCDOT STANDARDS

FULL ACCESS
DRIVEWAY

LANE TRANSITIONS AND
INTERNAL PROTECTED STEM PER
TOWN AND NCDOT STANDARDS

FULL ACCESS
DRIVEWAY

LANE TRANSITIONS AND
INTERNAL PROTECTED STEM PER
TOWN AND NCDOT STANDARDS

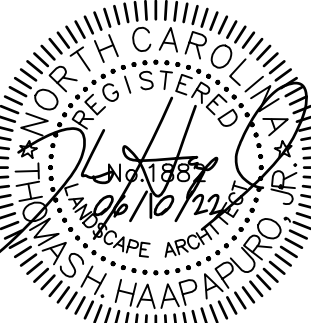
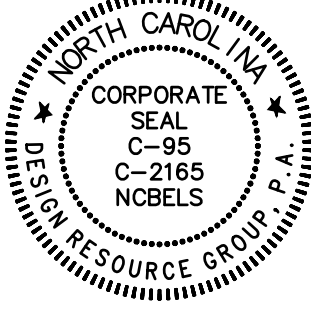
FULL ACCESS
DRIVEWAY

NOTE:
FOR TYPICAL UNIT DIAGRAMS AND STREET
SECTIONS, REFERENCE SHEET SK1.18



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drgpr.com

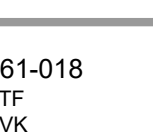


SKETCH PLAN

HAMLET AT
HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA
MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD, STE 700
VIENNA, VA 22182
703.291.0300

SKETCH PLAN

40 0 40 80
SCALE: 1" = 80'



PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

REVISIONS:

SK1.01



O 2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
P 704.343.0608
W www.drgrp.com



SKETCH PLAN

**HAMLET AT
HUNTERSVILLE**
HUNTERSVILLE, NORTH CAROLINA

MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD., STE 700
VIENNA, VA 22182
703.287.10300

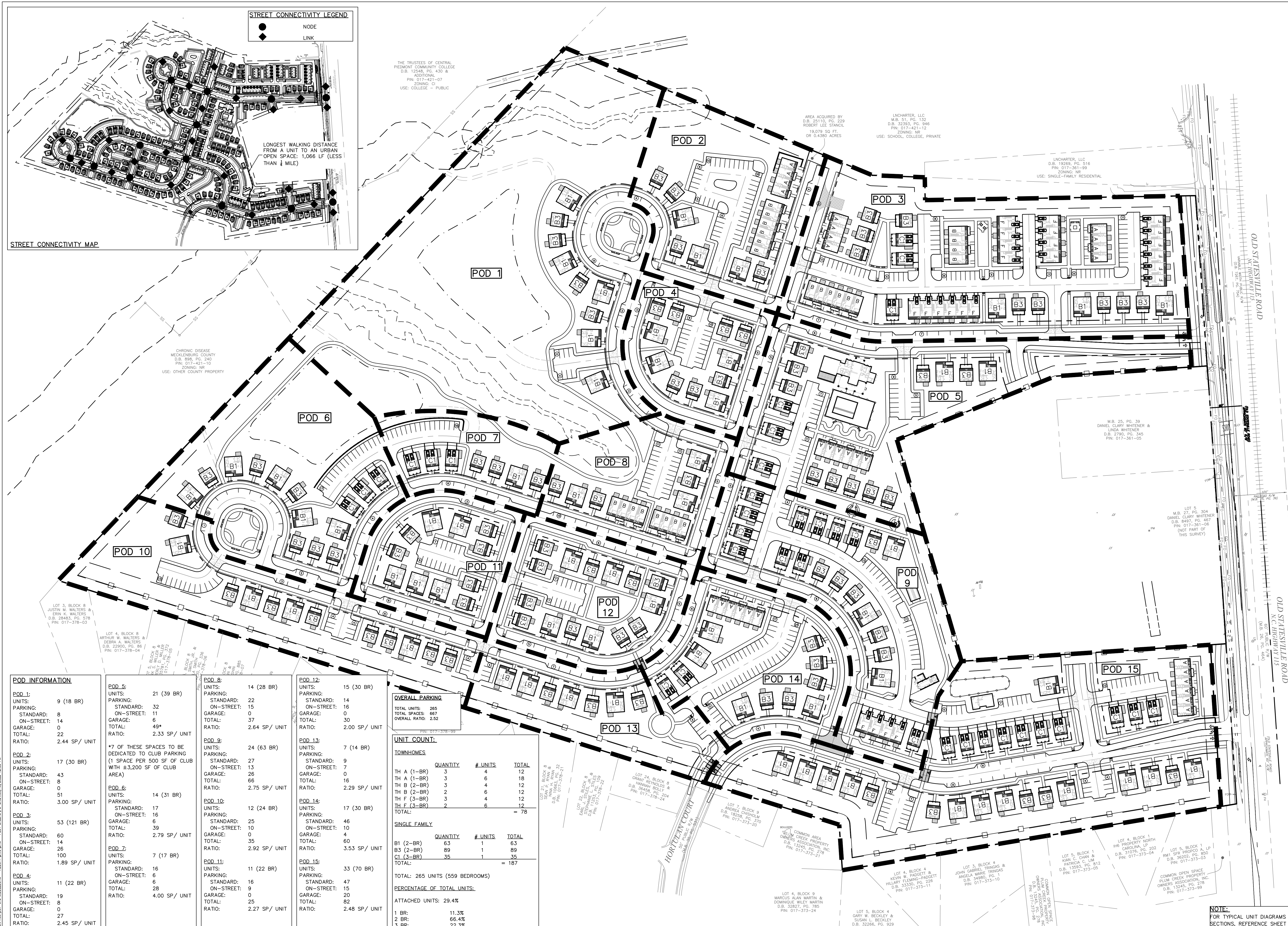
PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

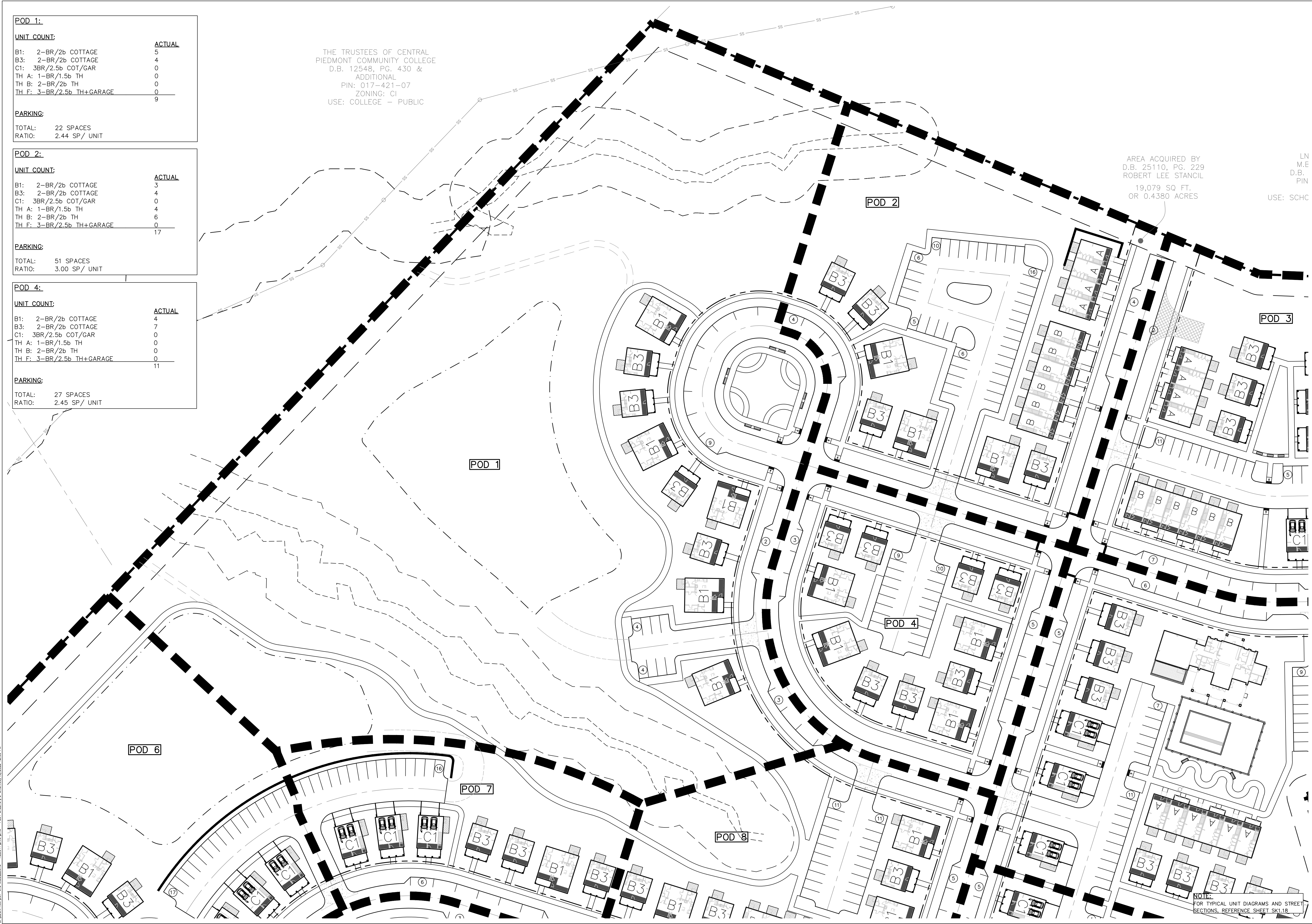
REVISIONS:

NOTE:
FOR TYPICAL UNIT DIAGRAMS AND STREET
SECTIONS, REFERENCE SHEET SK1.18

SK1.02



Copyright © 2022 Design Resource Group, PA This plan or drawing and any accompanying documents or calculations are the property of Design Resource Group, PA; and are intended solely for the use of the recipient noted. No third party use or modification is permitted without written authorization.



POD 1:		
UNIT COUNT:		
B1:	2-BR/2b COTTAGE	ACTUAL
B3:	2-BR/2b COTTAGE	5
C1:	3BR/2.5b COT/GAR	4
TH A:	1-BR/1.5b TH	0
TH B:	2-BR/2b TH	0
TH F:	3-BR/2.5b TH+GARAGE	0
		9
PARKING:		
TOTAL:	22 SPACES	
RATIO:	2.44 SP/ UNIT	

POD 2:		
UNIT COUNT:		
B1:	2-BR/2b COTTAGE	ACTUAL
B3:	2-BR/2b COTTAGE	3
C1:	3BR/2.5b COT/GAR	4
TH A:	1-BR/1.5b TH	0
TH B:	2-BR/2b TH	0
TH F:	3-BR/2.5b TH+GARAGE	0
		17
PARKING:		
TOTAL:	51 SPACES	
RATIO:	3.00 SP/ UNIT	

POD 4:		
UNIT COUNT:		
B1:	2-BR/2b COTTAGE	ACTUAL
B3:	2-BR/2b COTTAGE	4
C1:	3BR/2.5b COT/GAR	7
TH A:	1-BR/1.5b TH	0
TH B:	2-BR/2b TH	0
TH F:	3-BR/2.5b TH+GARAGE	0
		11
PARKING:		
TOTAL:	27 SPACES	
RATIO:	2.45 SP/ UNIT	

POD 6

POD 1

POD 2

POD 3

POD 4

POD 7

POD 8

AREA ACQUIRED BY
D.B. 25110, PG. 229
ROBERT LEE STANCIL
19,079 SQ. FT.
OR 0.4380 ACRES

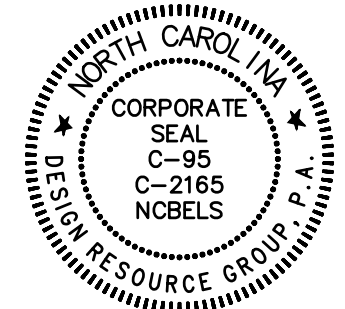
USE: SCHC

LN
M.E
D.B.
PIN



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drgroup.com



SKETCH PLAN

HAMLET AT
HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA
MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD. STE 700
VIENNA, VA 22182
703.291.0300

POD
ENLARGEMENT
PLAN

20 0 20 40
SCALE: 1" = 40'

PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

REVISIONS:

NOTE:
FOR TYPICAL UNIT DIAGRAMS AND STREET
SECTIONS, REFERENCE SHEET SK1.18

SK1.03

AREA ACQUIRED BY
D.B. 25110, PG. 229
ROBERT LEE STANCIL
19,079 SQ. FT.
OR 0.4380 ACRES

LNCHARTER, LLC
M.B. 51, PG. 132
D.B. 32393, PG. 946
PIN: 017-421-12
ZONING: NR
USE: SCHOOL, COLLEGE, PRIVATE

LNCHARTER, LLC
D.B. 19269, PG. 516
PIN: 017-361-99
ZONING: NR
USE: SINGLE-FAMILY RESIDENTIAL

M.B. 25, PG. 39
DANIEL CLARY WHITENER &
LINDA WHITENER
D.B. 2790, PG. 345
PIN: 017-361-05

LOT 5
M.B. 27, PG. 304
DANIEL CLARY WHITENER
D.B. 8497, PG. 467
PIN: 017-361-06
(NOT PART OF
THIS SURVEY)

POD 3:

UNIT COUNT:	ACTUAL
B1: 2-BR/2b COTTAGE	3
B3: 2-BR/2b COTTAGE	9
C1: 3BR/2.5b COT/GAR	3
TH A: 1-BR/1.5b TH	8
TH B: 2-BR/2b TH	10
TH F: 3-BR/2.5b TH+GARAGE	20
	53

PARKING:
TOTAL: 100 SPACES
RATIO: 1.89 SP/ UNIT

POD 5:

UNIT COUNT:	ACTUAL
B1: 2-BR/2b COTTAGE	2
B3: 2-BR/2b COTTAGE	10
C1: 3BR/2.5b COT/GAR	3
TH A: 1-BR/1.5b TH	6
TH B: 2-BR/2b TH	0
TH F: 3-BR/2.5b TH+GARAGE	0
	21

PARKING:
TOTAL: 49 SPACES*
RATIO: 2.33 SP/ UNIT

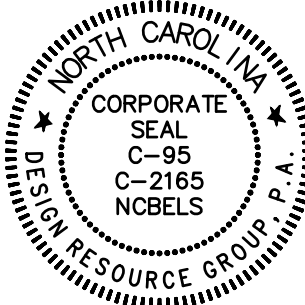
*7 OF THESE SPACES TO BE DEDICATED TO CLUB
PARKING (1 SPACE PER 500 SF OF CLUB WITH A
±3,200 SF OF CLUB AREA)

NOTE:
FOR TYPICAL UNIT DIAGRAMS AND STREET
SECTIONS, REFERENCE SHEET SK1.18



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drggrp.com



SKETCH PLAN

HAMLET AT
HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA
MIDDLEBURG COMMUNITIES
1921 GALLOWS RD, STE 700
VIENNA, VA 22182
703.291.0300

POD
ENLARGEMENT
PLAN

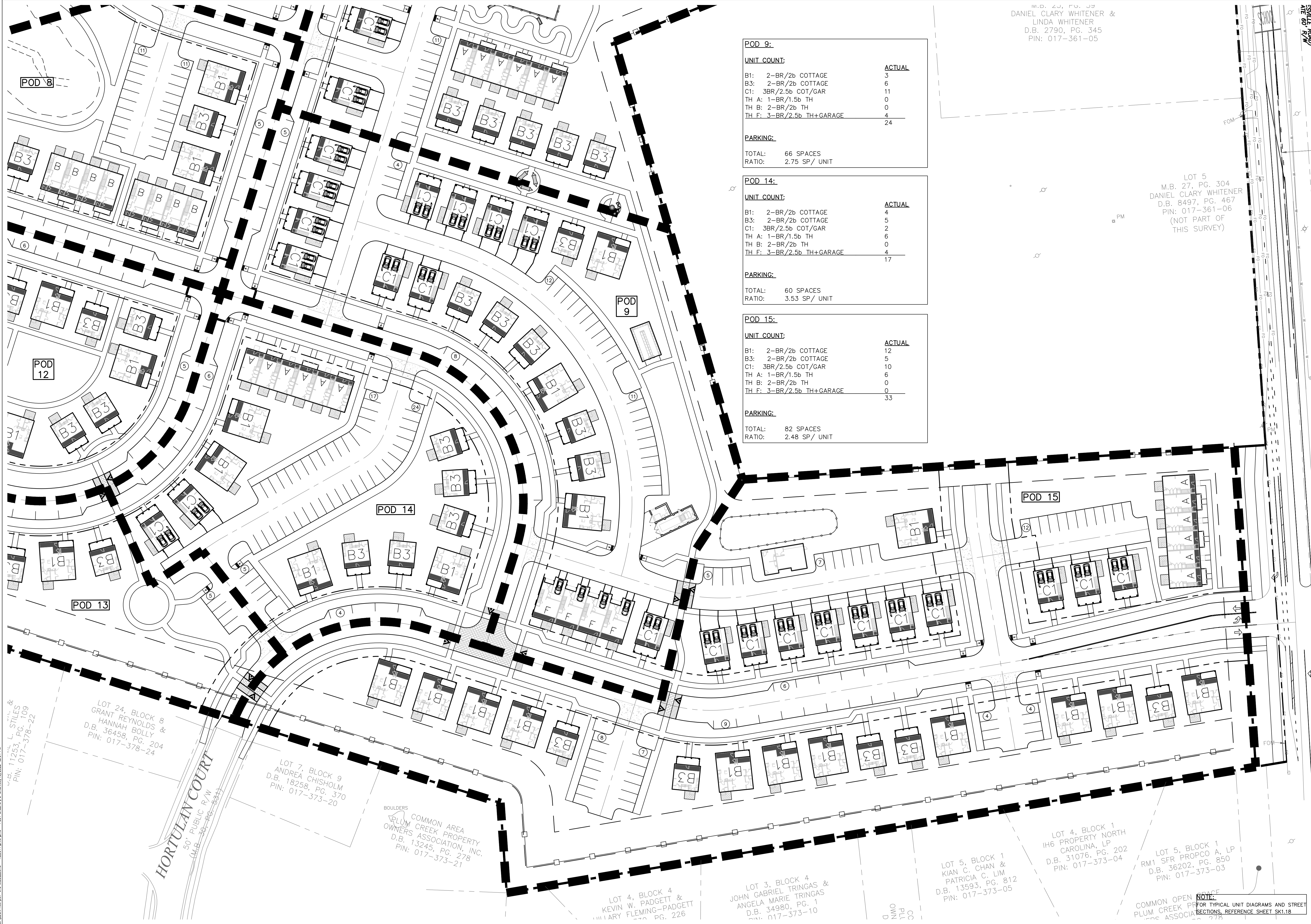
SCALE: 1" = 40'

PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

REVISIONS:

SK1.04



POD 9:

UNIT COUNT:	ACTUAL
B1: 2-BR/2b COTTAGE	3
B3: 2-BR/2b COTTAGE	6
C1: 3BR/2.5b COT/GAR	11
TH A: 1-BR/1.5b TH	0
TH B: 2-BR/2b TH	0
TH F: 3-BR/2.5b TH+GARAGE	4
	24

PARKING:

TOTAL:	66 SPACES
RATIO:	2.75 SP/ UNIT

POD 14:

UNIT COUNT:	ACTUAL
B1: 2-BR/2b COTTAGE	4
B3: 2-BR/2b COTTAGE	5
C1: 3BR/2.5b COT/GAR	2
TH A: 1-BR/1.5b TH	6
TH B: 2-BR/2b TH	0
TH F: 3-BR/2.5b TH+GARAGE	4
	17

PARKING:

TOTAL:	60 SPACES
RATIO:	3.53 SP/ UNIT

POD 15:

UNIT COUNT:	ACTUAL
B1: 2-BR/2b COTTAGE	12
B3: 2-BR/2b COTTAGE	5
C1: 3BR/2.5b COT/GAR	10
TH A: 1-BR/1.5b TH	6
TH B: 2-BR/2b TH	0
TH F: 3-BR/2.5b TH+GARAGE	0
	33

PARKING:

TOTAL:	82 SPACES
RATIO:	2.48 SP/ UNIT

M.D. 20, P.G. 33
DANIEL CLARY WHITENER &
LINDA WHITENER
D.B. 2790, PG. 345
PIN: 017-361-05

LOT 5
M.B. 27, PG. 304
DANIEL CLARY WHITENER
D.B. 8497, PG. 467
PIN: 017-361-06
(NOT PART OF
THIS SURVEY)

LOT 24, BLOCK 8
GRANT REYNOLDS &
HANNAH BOLLY
D.B. 36458, PG. 204
PIN: 017-378-24

LOT 7, BLOCK 9
ANDREA CHISHOLM
D.B. 18258, PG. 370
PIN: 017-373-20

COMMON AREA
PLUM CREEK PROPERTY
OWNERS ASSOCIATION, INC.
D.B. 13245, PG. 278
PIN: 017-373-21

LOT 4, BLOCK 4
KEVIN W. PADGETT &
ANGELA MARIE TRINGAS
D.B. 34980, PG. 1
PIN: 017-373-10

LOT 3, BLOCK 4
JOHN GABRIEL TRINGAS &
ANGELA MARIE TRINGAS
D.B. 34980, PG. 1
PIN: 017-373-10

LOT 5, BLOCK 1
KIAN C. CHAN &
PATRICIA C. LIM
D.B. 13593, PG. 812
PIN: 017-373-05

LOT 4, BLOCK 1
IH6 PROPERTY NORTH
CAROLINA, LP
D.B. 31076, PG. 202
PIN: 017-373-04

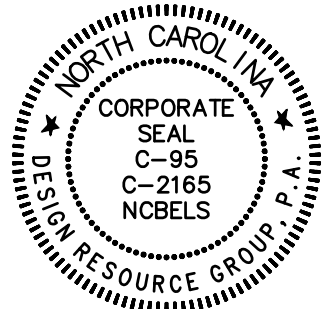
LOT 5, BLOCK 1
RM1 SFR PROPCO A, LP
D.B. 36202, PG. 850
PIN: 017-373-03

COMMON OPEN SPACE
PLUM CREEK PROPERTY
OWNERS ASSOCIATION, INC.
D.B. 13245, PG. 278
PIN: 017-373-21



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drgroup.com



SKETCH PLAN

HAMLET AT
HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA
MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD, STE 700
VIENNA, VA 22182
703.291.0300

POD
ENLARGEMENT
PLAN

SCALE: 1" = 40'

PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

REVISIONS:

SK1.06



O 2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
P 704.343.0608
W www.drgrp.com

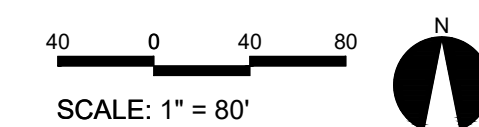


SKETCH PLAN

**HAMLET AT
HUNTERSVILLE**
HUNTERSVILLE, NORTH CAROLINA

MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD., STE 700
VIENNA, VA 22182
703.291.0300

GRADING PLAN

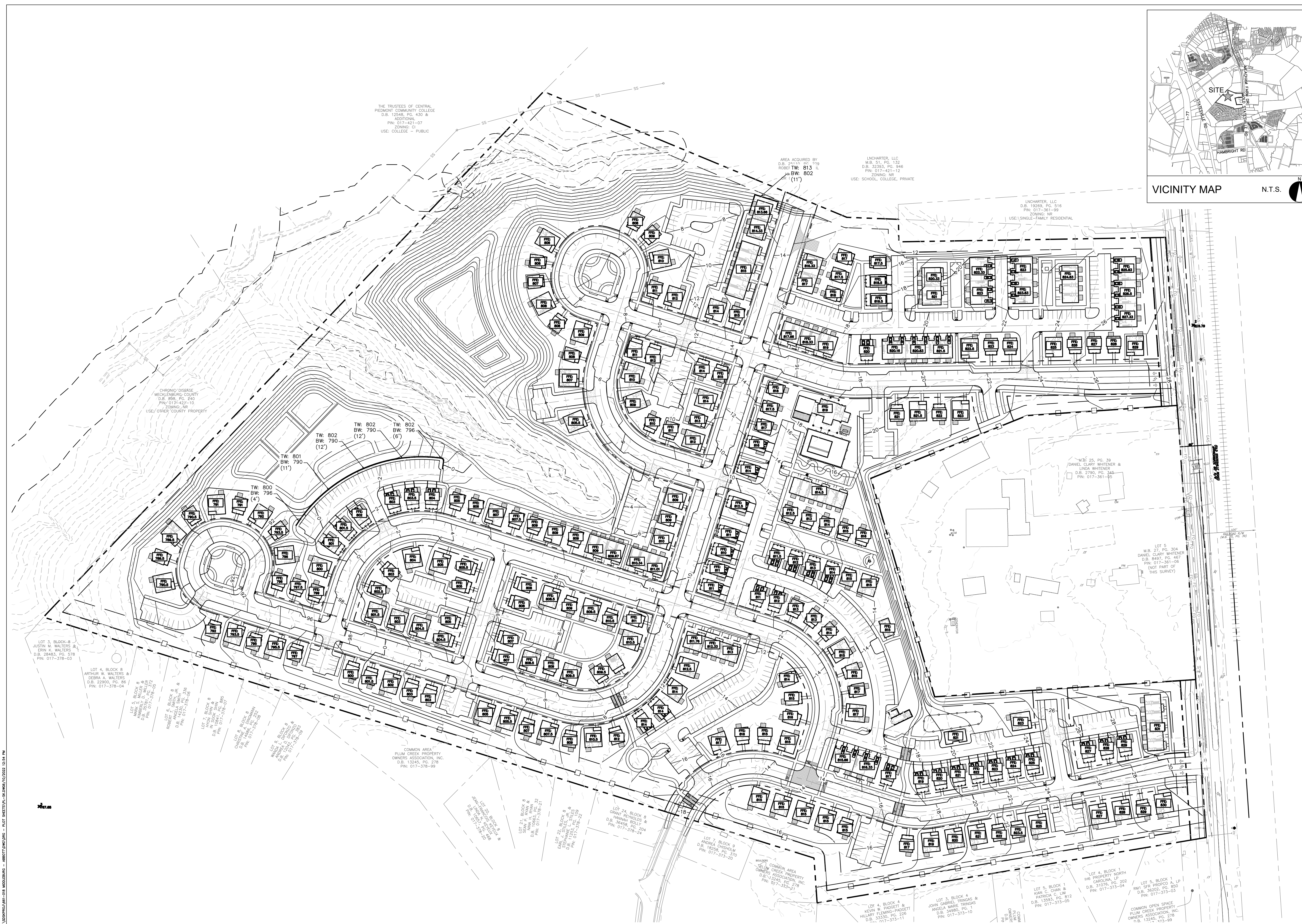
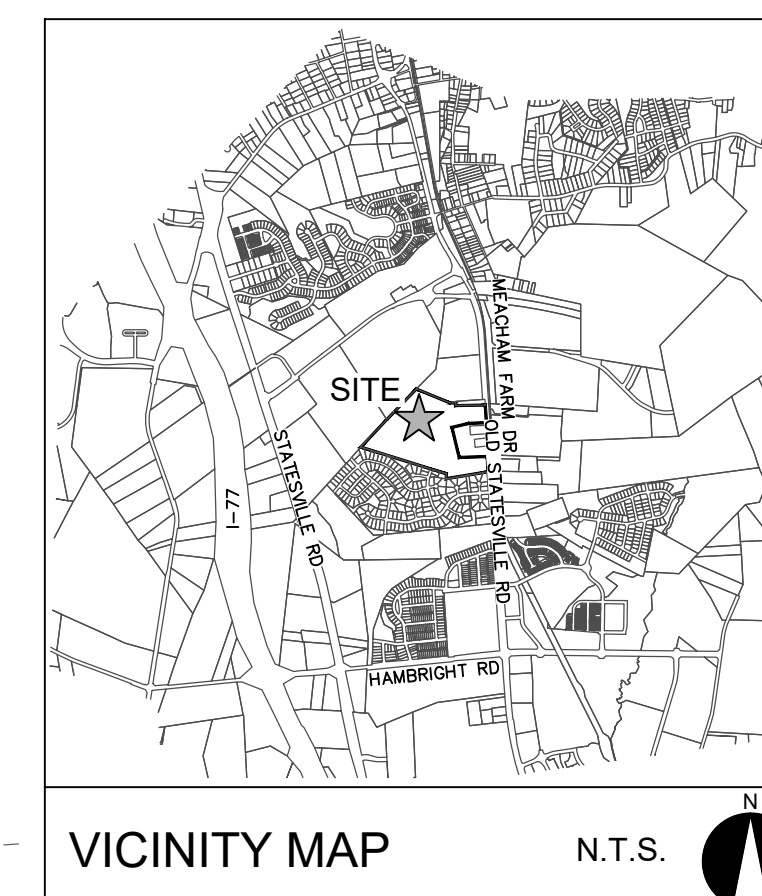


PROJECT #: 661-018
DRAWN BY: LSD
CHECKED BY: SK

JUNE 10, 2022

REVISIONS:

SK1.07



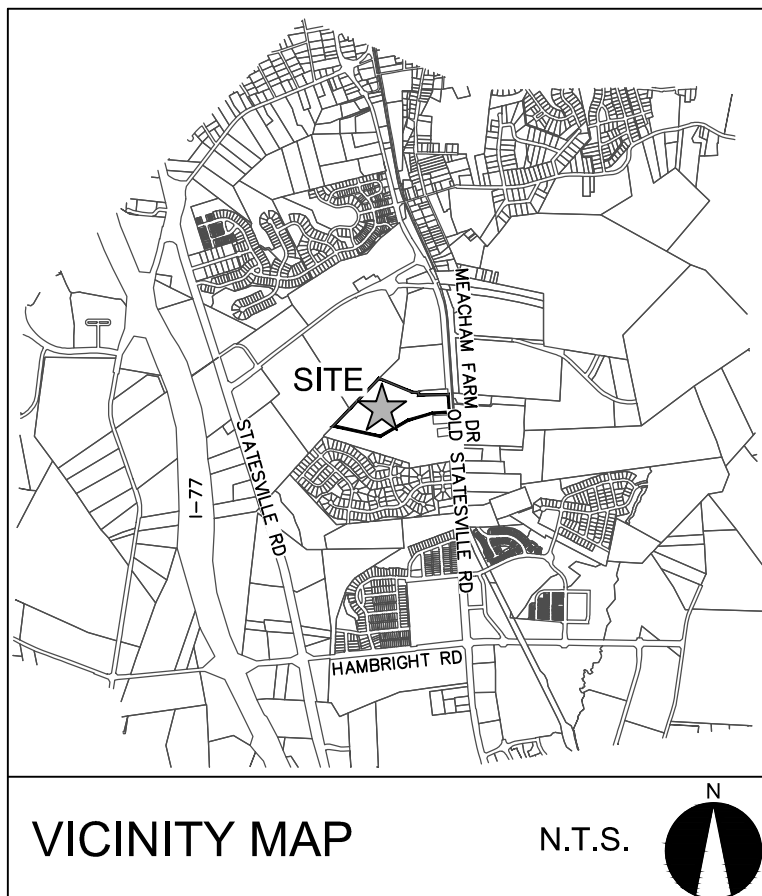
Copyright © 2022 Design Resource Group, PA This plan or drawing and any accompanying documents or calculations are the property of Design Resource Group, PA; and are intended solely for the use of the recipient noted. No third party use or modification is permitted without written authorization.



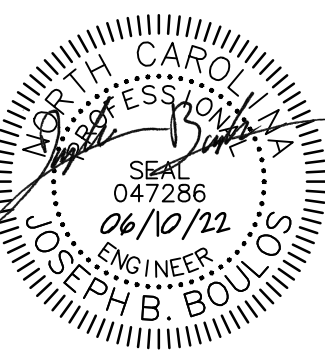
SKETCH PLAN

SK1.08

PRE AND POST DEVELOPMENT SUMMARY CHART				
	NORTH AREA	SOUTH AREA 1	SOUTH AREA 2	SOUTH AREA 3
PRE-DEVELOPMENT			COMBINED	
DRAINAGE AREA (AC)	17.42		15.00	
2-YR STORM EVENT BMP (CFS)	9.90		8.44	
10-YR STORM EVENT BMP (CFS)	22.08		18.92	
	WET POND	SAND FILTER	SAND FILTER	SAND FILTER
POST-DEVELOPMENT				
DRAINAGE AREA (AC)	17.42	5	5	5
PERCENT IMPERVIOUS AREA	60%	60%	60%	60%
2-YR STORM EVENT BMP (CFS)	4.68		8	
PRE VS POST DIFFERENCE (CFS)	-5.22		-0.44	
10-YR STORM EVENT BMP (CFS)	20.54		13.23	
PRE VS POST DIFFERENCE (CFS)	-1.54		-5.69	
WQ VOLUME REQUIRED (CF)	37,244	10,709	10,709	10,709
WQ VOLUME PROVIDED (CF)	37,244	10,709	10,709	10,709
CP _p VOLUME REQUIRED (CF)	96,921	26,857	26,857	26,857
CP _p VOLUME PROVIDED (CF)	96,921	26,857	26,857	26,857



A circular logo with a dotted border. The text "NORTH CAROLINA" is arched across the top. The text "CORPORATE SEAL" is in the center, followed by "C-95", "C-2165", and "NCBELS" on separate lines. The text "DESIGN RESOURCE GROUP P.A." is arched across the bottom. Two small stars are positioned on the left and right sides of the circle.



**HAMLET AT
HUNTERSVILLE**
HUNTERSVILLE, NORTH CAROLINA

MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD., STE 700
VIENNA, VA 22182
703.291.0300

REVISIONS:

\\SOSKPROJ\661-018 MIDDLEBURG - ABBOTT\DWG\DRG - PLOT SHEETS\PL-SE.DWG/10/2022 12:54 PM



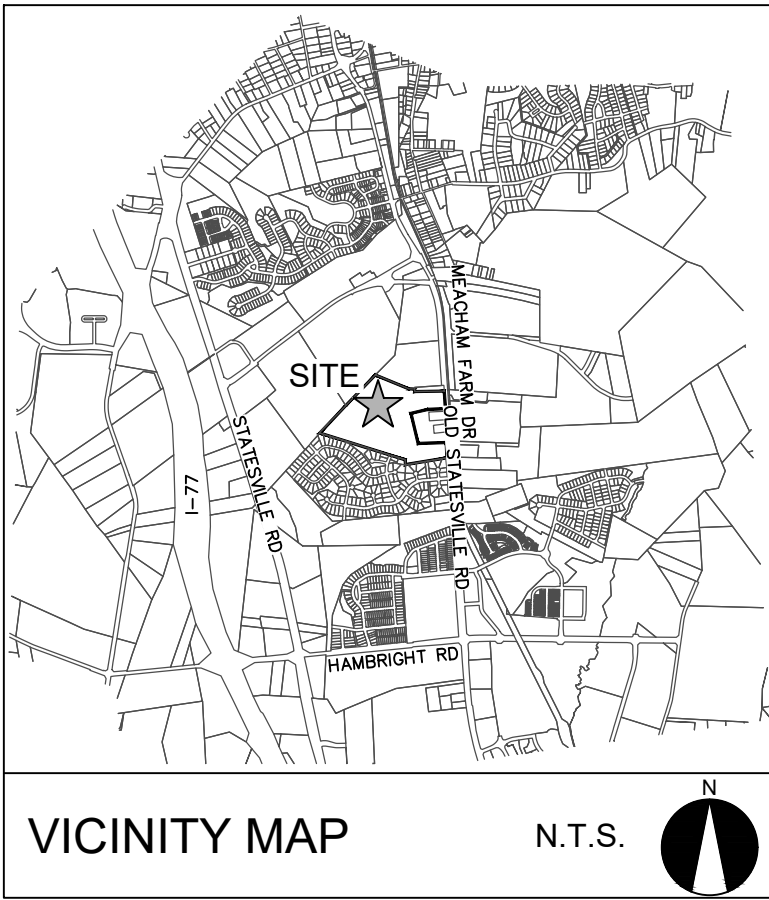
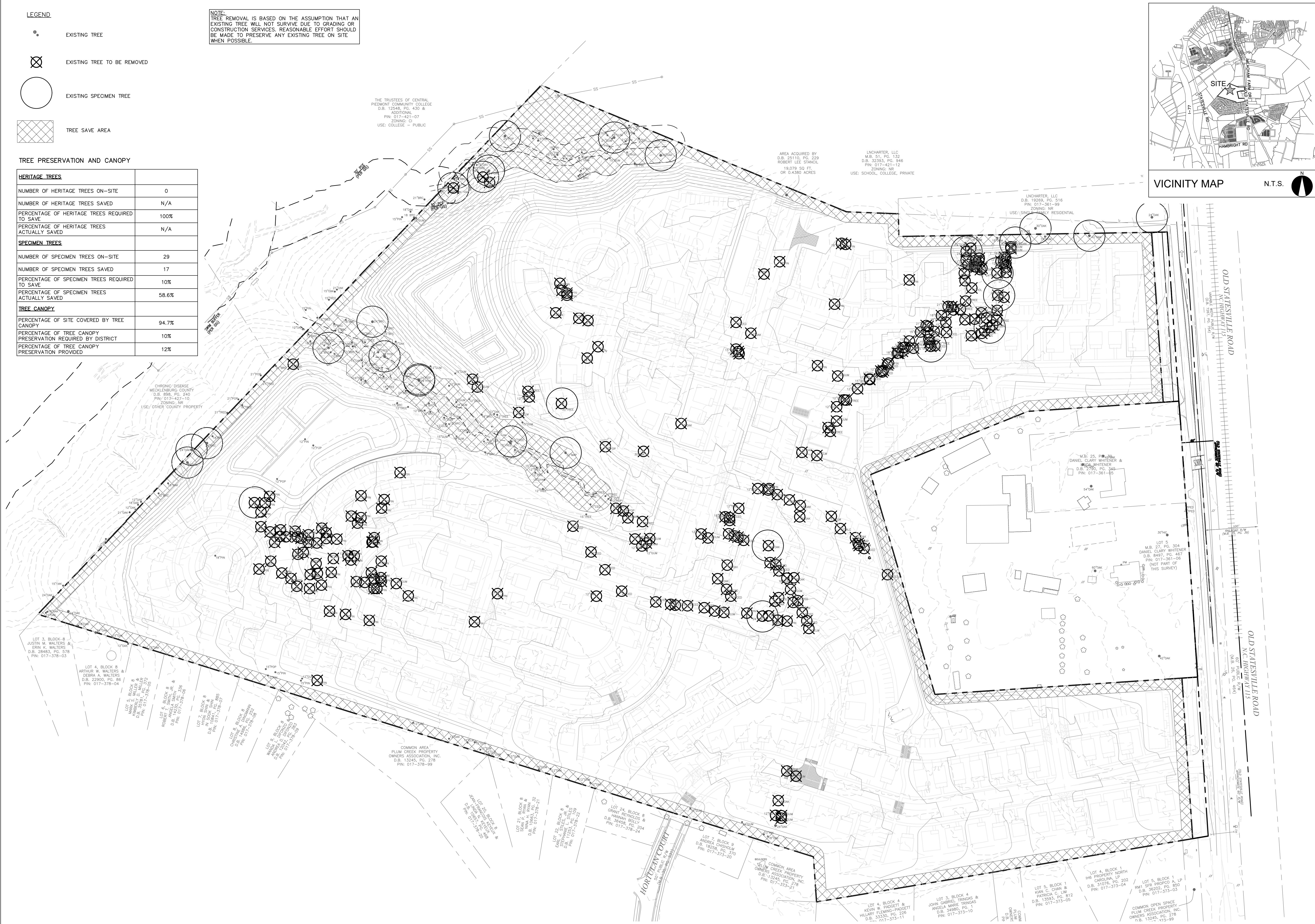
LEGEND

- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- EXISTING SPECIMEN TREE
- TREE SAVE AREA

NOTE:
TREE REMOVAL IS BASED ON THE ASSUMPTION THAT AN EXISTING TREE WILL NOT SURVIVE DUE TO GRADING OR CONSTRUCTION SERVICES. REASONABLE EFFORT SHOULD BE MADE TO PRESERVE ANY EXISTING TREE ON SITE WHEN POSSIBLE.

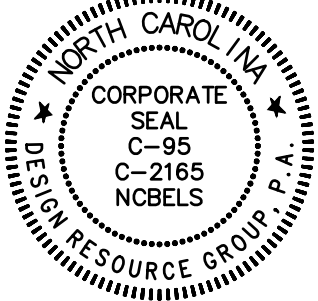
TREE PRESERVATION AND CANOPY

HERITAGE TREES	
NUMBER OF HERITAGE TREES ON-SITE	0
NUMBER OF HERITAGE TREES SAVED	N/A
PERCENTAGE OF HERITAGE TREES REQUIRED TO SAVE	100%
PERCENTAGE OF HERITAGE TREES ACTUALLY SAVED	N/A
SPECIMEN TREES	
NUMBER OF SPECIMEN TREES ON-SITE	29
NUMBER OF SPECIMEN TREES SAVED	17
PERCENTAGE OF SPECIMEN TREES REQUIRED TO SAVE	10%
PERCENTAGE OF SPECIMEN TREES ACTUALLY SAVED	58.6%
TREE CANOPY	
PERCENTAGE OF SITE COVERED BY TREE CANOPY	94.7%
PERCENTAGE OF TREE CANOPY PRESERVATION REQUIRED BY DISTRICT	10%
PERCENTAGE OF TREE CANOPY PRESERVATION PROVIDED	12%



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

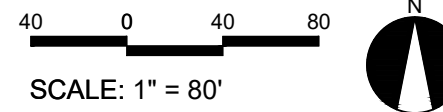
2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drgpr.com



SKETCH PLAN

HAMLET AT
HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA
MIDDLEBURG COMMUNITIES
1921 GALLOWS RD, STE 700
VIENNA, VA 22182
703.291.0300

TREE
INVENTORY
PLAN



PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

REVISIONS:

SK1.11

KEY	QTY.	SCIENTIFICNAME	COMMONNAME	CAL.	HT.	NOTE
ARO	97	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2.5" MIN.	12-14'	FULL CROWN, STRAIGHT CENTRAL LEADER
BN	8	BETULA NIGRA 'BNMT'	DURA HEAT RIVER BIRCH	2.5" MIN.	12-14'	3-5 CANE MAX.
CCH	18	CERCIS CANADENSIS 'HEARTS OF GOLD'	HEARTS OF GOLD REDBUD	2" MIN.	8-10'	FULL CROWN, STRAIGHT CENTRAL LEADER
CKY	8	CLADRASTRIS KENTUCKEA	YELLOWWOOD	2.5" MIN.	12-14'	FULL CROWN, STRAIGHT CENTRAL LEADER
JV	133	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	6-8"	6-8'	BUFFER EVERGREEN TREE
QS	32	QUERCUS SHUMARDII	SHUMARD OAK	2.5" MIN.	12-14'	FULL CROWN, STRAIGHT CENTRAL LEADER
UPA	161	ULMUS PARVIFOLIA 'EMER II'	ALLEE CHINESE ELM	2.5" MIN.	12-14'	FULL CROWN, STRAIGHT CENTRAL LEADER

KEY	QTY.	SCIENTIFICNAME	COMMONNAME	SPD.	HT.	NOTE
IC	236	ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	24"-30"	24" MIN.	SCREENING SHRUB



- LEGEND
- BUILDING FRONTAGE
 - STREET FRONTAGE
 - URBAN OPEN SPACE
 - LONGEST PATH BETWEEN AN URBAN OPEN SPACE AND A UNIT

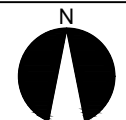
BLOCK LENGTHS

BLOCK #	LENGTH
BLOCK 1	287 LF
BLOCK 2	509 LF
BLOCK 3	285 LF
BLOCK 4	527 LF
BLOCK 5	530 LF
BLOCK 6	345 LF
BLOCK 7	271 LF
BLOCK 8	458 LF
BLOCK 9	258 LF
BLOCK 10	323 LF
BLOCK 11	254 LF
BLOCK 12	250 LF
BLOCK 13	455 LF
BLOCK 14	402 LF
BLOCK 15	270 LF
BLOCK 16	463 LF
BLOCK 17	329 LF



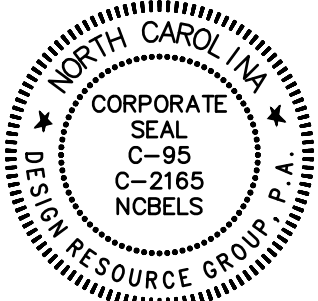
VICINITY MAP

N.T.S.



LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

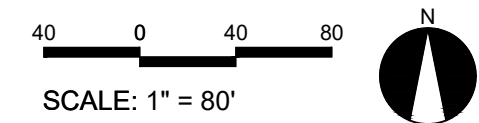
2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drgroup.com



SKETCH PLAN

HAMLET AT
HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA
MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD, STE 700
VIENNA, VA 22182
703.291.0300

FRONTAGE AND
BLOCK LENGTH
PLAN



PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

REVISIONS:

- TYPICAL SMALL MATURING TREES
FOREST PANSY REDBUD
KOUSA DOGWOOD
CRAPE MYRTLE
- TYPICAL LARGE MATURING TREES
SOUTHERN RED OAK
SUGAR MAPLE
CHINESE CHESTNUT
- TYPICAL EVERGREEN TREES
NELLIE STEVENS HOLLY
GREEN GIANT ARBORVITA
AMERICAN HOLLY
- TYPICAL EVERGREEN SHRUBS
KALEIDOSCOPE ABELIA
CAST IRON PLANT
AUTUMN SUNSET ENCORE AZALEA
- TYPICAL GRASSES/ GROUNDCOVERS
EVERCOLOR EMERALD CAREX
BRONZE BEAUTY CARPET BUGLE
PRAIRIE DROPSEED
- TYPICAL PERENNIALS
BLACK EYED SUSAN
HOLLY FERN
PURPLE CONEFLOWER



STAMPED CONCRETE



STAMPED CONCRETE



PARK-STYLE GRILL

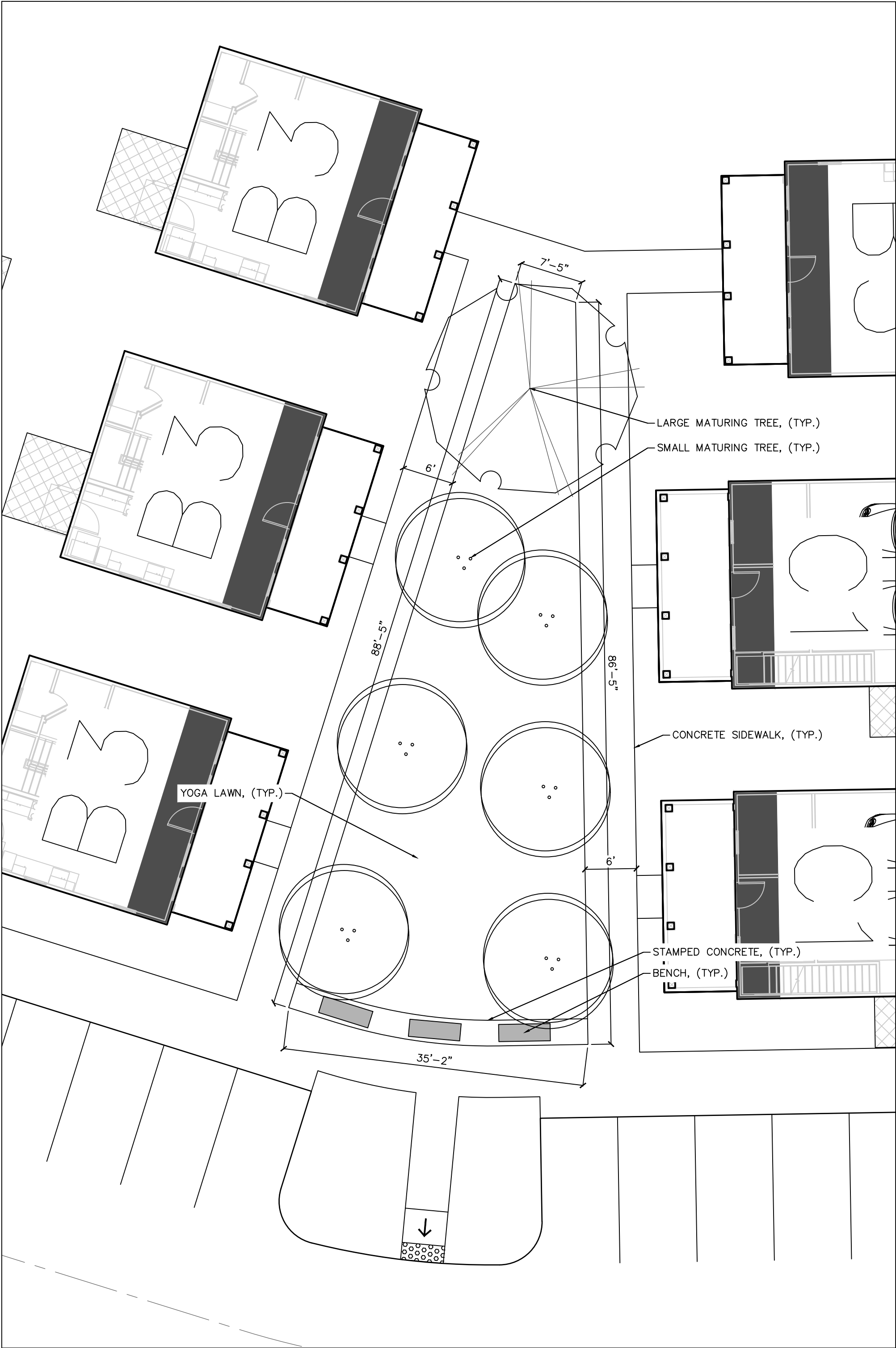


BENCH



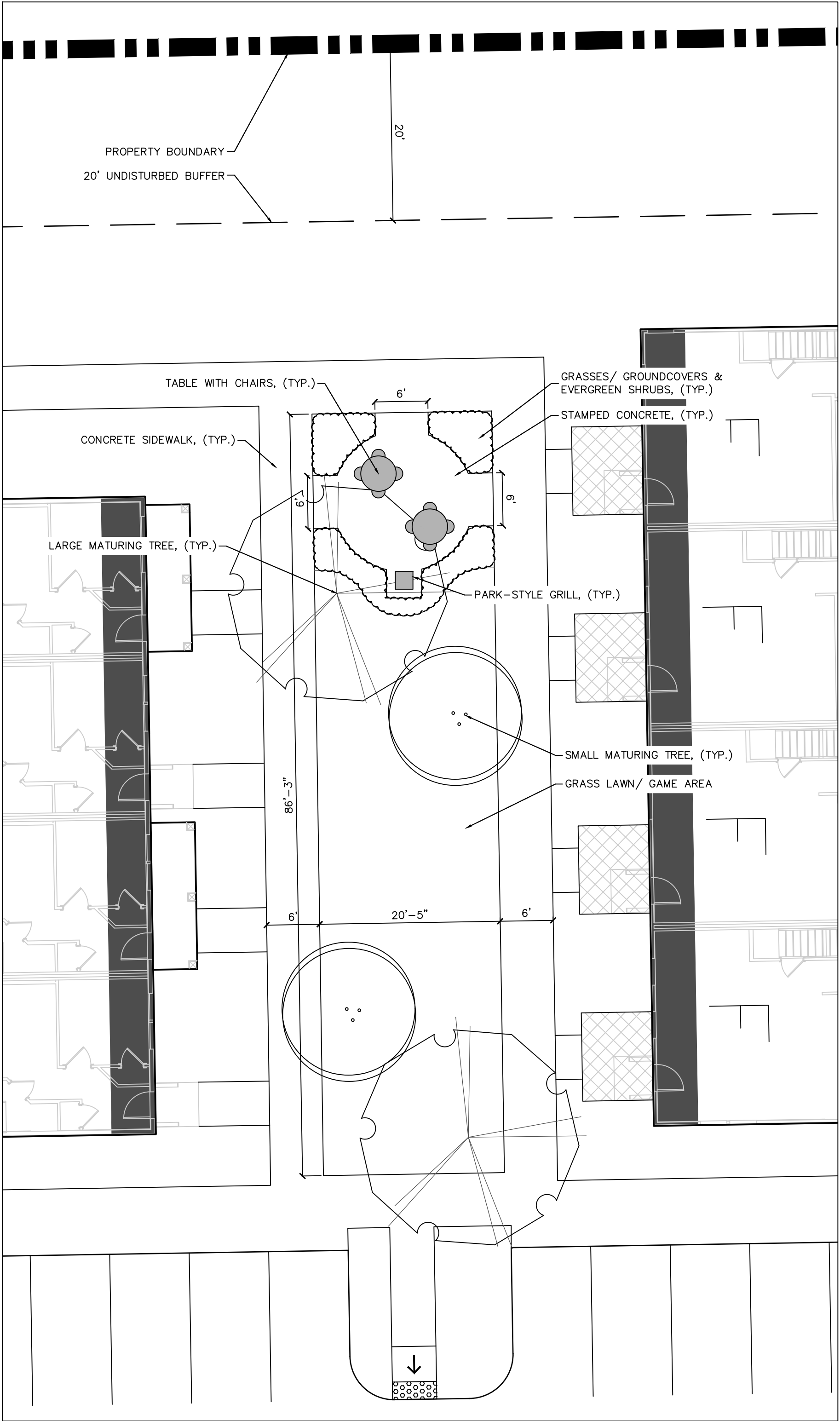
BENCH

URBAN OPEN SPACE INSPIRATION PHOTOS



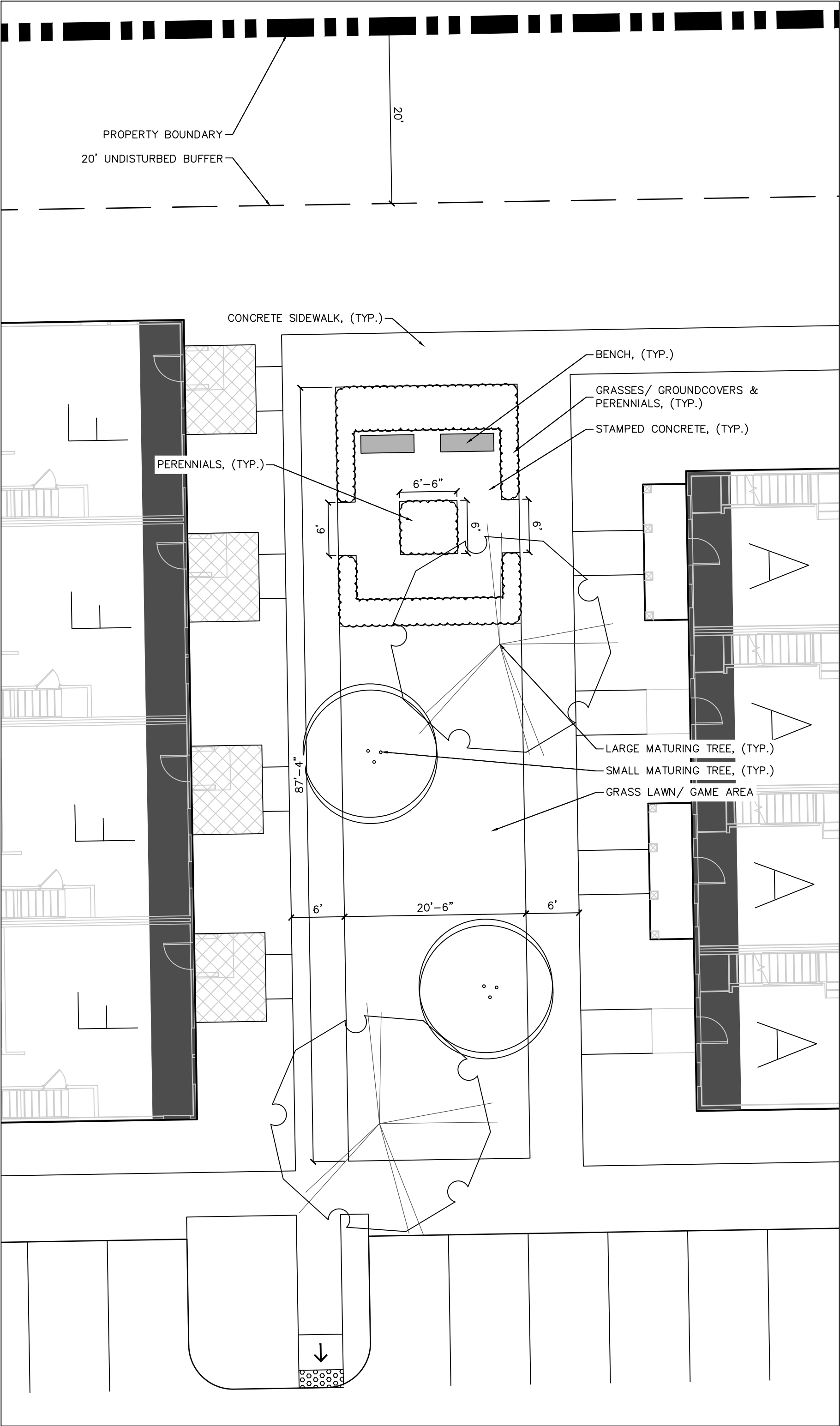
URBAN OPEN SPACE: THE NAMASTE GREEN

- TYPE OF URBAN OPEN SPACE PROVIDED: GREEN
- DEFINITION FROM ORDINANCE: A GREEN IS TYPICALLY LANDSCAPED WITH TREES AT THE EDGE AND AN OPEN EXPANSE OF GRASS IN THE CENTER THAT IS EXTERNALLY SURROUNDED DIRECTLY OR INDIRECTLY BY BUILDINGS



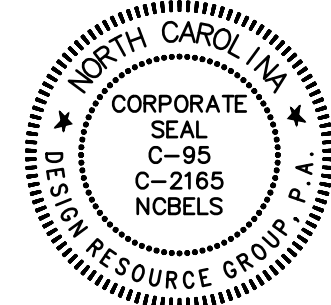
URBAN OPEN SPACE: THE BARBECUE GREEN

- TYPE OF URBAN OPEN SPACE PROVIDED: GREEN
- DEFINITION FROM ORDINANCE: A GREEN IS TYPICALLY LANDSCAPED WITH TREES AT THE EDGE AND AN OPEN EXPANSE OF GRASS IN THE CENTER THAT IS EXTERNALLY SURROUNDED DIRECTLY OR INDIRECTLY BY BUILDINGS



URBAN OPEN SPACE: THE WILDFLOWER GREEN

- TYPE OF URBAN OPEN SPACE PROVIDED: GREEN
- DEFINITION FROM ORDINANCE: A GREEN IS TYPICALLY LANDSCAPED WITH TREES AT THE EDGE AND AN OPEN EXPANSE OF GRASS IN THE CENTER THAT IS EXTERNALLY SURROUNDED DIRECTLY OR INDIRECTLY BY BUILDINGS

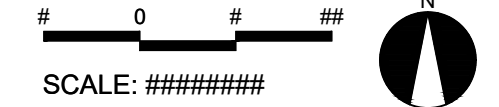


SKETCH PLAN

**HAMLET AT
HUNTERSVILLE**
HUNTERSVILLE, NORTH CAROLINA

MIDDLEBURG COMMUNITIES
1921 GALLOWS RD., STE 700
VIENNA, VA 22182
703.291.0300

**URBAN OPEN
SPACE
ENLARGEMENT**

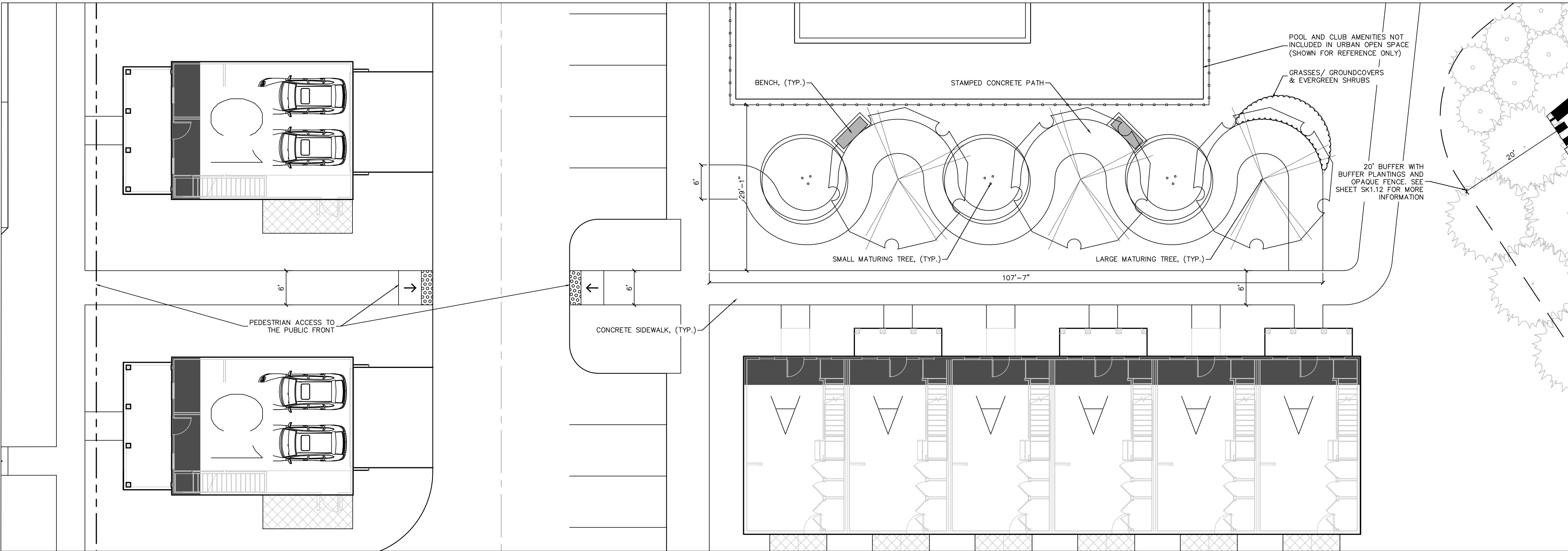


PROJECT #: 661-018
DRAWN BY: LSD
CHECKED BY: TH

JUNE 10, 2022

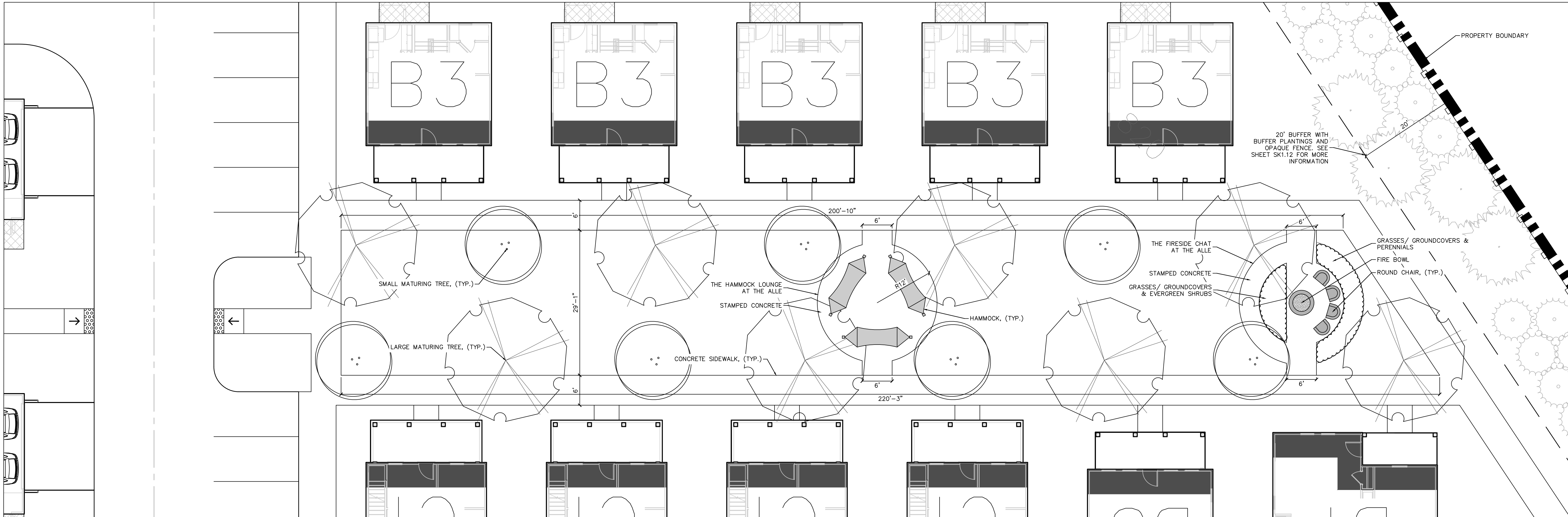
REVISIONS:

- TYPICAL SMALL MATURING TREES
FOREST PANSY REDBUD
KOUSA DOGWOOD
CRAPE MYRTLE
- TYPICAL LARGE MATURING TREES
SOUTHERN RED OAK
SUGAR MAPLE
CHINESE CHESTNUT
- TYPICAL EVERGREEN TREES
NELLIE STEVENS HOLLY
GREEN GIANT ARBORVITEA
AMERICAN HOLLY
- TYPICAL EVERGREEN SHRUBS
KALEIDOSCOPE ABELIA
CAST IRON PLANT
AUTUMN SUNSET ENCORE AZALEA
- TYPICAL GRASSES/ GROUNDCOVERS
EVERCOLOR EMERALD CAREX
BRONZE BEAUTY CARPET BUGLE
PRAIRIE DROPSEED
- TYPICAL PERENNIALS
BLACK EYED SUSAN
HOLLY FERN
PURPLE CONEFLOWER



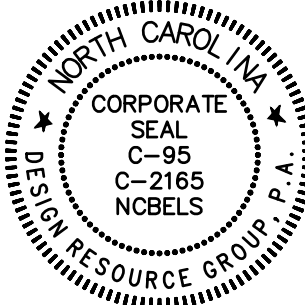
URBAN OPEN SPACE: THE SERPENTINE COLONNADE

- TYPE OF URBAN OPEN SPACE PROVIDED: PEDESTRIAN PASSAGEWAY
- DEFINITION FROM ORDINANCE: PEDESTRIAN PASSAGEWAYS ARE RELATIVELY NARROW PUBLIC SPACES LOCATED IN DENSE AREAS BETWEEN BUILDINGS, ALLOWING PEDESTRIAN ACCESS TO THE PUBLIC FRONT. THESE PASSAGEWAYS CAN BE SUCCESSFUL LOCATIONS FOR STORE ENTRIES, WINDOW DISPLAYS, CAFE SEATING OR PUBLIC MEETING SPACE. THE PASSAGEWAY SHALL INCORPORATE FIXTURES SUCH AS, BUT NOT LIMITED TO FOUNTAINS, BENCHES, LANDSCAPE MATERIALS, SCULPTURES, AND OTHER DECORATIVE ELEMENTS.



URBAN OPEN SPACE: THE ALLE

- TYPE OF URBAN OPEN SPACE PROVIDED: GREEN
- DEFINITION FROM ORDINANCE: A GREEN IS TYPICALLY LANDSCAPED WITH TREES AT THE EDGE AND AN OPEN EXPANSE OF GRASS IN THE CENTER THAT IS EXTERNALLY SURROUNDED DIRECTLY OR INDIRECTLY BY BUILDINGS



SKETCH PLAN

**HAMLET AT
HUNTERSVILLE**
HUNTERSVILLE, NORTH CAROLINA

MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD., STE 700
VIENNA, VA 22182
703.291.0300

**URBAN OPEN
SPACE
ENLARGEMENT**

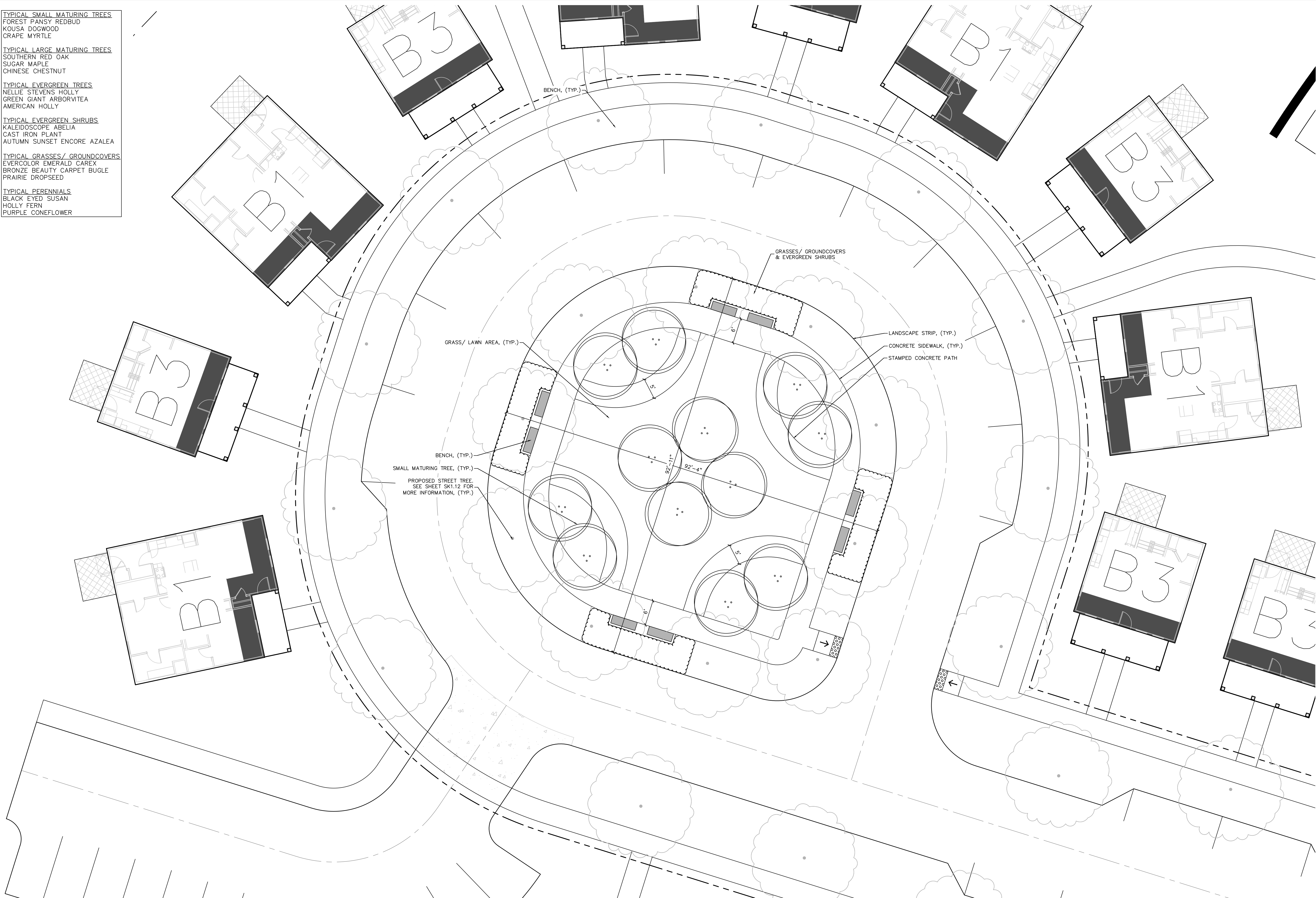
0 1 2 3 4 5 6 7 8 9 10
SCALE: #####

PROJECT #: 661-018
DRAWN BY: LSD
CHECKED BY: TH

JUNE 10, 2022

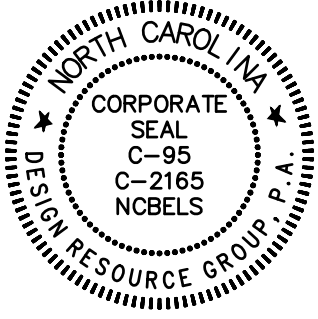
REVISIONS:

- TYPICAL SMALL MATURING TREES
FOREST PANSY REDBUD
KOUSA DOGWOOD
CRAPE MYRTLE
- TYPICAL LARGE MATURING TREES
SOUTHERN RED OAK
SUGAR MAPLE
CHINESE CHESTNUT
- TYPICAL EVERGREEN TREES
NELLIE STEVENS HOLLY
GREEN GIANT ARBORVITEA
AMERICAN HOLLY
- TYPICAL EVERGREEN SHRUBS
KALEIDOSCOPE ABELIA
CAST IRON PLANT
AUTUMN SUNSET ENCORE AZALEA
- TYPICAL GRASSES/ GROUNDCOVERS
EVERCOLOR EMERALD CAREX
BRONZE BEAUTY CARPET BUGLE
PRAIRIE DROPSEED
- TYPICAL PERENNIALS
BLACK EYED SUSAN
HOLLY FERN
PURPLE CONEFLOWER



URBAN OPEN SPACE: THE POND WALK TERMINUS

- TYPE OF URBAN OPEN SPACE PROVIDED: GREEN
- DEFINITION FROM ORDINANCE: A GREEN IS TYPICALLY LANDSCAPED WITH TREES AT THE EDGE AND AN OPEN EXPANSE OF GRASS IN THE CENTER THAT IS EXTERNALLY SURROUNDED DIRECTLY OR INDIRECTLY BY BUILDINGS



SKETCH PLAN

**HAMLET AT
HUNTERSVILLE**
HUNTERSVILLE, NORTH CAROLINA

MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD., STE 700
VIENNA, VA 22182
703.291.0300

**URBAN OPEN
SPACE
ENLARGEMENT**

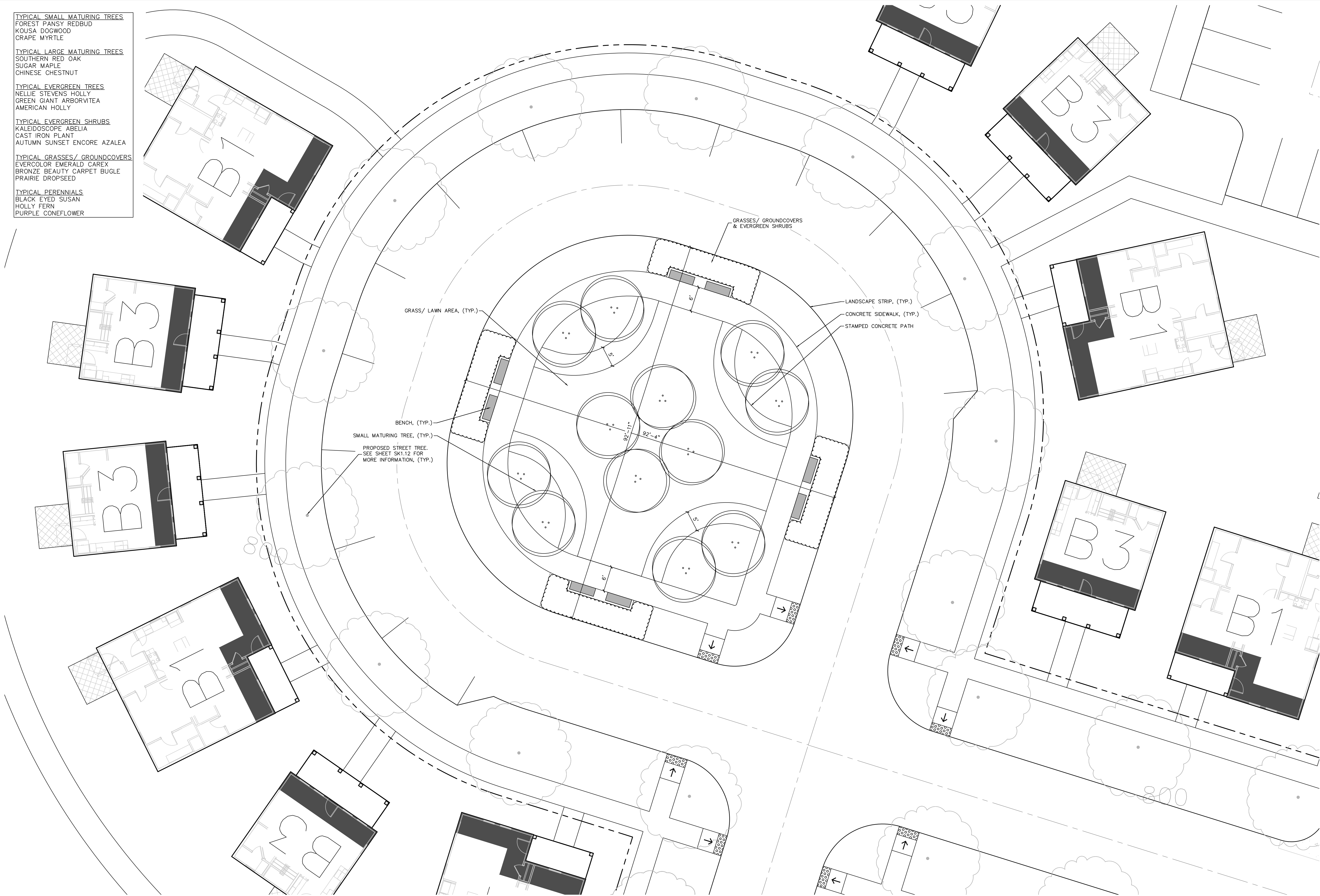
SCALE: #####

PROJECT #: 661-018
DRAWN BY: LSD
CHECKED BY: TH

JUNE 10, 2022

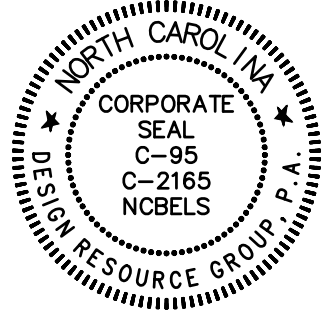
REVISIONS:

- TYPICAL SMALL MATURING TREES
FOREST PANSY REDBUD
KOUSSA DOGWOOD
CRAPE MYRTLE
- TYPICAL LARGE MATURING TREES
SOUTHERN RED OAK
SUGAR MAPLE
CHINESE CHESTNUT
- TYPICAL EVERGREEN TREES
NELLIE STEVENS HOLLY
GREEN GIANT ARBORVITEA
AMERICAN HOLLY
- TYPICAL EVERGREEN SHRUBS
KALEIDOSCOPE ABELIA
CAST IRON PLANT
AUTUMN SUNSET ENCORE AZALEA
- TYPICAL GRASSES/ GROUNDCOVERS
EVERCOLOR EMERALD CAREX
BRONZE BEAUTY CARPET BUGLE
PRAIRIE DROPSEED
- TYPICAL PERENNIALS
BLACK EYED SUSAN
HOLLY FERN
PURPLE CONEFLOWER



URBAN OPEN SPACE: THE LOOKOUT LOOP

- TYPE OF URBAN OPEN SPACE PROVIDED: GREEN
- DEFINITION FROM ORDINANCE: A GREEN IS TYPICALLY LANDSCAPED WITH TREES AT THE EDGE AND AN OPEN EXPANSE OF GRASS IN THE CENTER THAT IS EXTERNALLY SURROUNDED DIRECTLY OR INDIRECTLY BY BUILDINGS



SKETCH PLAN

**HAMLET AT
HUNTERSVILLE**
HUNTERSVILLE, NORTH CAROLINA

MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD., STE 700
VIENNA, VA 22182
703.291.0300

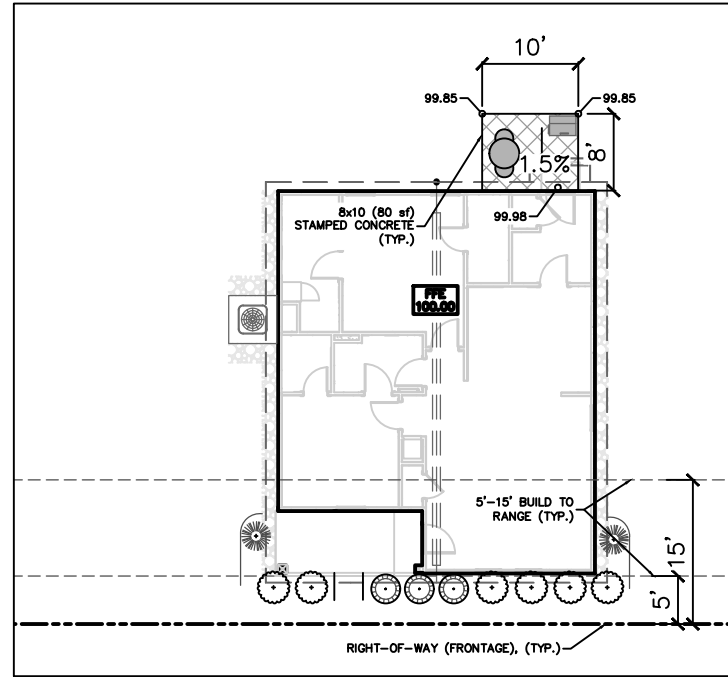
**URBAN OPEN
SPACE
ENLARGEMENT**

SCALE: #####

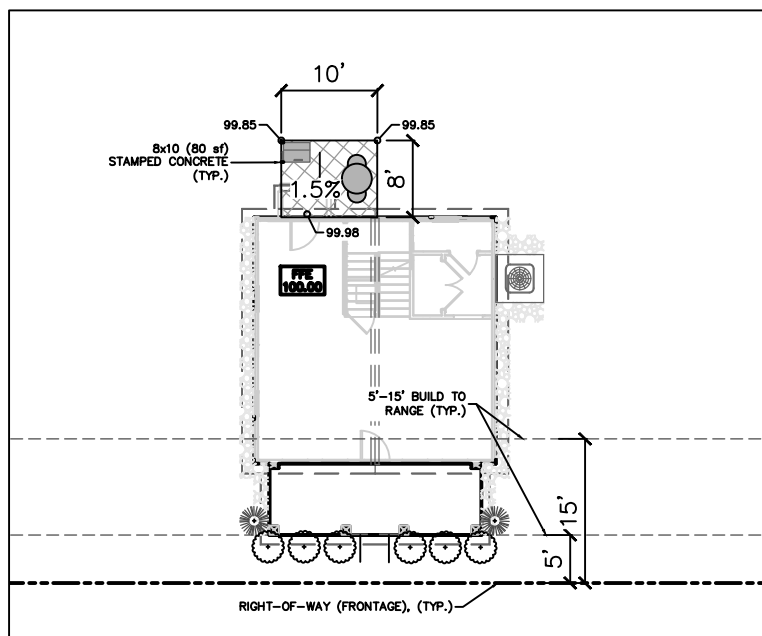
PROJECT #: 661-018
DRAWN BY: LSD
CHECKED BY: TH

JUNE 10, 2022

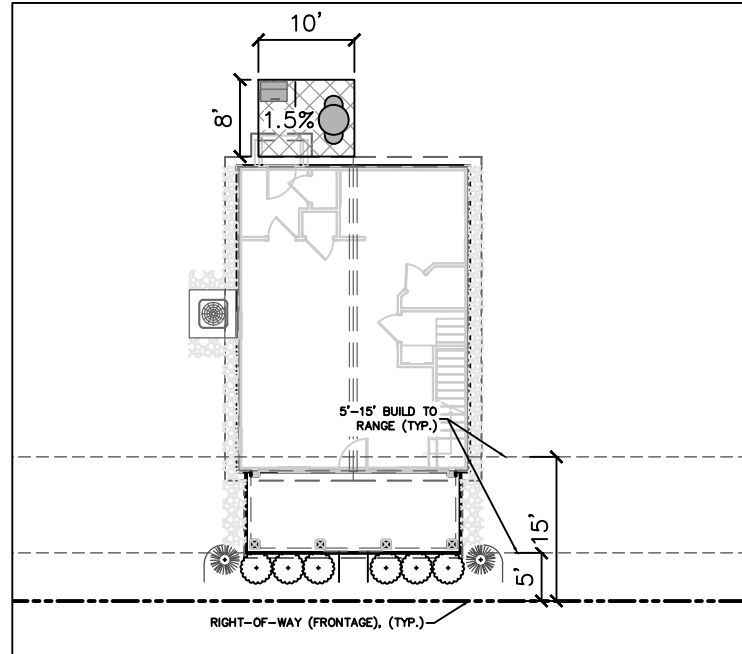
REVISIONS:



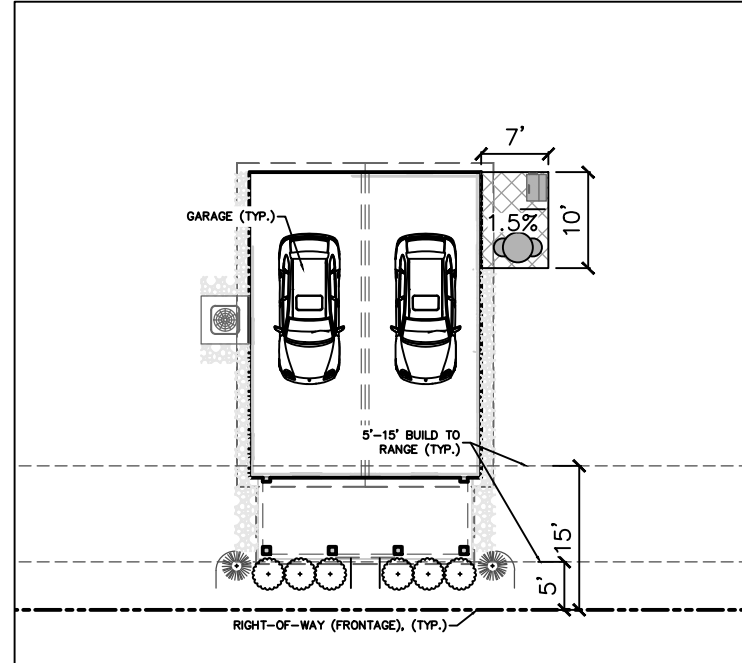
UNIT B-1 STANDARD PROTOTYPE PATIO DETAIL



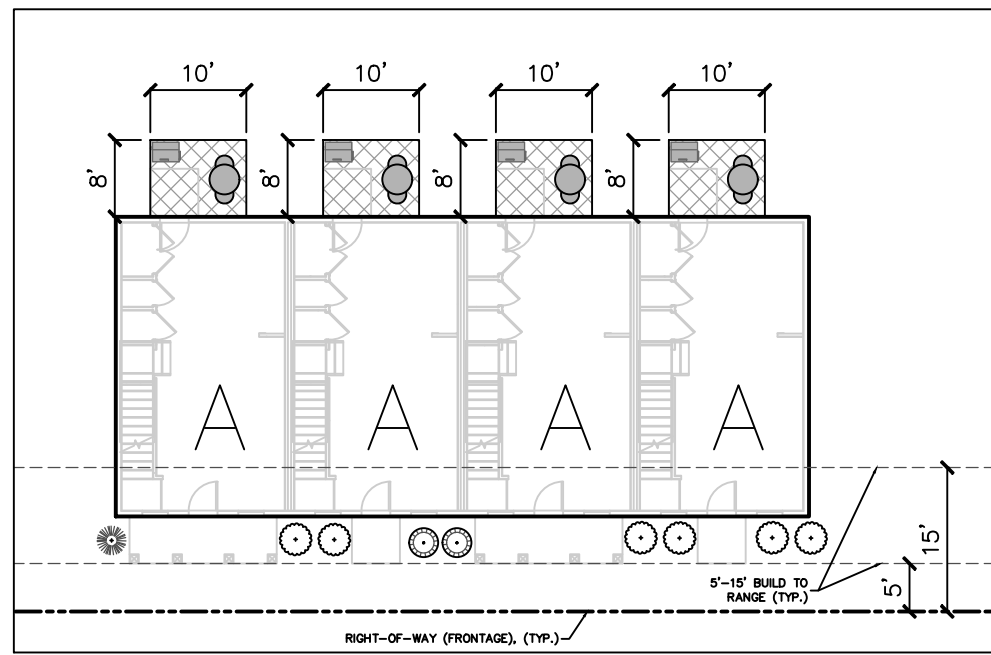
UNIT B-3 STANDARD PROTOTYPE PATIO DETAIL



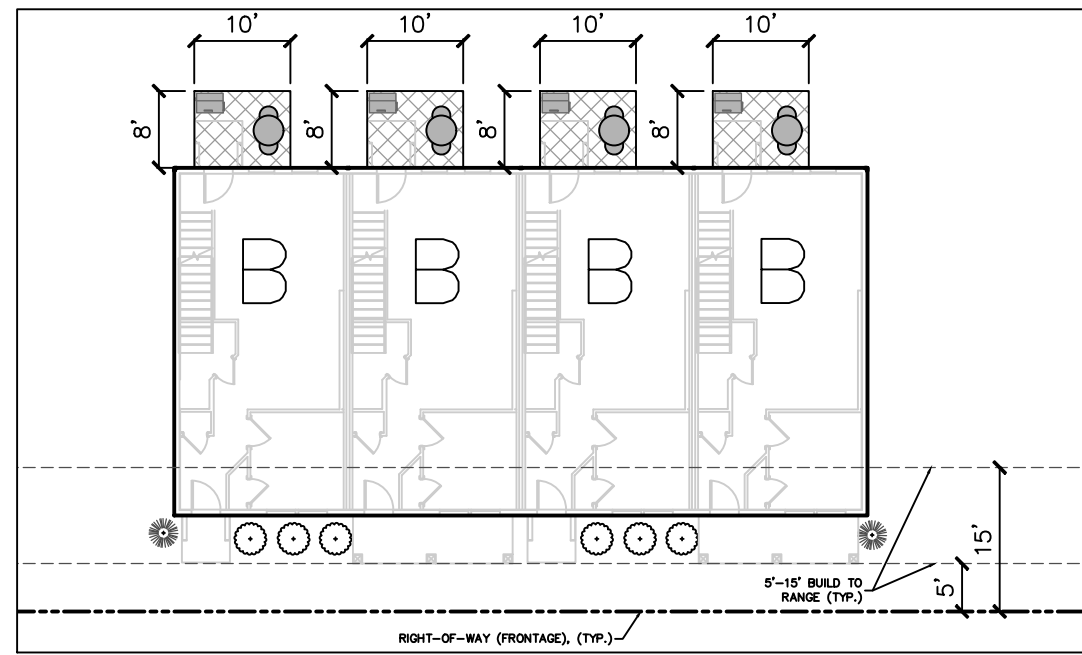
UNIT C-1 STANDARD PROTOTYPE PATIO DETAIL



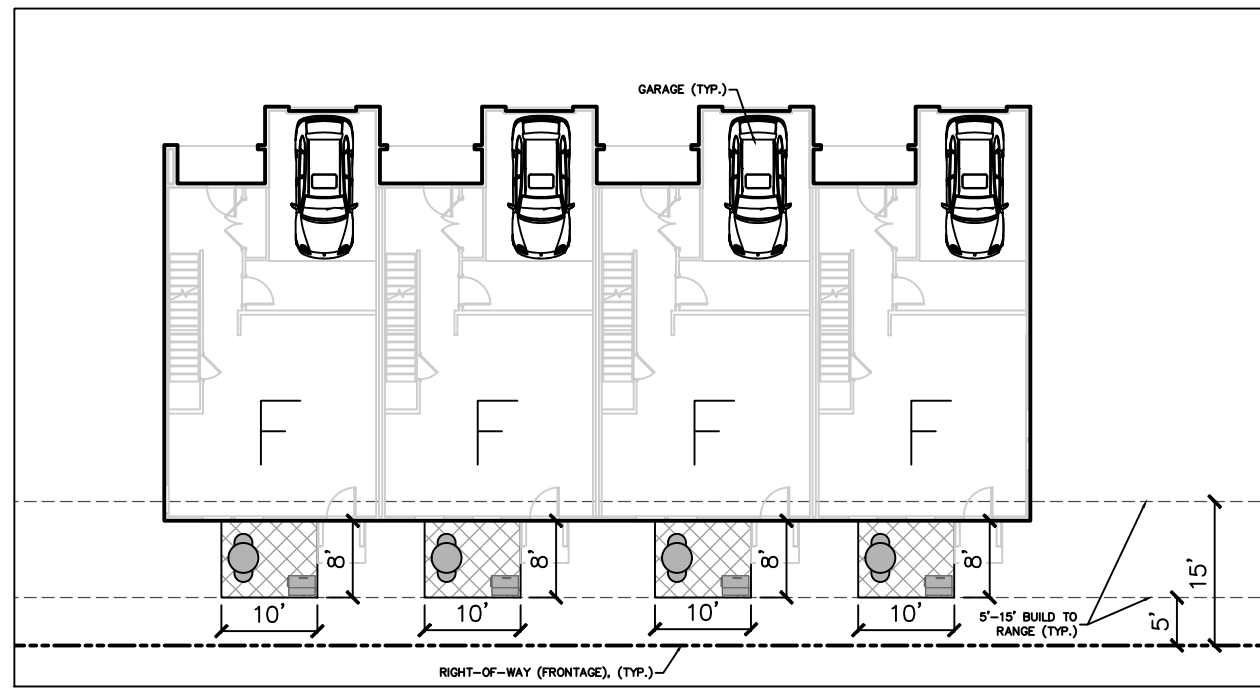
UNIT C-1 GARAGE PROTOTYPE PATIO DETAIL



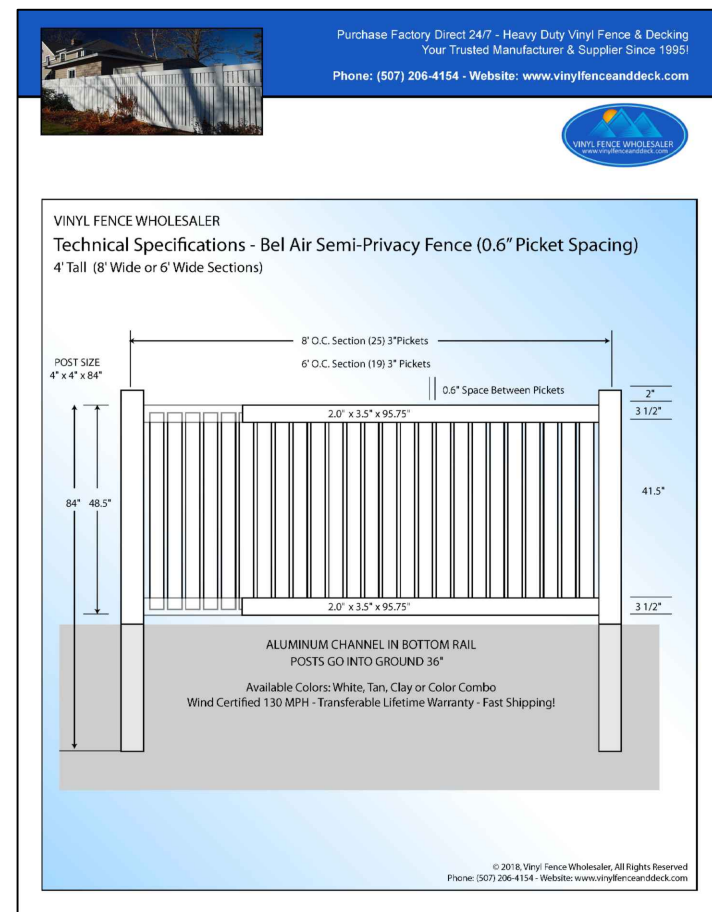
TOWNHOME A STANDARD PROTOTYPE PATIO DETAIL



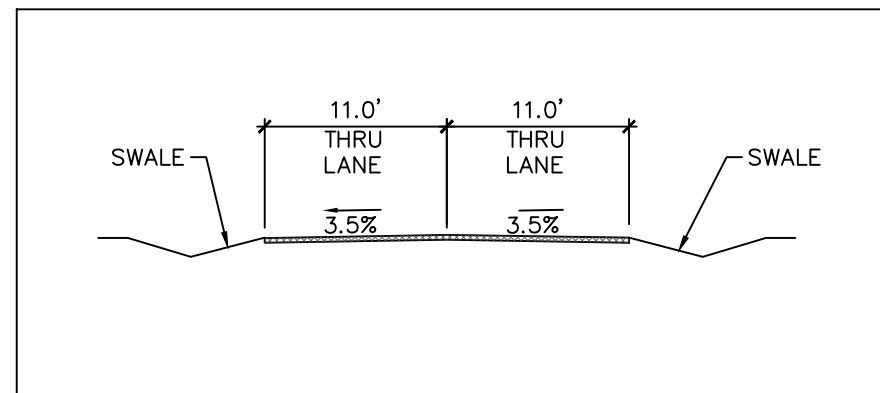
TOWNHOME B STANDARD PROTOTYPE PATIO DETAIL



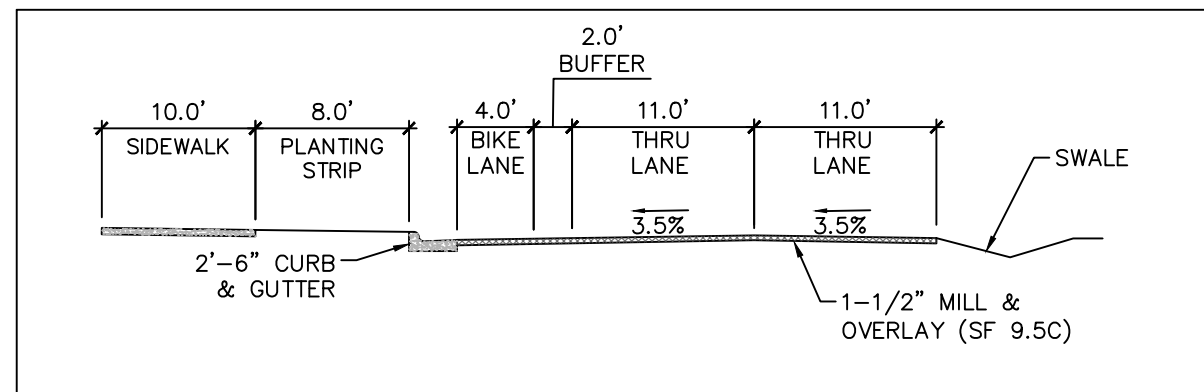
TOWNHOME F STANDARD PROTOTYPE PATIO DETAIL



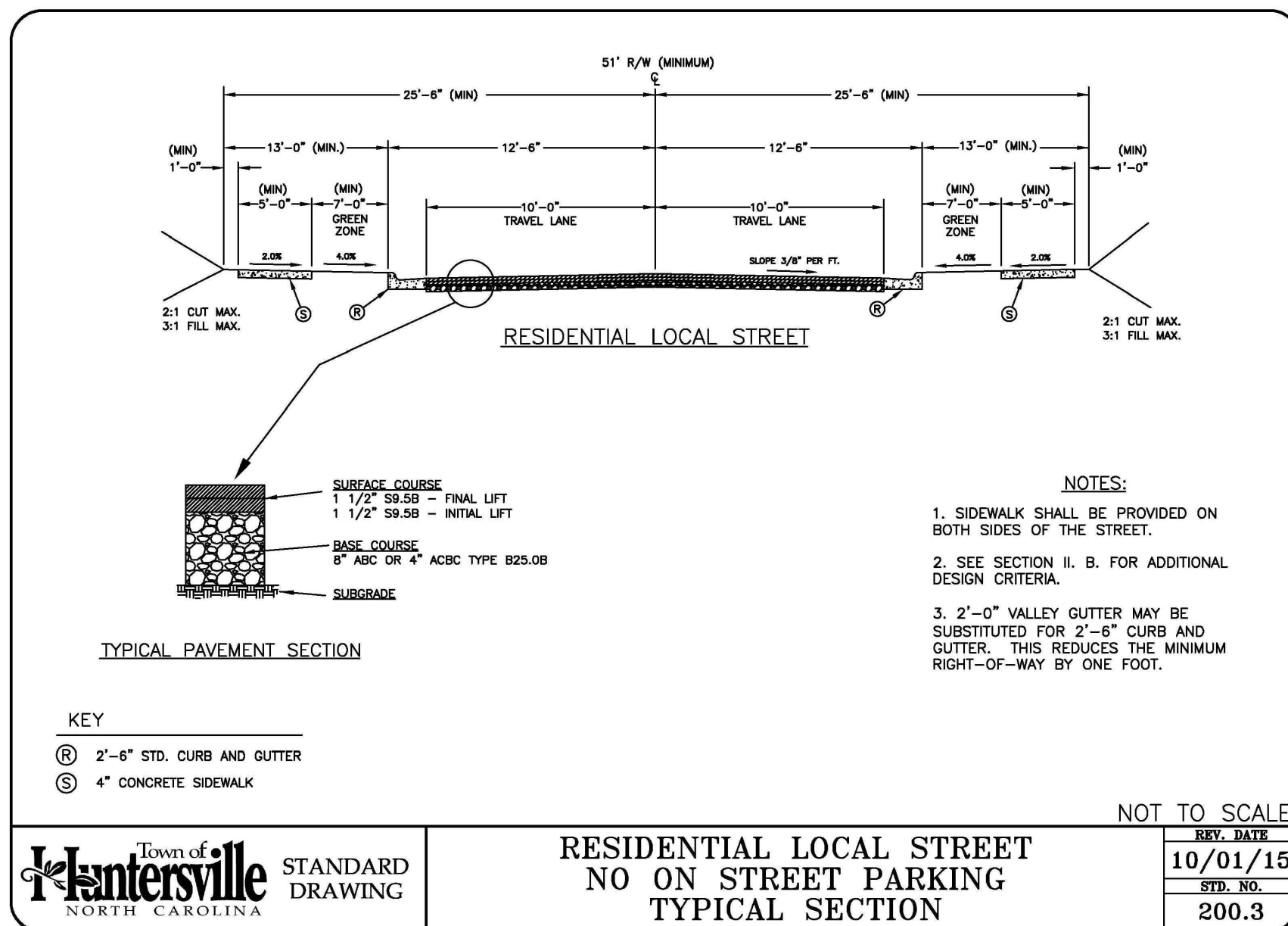
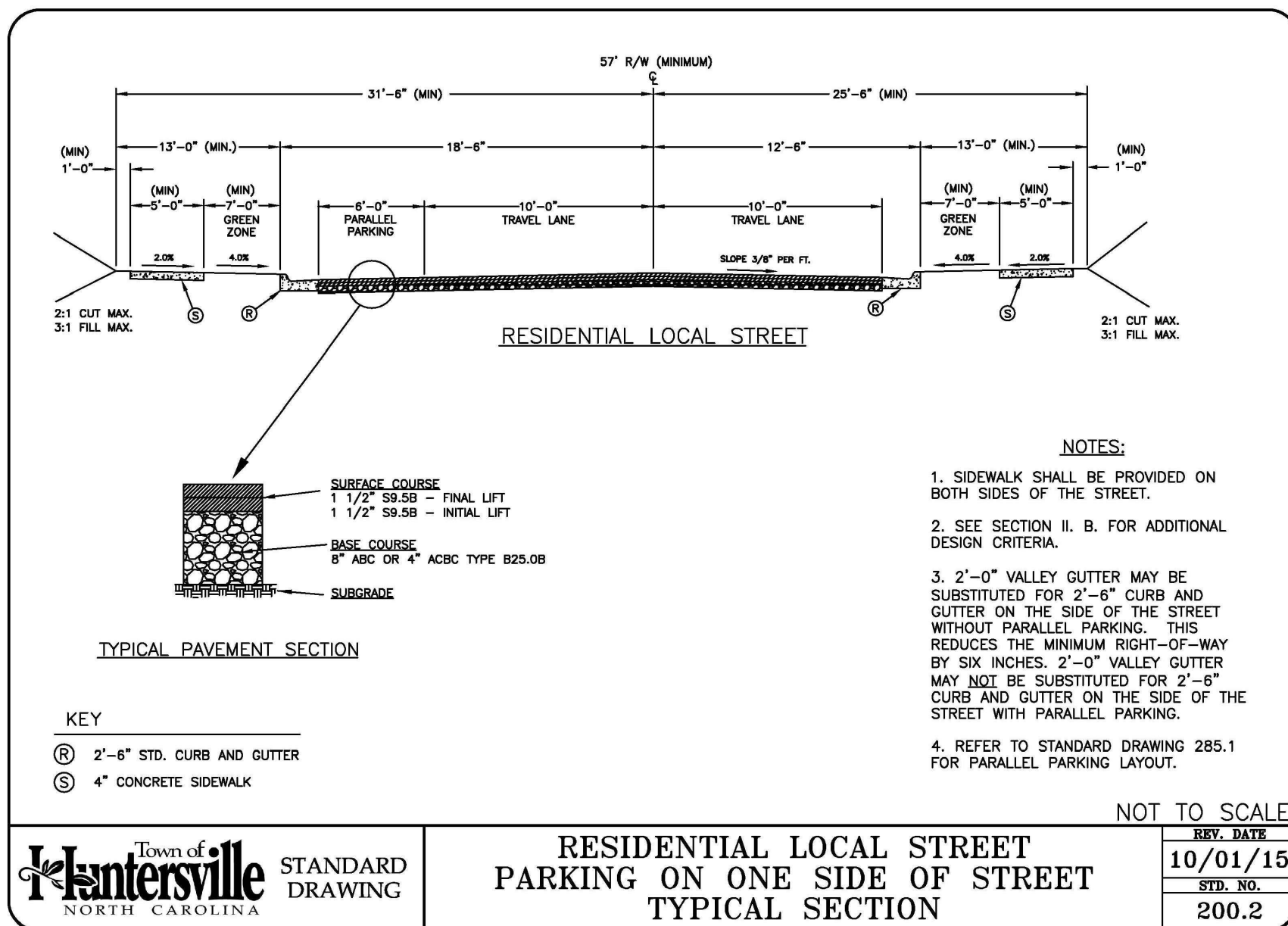
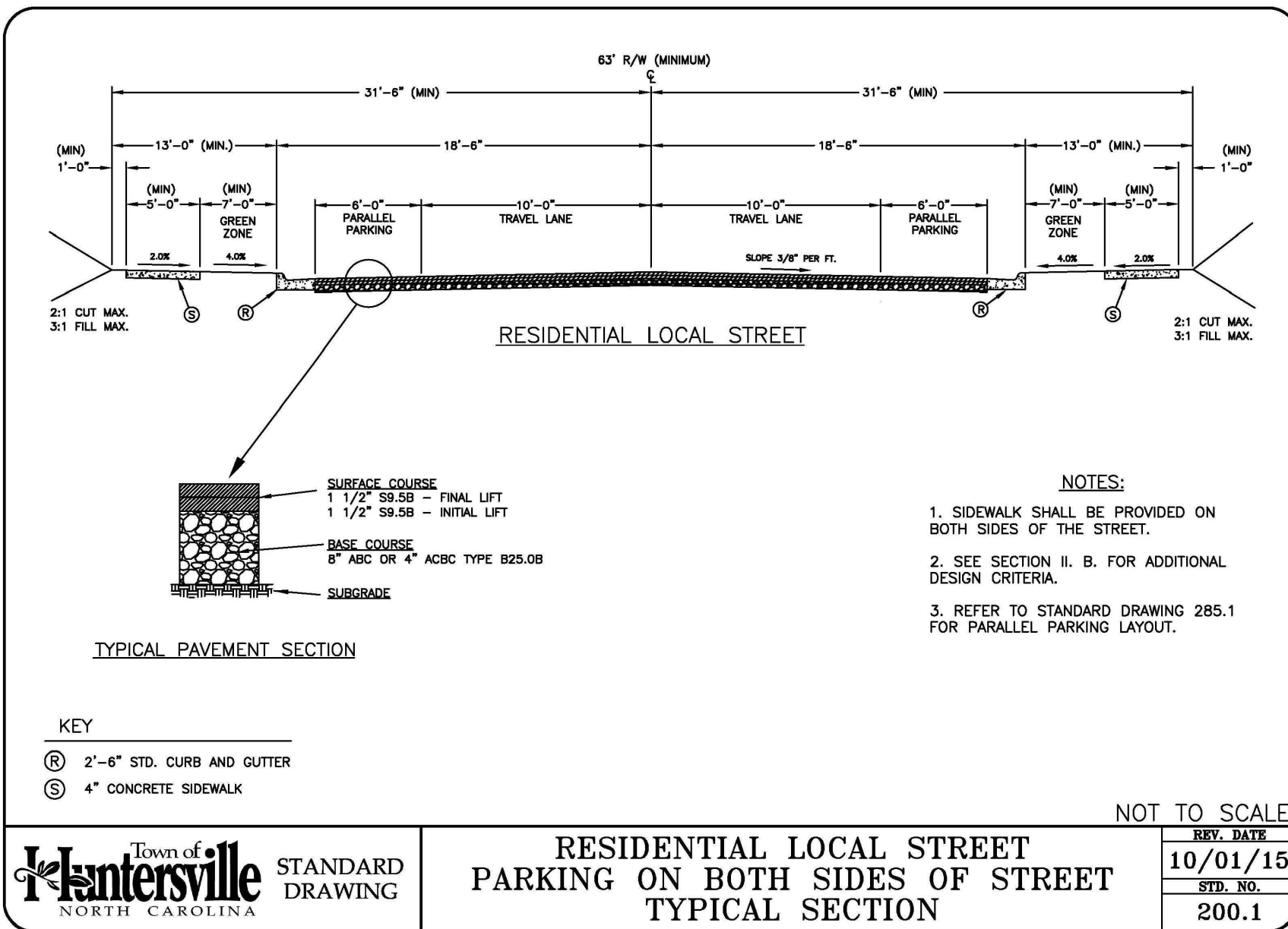
OPTIONAL PRIVACY FENCE BETWEEN UNITS



TYPICAL EXISTING OLD STATESVILLE ROAD CROSS SECTION



TYPICAL PROPOSED OLD STATESVILLE ROAD CROSS SECTION

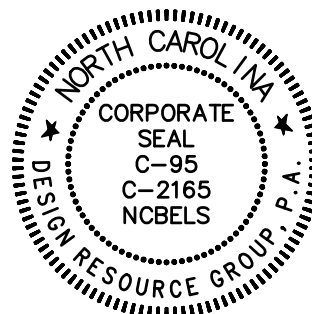


NOTE:
BUILDING FFE VARIES, PATIO TO
SLOPE AWAY FROM STRUCTURE AT
±1.5% (TYP.). SEE PROJECT
GRADING PLANS FOR ADDITIONAL
INFORMATION.

drG
DESIGN
RESOURCE
GROUP

LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
704.343.0608
www.drgrp.com



SKETCH PLAN

HAMLET AT
HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA
MIDDLEBURG COMMUNITIES
1921 GALLOWAY RD, STE 700
VIENNA, VA 22182
703.291.0300

UNIT DIAGRAMS
& STREET
SECTIONS

SCALE: #####

PROJECT #: 661-018
DRAWN BY: TTF
CHECKED BY: SVK

JUNE 10, 2022

REVISIONS:

SK1.18

ABBREVIATIONS LEGEND

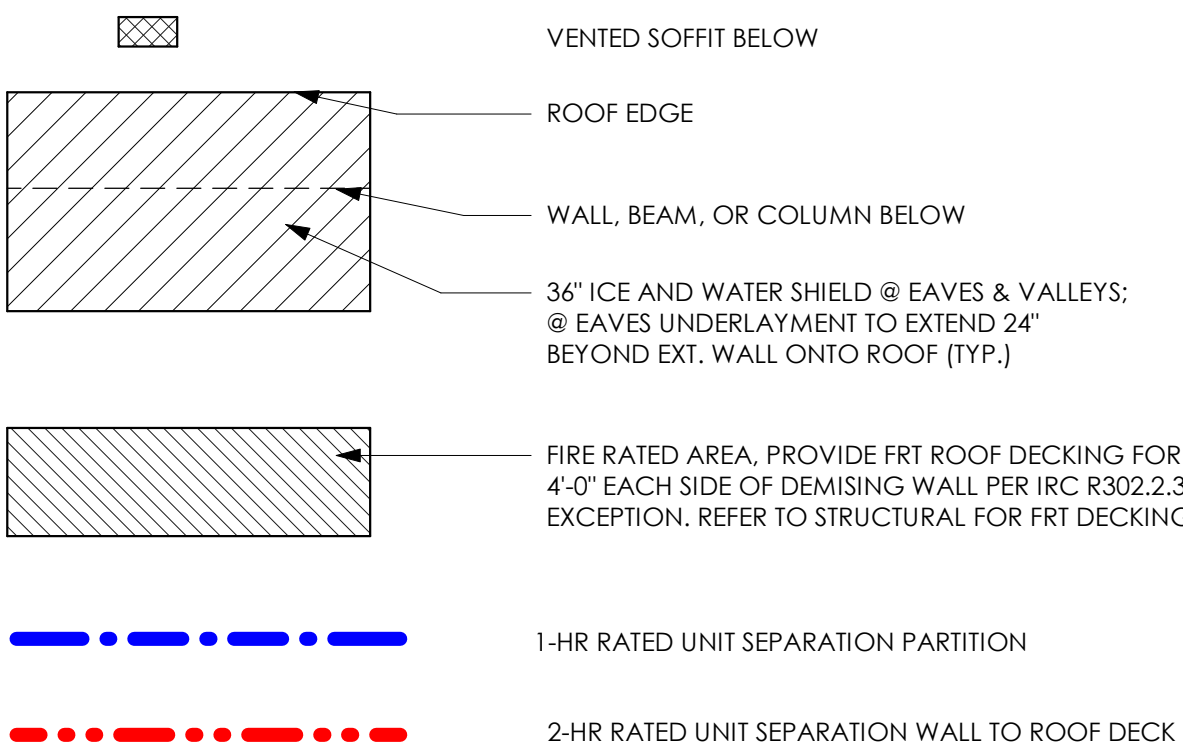
1S / 2S	1 SHELF / 2 SHELVES
DW	DISHWASHER
LIN	LINEN CABINET
MW	MICROWAVE
P	PANTRY
REF	REFRIGERATOR

B1 - AREA SCHEDULE	
NAME	AREA
B1 - MARKET NET	1139 SF
B1 - PATIO	98 SF
B1 - GROSS	1237 SF

BUILDING PLAN GENERAL NOTES:

- DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
- ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
- ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
- ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
- ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
- MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
- REFER TO A401 FOR TYPICAL UNIT DETAILS.
- WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
- ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
- REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
- ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
- ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
- TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
- SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
- SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
- PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (1EW3, REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL

ROOF LEGEND



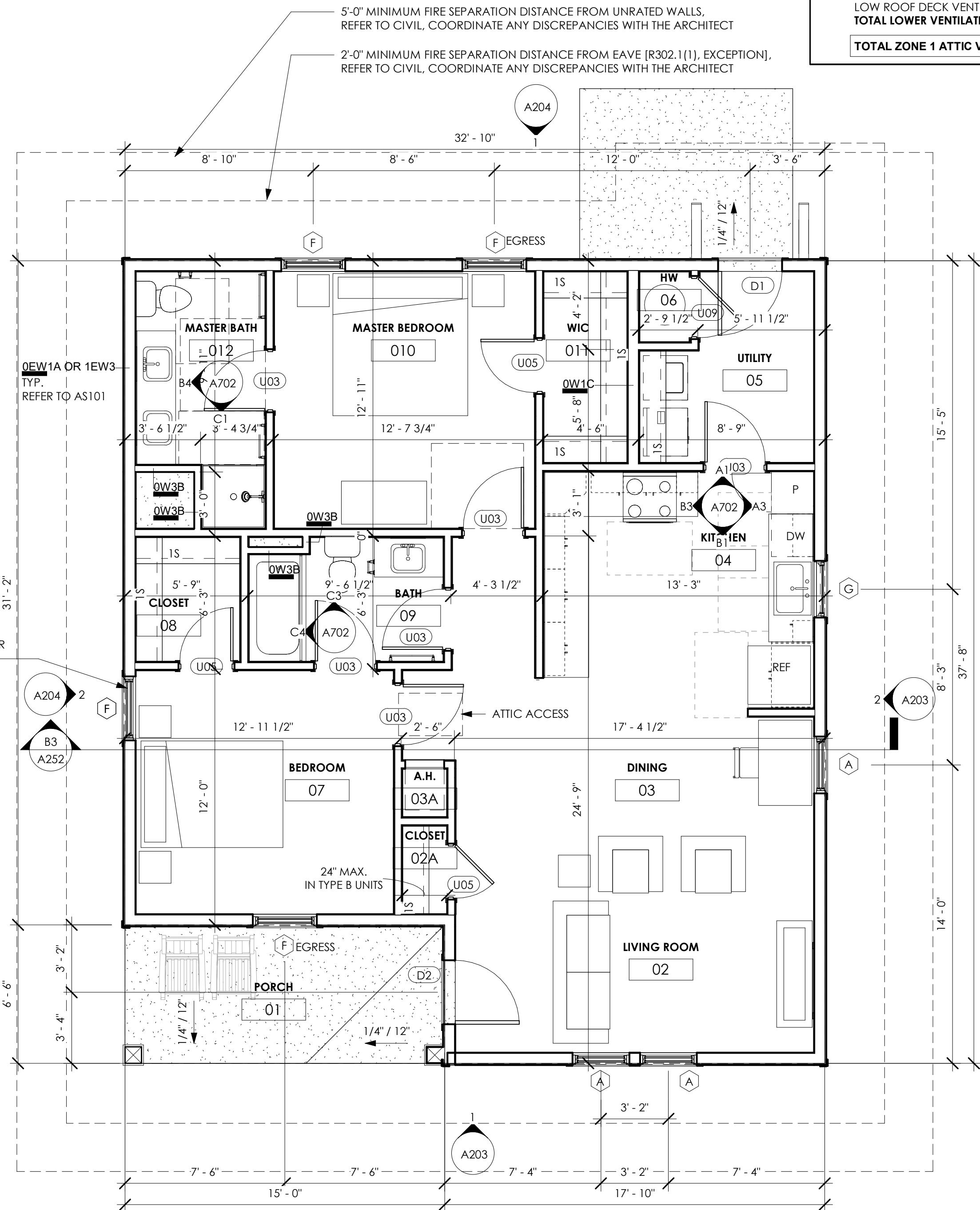
ATTIC CALCULATIONS- UNIT B1

CALCULATIONS PER 2018 NORTH CAROLINA RESIDENTIAL CODE SECTION 806.2

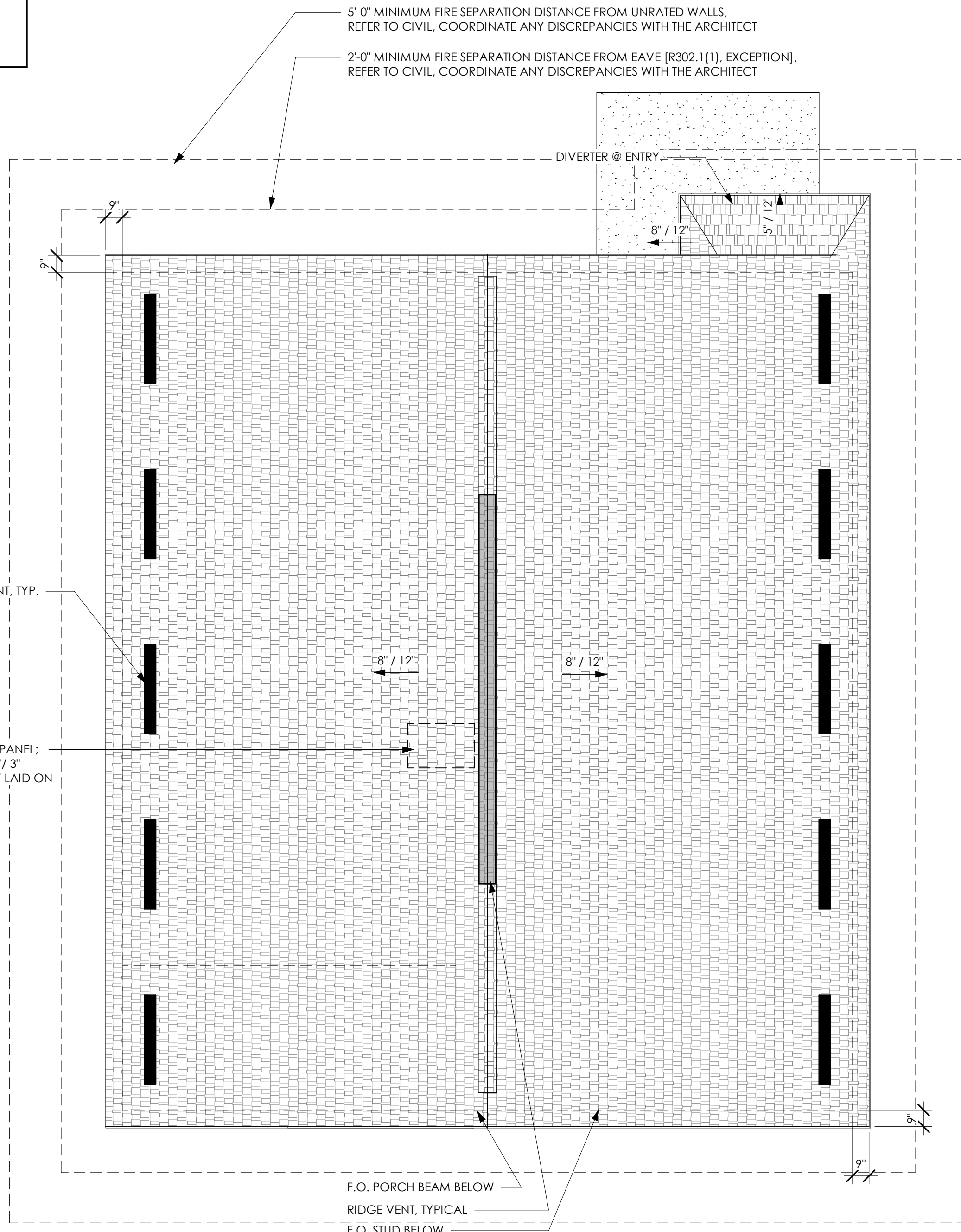
ATTIC ZONE 1 - 1,292.5 SQ.FT.
1345 SF x 144 = 193,680 SQ. IN./300 = **645.6 SQ. IN. REQUIRED**
(MIN. UPPER VENTILATION 40% $\times$ 645.6= 259 SI)
(MAX. UPPER VENTILATION 50% $\times$ 645.6= 322 SI)
VENTILATION AT MIN. 3'-0" ABOVE EAVE
RIDGE VENTS = 17.5 LF x 18 SIFL = 315 SQ. IN.
OFF RIDGE VENT = 0 LF x 9 SIFL = 0 SQ. IN.
TOTAL UPPER VENTILATION PROVIDED: = 315 SQ. IN.
LOWER VENTILATION AT MAX. 3'-0" ABOVE EAVE
SOFFIT VENT = 0 LF x 9 SI/LF = 0 SQ. IN.
LOW ROOF DECK VENT = 40 x 9 SI/LF = 360 SQ. IN.
TOTAL LOWER VENTILATION PROVIDED: = 360 SQ. IN.
TOTAL ZONE 1 ATTIC VENTILATION PROVIDED: = 675 SQ. IN.

ROOF GENERAL NOTES

- ROOF SHINGLES TO BE ARCHITECTURAL ASPHALT WITH A LIFETIME WARRANTY OR EQUAL. COLOR TO BE SELECTED BY OWNER.
- VALLEYS TO BE PROVIDED WITH 36" STRIP OF 60 MIL, SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.
- ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGNATED FELT. ROOF UNDERLAYMENT AT ROOFS WITH LESS THAN 4:12 SLOPE TO BE 40MIL, SELF-ADHERING, SELF-HEALING RUBBERIZED UNDERLAYMENT.
- ROOF UNDERLAYMENT TO BE TERMINATED 6" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.
- ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES AS DETAILED ELSEWHERE.
- KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLIES TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.
- ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.
- ROOFING / GENERAL CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.
- PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.
- FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING. FACTORY FINISHED.
- PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".
- OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
- INDICATES ROOF SLOPE DIRECTION
- INDICATES RIDGELINE
- FLASH ALL ROOF PENETRATIONS PER MFR. REQUIREMENTS TO PROVIDE CONTINUOUS WARRANTY. PITCH PANS NOT PERMITTED
- REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES.



1 B1-FIRST FLOOR
1/4" = 1'-0"



2 B1-ROOF PLAN
1/4" = 1'-0"

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER: 21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE: 06/02/2022

PLANS - UNIT B1

A102

SCALE: As indicated

ABBREVIATIONS LEGEND

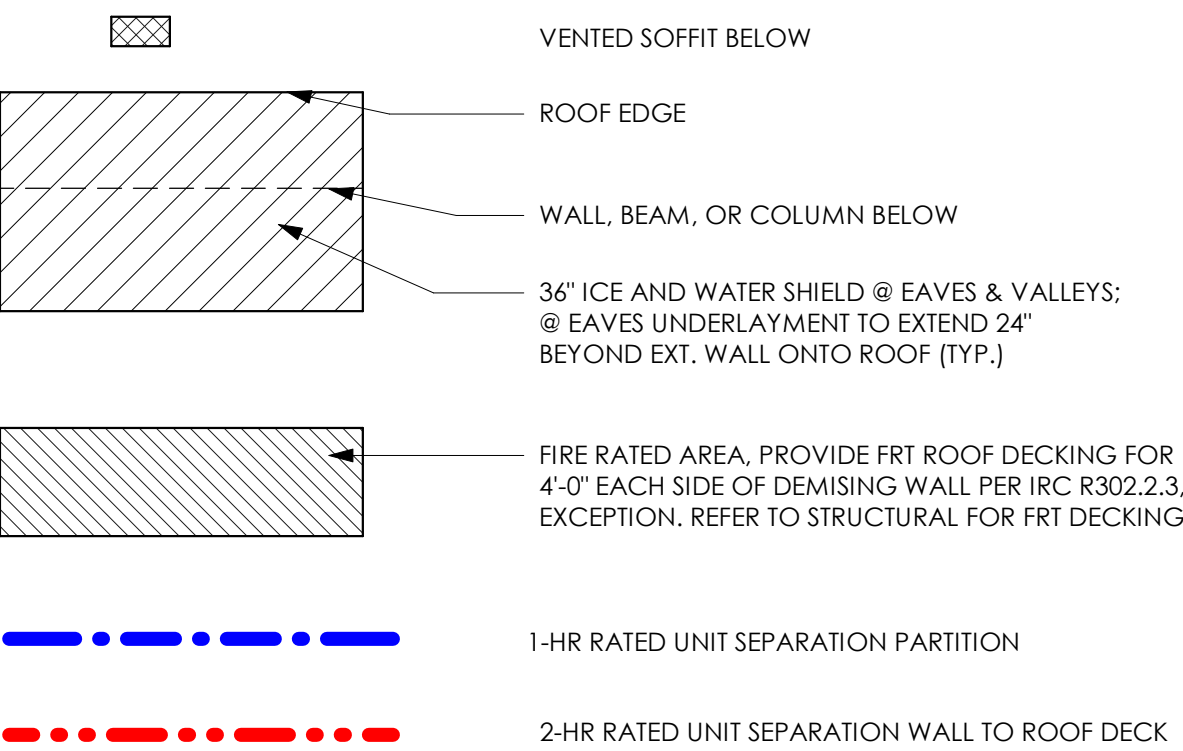
1S / 2S	1 SHELF / 2 SHELVES
DW	DISHWASHER
LIN	LINEN CABINET
MW	MICROWAVE
P	PANTRY
REF	REFRIGERATOR

B1 - AREA SCHEDULE	
NAME	AREA
B1 - MARKET NET	1139 SF
B1 - PATIO	98 SF
B1 - GROSS	1237 SF

BUILDING PLAN GENERAL NOTES:

- DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
- ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
- ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
- ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
- ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
- MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
- REFER TO A401 FOR TYPICAL UNIT DETAILS.
- WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
- ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
- REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
- ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
- ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
- TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
- SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
- SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
- PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (IEW3, REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL

ROOF LEGEND



ROOF GENERAL NOTES

- ROOF SHINGLES TO BE ARCHITECTURAL ASPHALT WITH A LIFETIME WARRANTY OR EQUAL. COLOR TO BE SELECTED BY OWNER.
- VALLEYS TO BE PROVIDED WITH 36" STRIP OF 60 MIL SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.
- ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGNATED FELT. ROOF UNDERLAYMENT AT ROOFS WITH LESS THAN 4:12 SLOPE TO BE 40MIL, SELF-ADHERING, SELF-HEALING RUBBERIZED UNDERLAYMENT.
- ROOF UNDERLAYMENT TO BE TERMINATED 6" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.
- ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES AS DETAILED ELSEWHERE.
- KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLIES TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.
- ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.
- ROOFING / GENERAL CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.
- PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.
- FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING. FACTORY FINISHED.
- PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".
- OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
- INDICATES ROOF SLOPE DIRECTION
- INDICATES RIDGELINE
- FLASH ALL ROOF PENETRATIONS PER MFR. REQUIREMENTS TO PROVIDE CONTINUOUS WARRANTY. PITCH PANS NOT PERMITTED
- REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES.

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NW ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

PLANS - UNIT B1 TYPE B

A102B

SCALE: As indicated

ABBREVIATIONS LEGEND

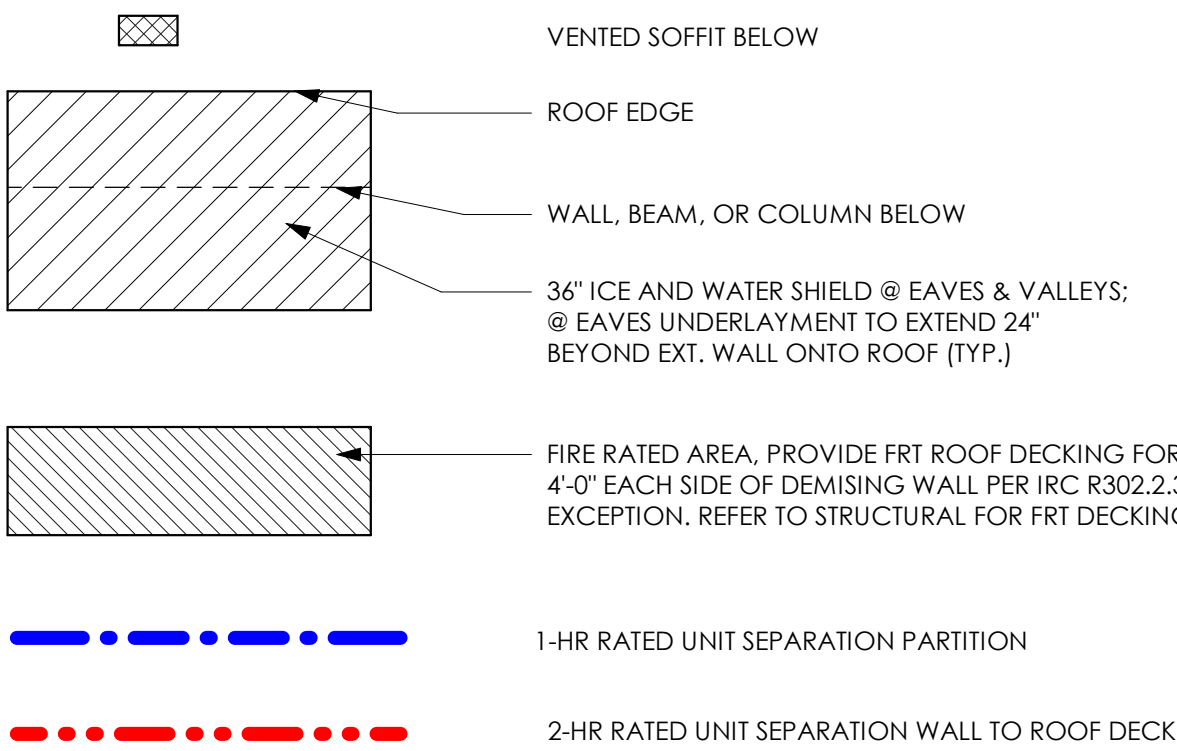
1S / 2S	1 SHELF / 2 SHELVES
DW	DISHWASHER
LIN	LINEN CABINET
MW	MICROWAVE
P	PANTRY
REF	REFRIGERATOR

B3 - AREA SCHEDULE	
NAME	AREA
B3 - MARKET NET	1165 SF
B3 - PATIO	165 SF
B3 - GROSS	1330 SF

BUILDING PLAN GENERAL NOTES:

- DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
- ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
- ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
- ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
- ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
- MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
- REFER TO A401 FOR TYPICAL UNIT DETAILS.
- WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
- ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
- REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
- ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
- ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
- TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
- SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
- SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
- PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (1EW3, REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL.

ROOF LEGEND



ATTIC CALCULATIONS- UNIT B3

CALCULATIONS PER 2018 NORTH CAROLINA RESIDENTIAL CODE SECTION 806.2

ATTIC ZONE 1 - 689 SQ.FT.

689 SF x 144 = 186,120 SQ. IN./300 = **330.7 SQ. IN. REQUIRED**
(MIN. UPPER VENTILATION 40%x330.7= 133 SI)
(MAX. UPPER VENTILATION 50%x330.7= 165 SI)

VENTILATION AT MIN. 3'-0" ABOVE EAVE
RIDGE VENTS = 9 LF x 18 SI/LF = 162 SQ. IN.
OFF RIDGE VENT = 0 LF x 9 SI/LF = 0 SQ. IN.
TOTAL UPPER VENTILATION PROVIDED: = 162 SQ. IN.

LOWER VENTILATION AT MAX. 3'-0" ABOVE EAVE
SOFFIT VENT = 0 LF x 9 SI/LF = 0 SQ. IN.
LOW ROOF DECK VENT = 20 x 9 SI/LF = 180 SQ. IN.
TOTAL LOWER VENTILATION PROVIDED: = 180 SQ. IN.

TOTAL ZONE 1 ATTIC VENTILATION PROVIDED: = 342 SQ. IN.

ATTIC ZONE 2 - 189 SQ.FT.

189 SF x 144 = 27,072 SQ. IN./300 = **90 SQ. IN. REQUIRED**
(MIN. UPPER VENTILATION 40%x91= 36 SI)
(MAX. UPPER VENTILATION 50%x91= 45 SI)

VENTILATION AT MIN. 3'-0" ABOVE EAVE
RIDGE VENTS = 0 LF x 18 SI/LF = 0 SQ. IN.
OFF RIDGE VENT = 8 x 9 SI/LF = 72 SQ. IN.
TOTAL UPPER VENTILATION PROVIDED: = 72 SQ. IN.

LOWER VENTILATION AT MAX. 3'-0" ABOVE EAVE
SOFFIT VENT = 0 LF x 9 SI/LF = 0 SQ. IN.
LOW ROOF DECK VENT = 8 x 9 SI/LF = 72 SQ. IN.
TOTAL LOWER VENTILATION PROVIDED: = 72 SQ. IN.

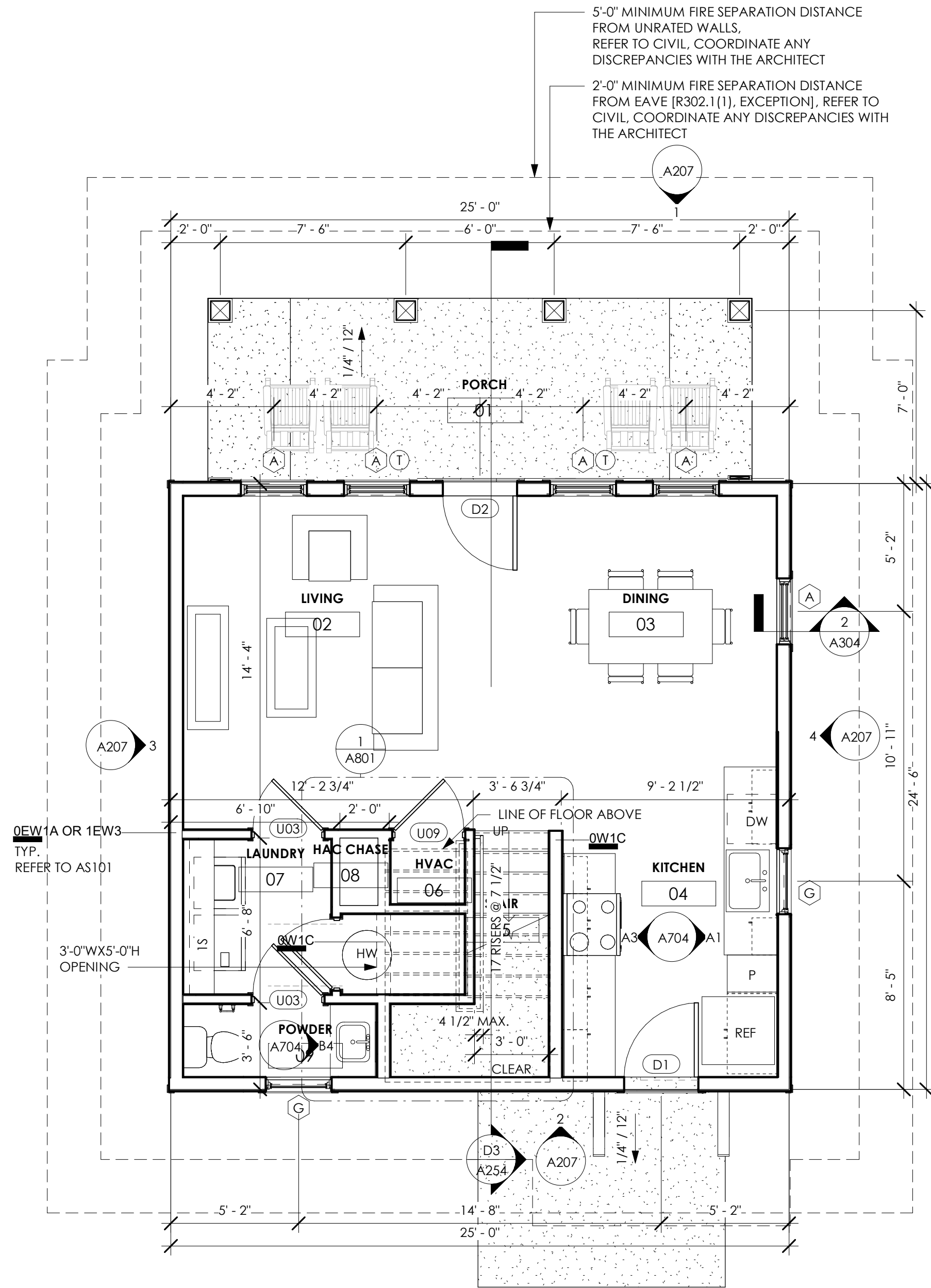
TOTAL ZONE 2 ATTIC VENTILATION PROVIDED: = 144 SQ. IN.

ROOF GENERAL NOTES

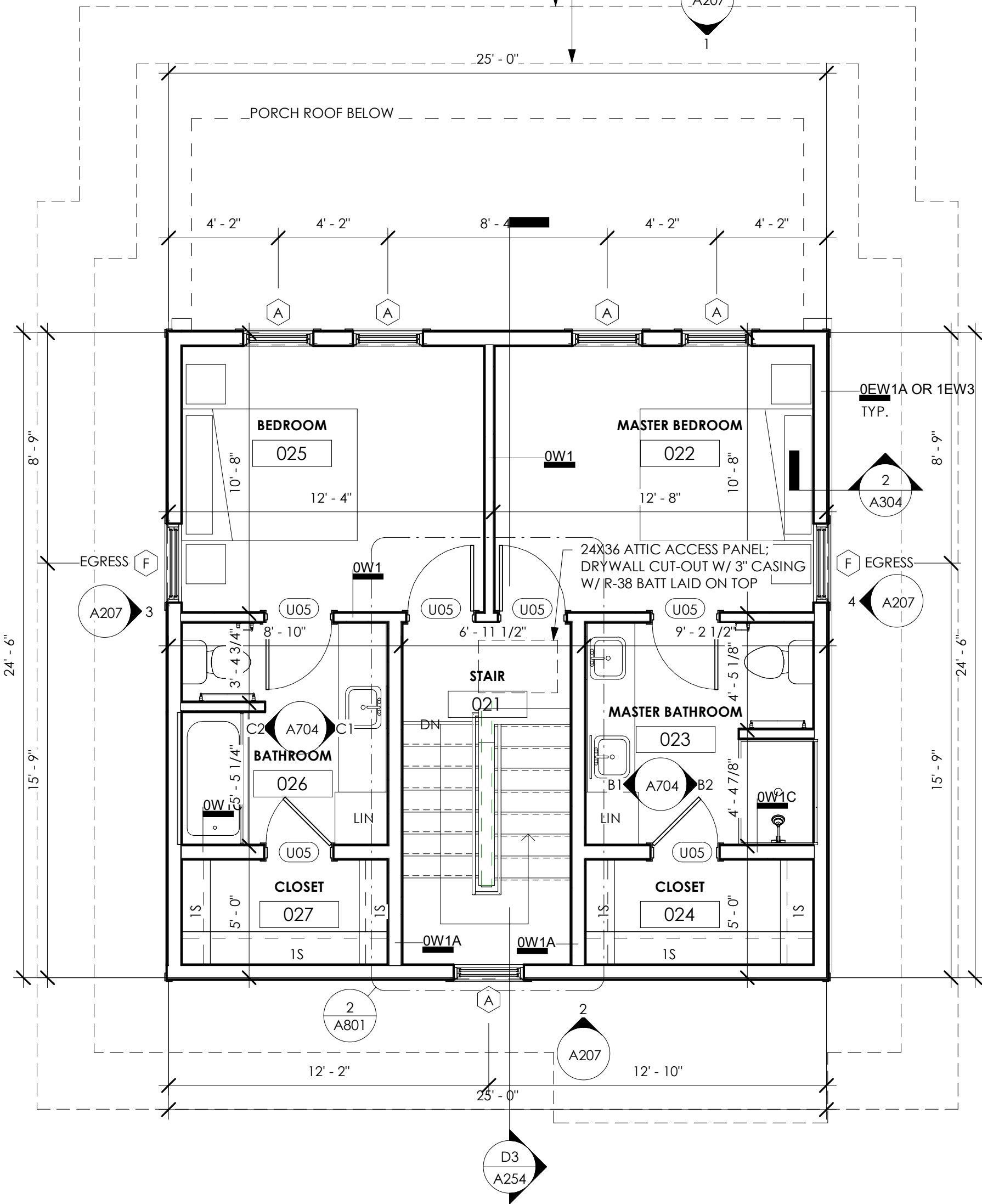
- ROOF SHINGLES TO BE ARCHITECTURAL ASPHALT WITH A LIFETIME WARRANTY OR EQUAL. COLOR TO BE SELECTED BY OWNER.
- VALLEYS TO BE PROVIDED WITH 36" STRIP OF 60 MIL, SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.
- ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGNATED FELT. ROOF UNDERLAYMENT AT ROOFS WITH LESS THAN 4:12 SLOPE TO BE 40MIL, SELF-ADHERING, SELF-HEALING RUBBERIZED UNDERLAYMENT.
- ROOF UNDERLAYMENT TO BE TERMINATED 6" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.
- ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES AS DETAILED ELSEWHERE.
- KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLIES TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.
- ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.
- ROOFING / GENERAL CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.
- PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.
- FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING, FACTORY FINISHED.
- PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".
- OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
- INDICATES ROOF SLOPE DIRECTION
- INDICATES RIDGELINE
- FLASH ALL ROOF PENETRATIONS PER MFR. REQUIREMENTS TO PROVIDE CONTINUOUS WARRANTY. PITCH PANS NOT PERMITTED
- REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES.

B

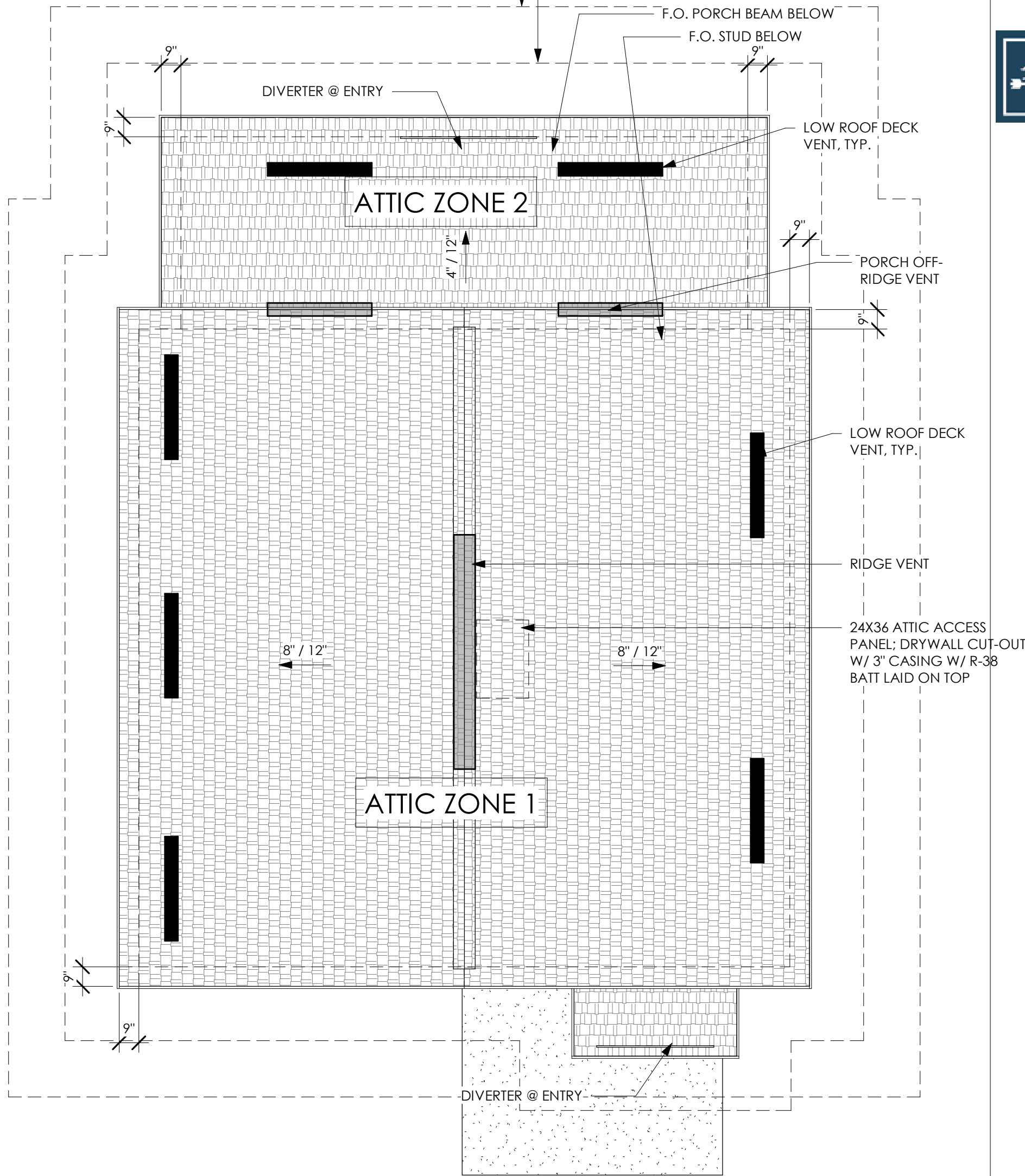
C



1 B3-FIRST FLOOR
1/4" = 1'-0"



2 B3-SECOND FLOOR
1/4" = 1'-0"



3 B3-ROOF PLAN
1/4" = 1'-0"

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER: 21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE: 06/02/2022

PLANS - UNIT B3

A104

SCALE: As indicated

ABBREVIATIONS LEGEND

1S / 2S	1 SHELF / 2 SHELVES
DW	DISHWASHER
LIN	LINEN CABINET
MW	MICROWAVE
P	PANTRY
REF	REFRIGERATOR

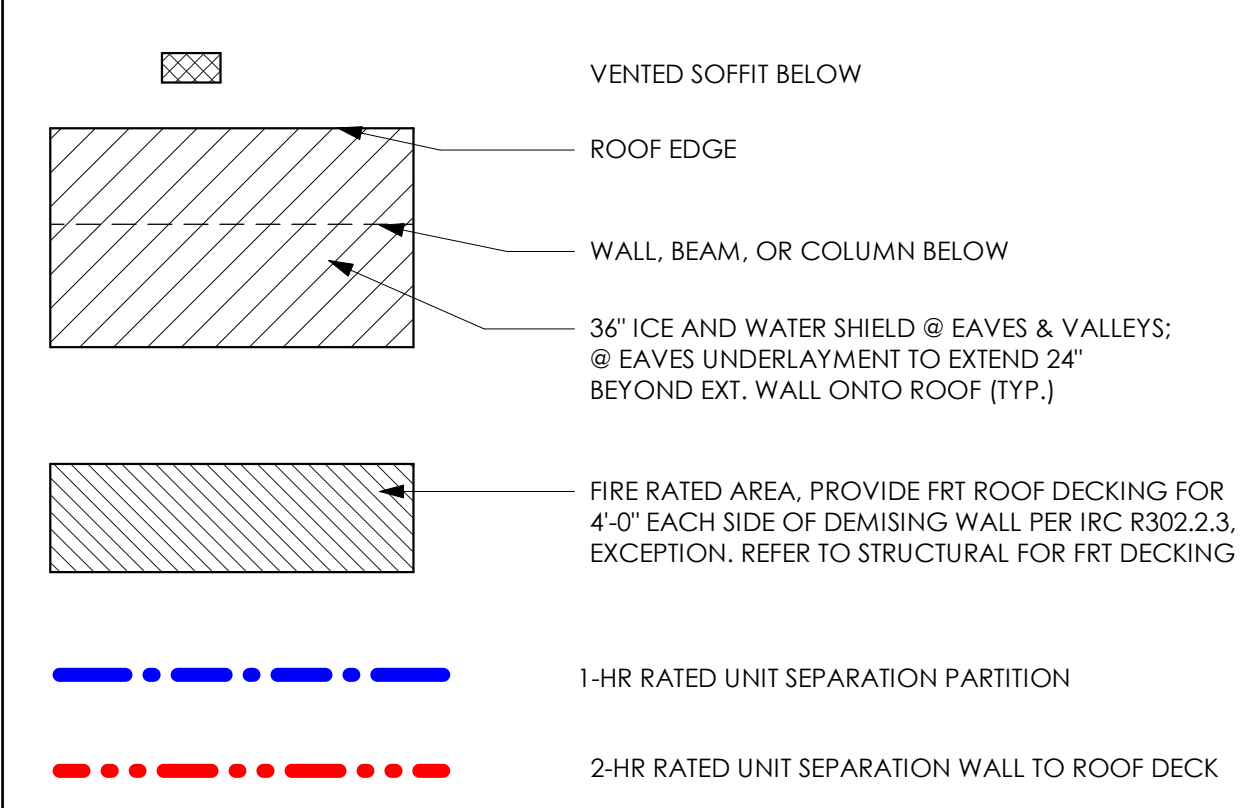
C1 RG 1 - AREA SCHEDULE	
NAME	AREA

C1 RG 1 - MARKET NET	1695 SF
C1 RG 1 - PATIO	191 SF
C1 RG 1 - UNHEATED	507 SF
C1 RG 1 - GROSS	2393 SF

BUILDING PLAN GENERAL NOTES:

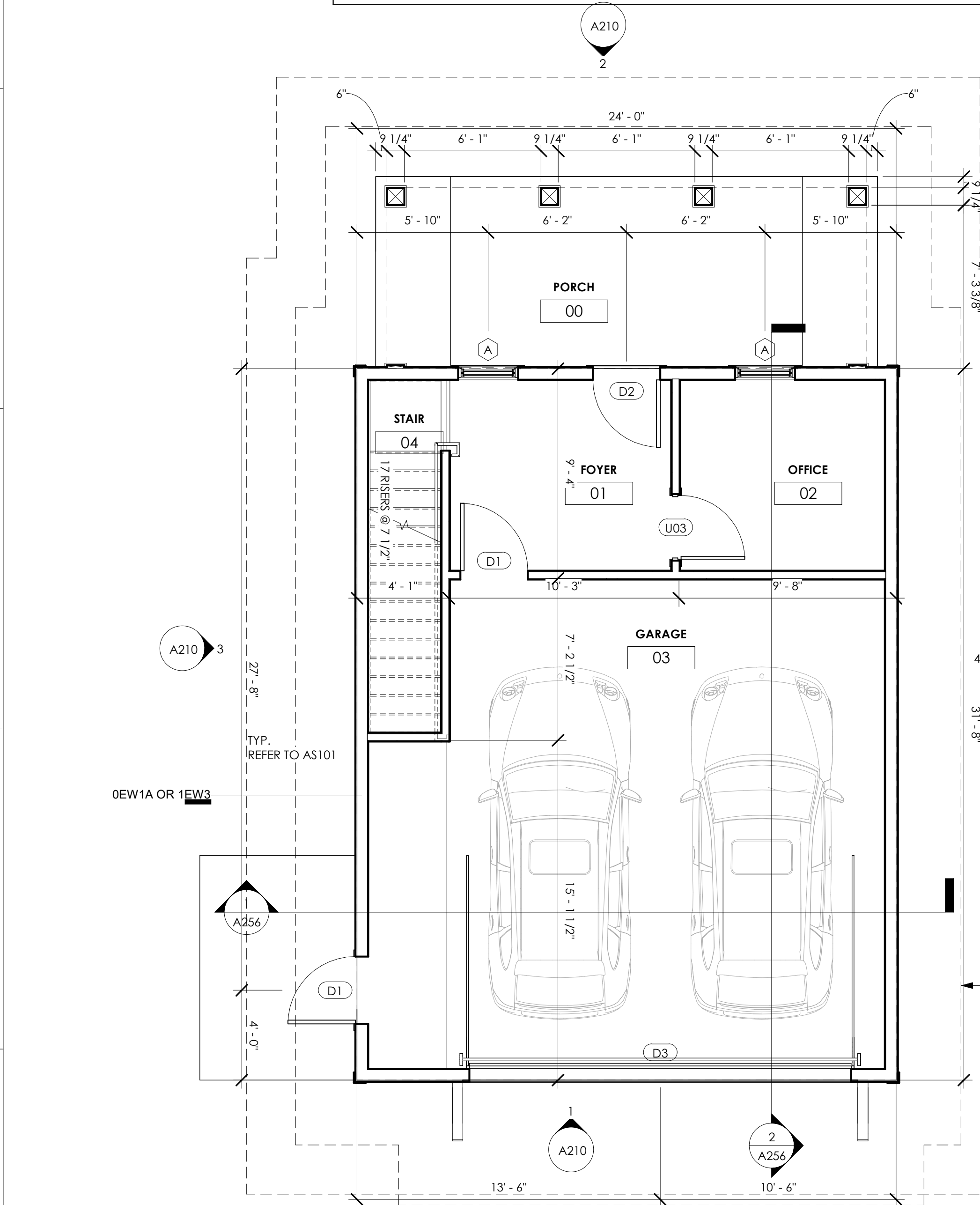
- DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
- ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
- ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
- ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
- ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
- MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
- REFER TO A401 FOR TYPICAL UNIT DETAILS.
- WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION.
- ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
- REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
- ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
- ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
- TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
- SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
- SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
- PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (1EW3. REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL

ROOF LEGEND



ROOF GENERAL NOTES

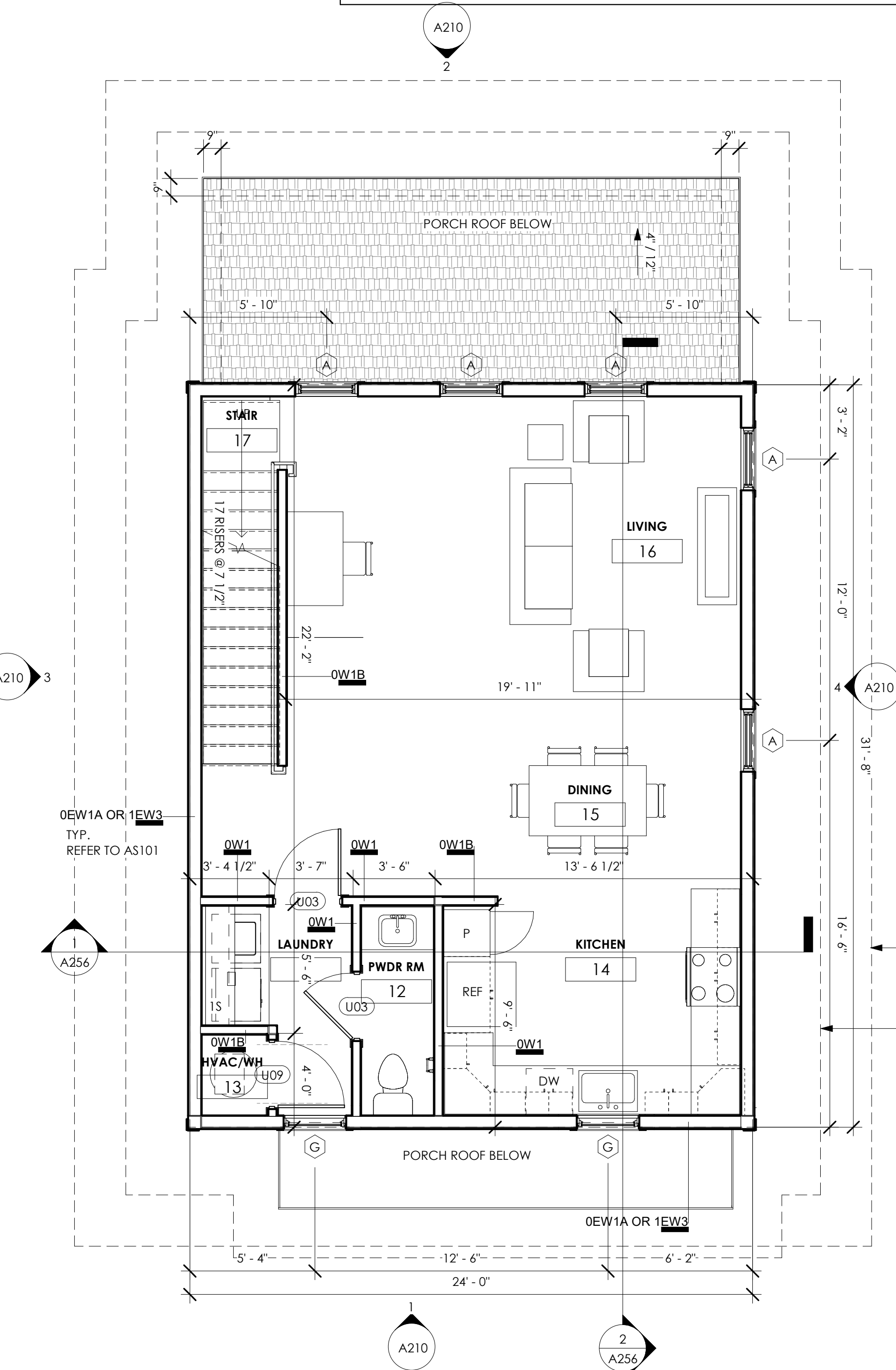
- ROOF SHINGLES TO BE ARCHITECTURAL ASPHALT WITH A LIFETIME WARRANTY OR EQUAL. COLOR TO BE SELECTED BY OWNER.
- VALLEYS TO BE PROVIDED WITH 36" STRIP OF 60 MIL SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.
- ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGNATED FELT. ROOF UNDERLAYMENT AT ROOFS WITH LESS THAN 4:12 SLOPE TO BE 40MIL, SELF-ADHERING, SELF-HEALING RUBBERIZED UNDERLAYMENT.
- ROOF UNDERLAYMENT TO BE TERMINATED 6" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.
- ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES AS DETAILED ELSEWHERE.
- KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLIES TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.
- ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.
- ROOFING / GENERAL CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.
- PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.
- FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING. FACTORY FINISHED.
- PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".
- OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
- INDICATES ROOF SLOPE DIRECTION
- INDICATES RIDGELINE
- FLASH ALL ROOF PENETRATIONS PER MFR. REQUIREMENTS TO PROVIDE CONTINUOUS WARRANTY. PITCH PANS NOT PERMITTED
- REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES.



1 C1 RG - FIRST FLOOR
1/4" = 1'-0"

5'-0" MINIMUM FIRE SEPARATION DISTANCE FROM UNRATED WALLS. REFER TO CIVIL, COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT

2'-0" MINIMUM FIRE SEPARATION DISTANCE FROM EAVE (R302.1(1), EXCEPTION), REFER TO CIVIL, COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT



2 C1 RG - SECOND FLOOR
1/4" = 1'-0"

5'-0" MINIMUM FIRE SEPARATION DISTANCE FROM UNRATED WALLS. REFER TO CIVIL, COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT

2'-0" MINIMUM FIRE SEPARATION DISTANCE FROM EAVE (R302.1(1), EXCEPTION), REFER TO CIVIL, COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT

SGA | NW
a GF design company
8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE		
#	DESCRIPTION	DATE

SCHEMATIC DESIGN
SGA | NW DESIGN PROJECT NUMBER: 21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: Checker
ISSUE DATE: 06/02/2022

PLANS - UNIT C1 RG1

A108

SCALE: As indicated

1S / 2S	1 SHELF / 2 SHELVES
DW	DISHWASHER
LIN	LINEN CABINET
MW	MICROWAVE
P	PANTRY
REF	REFRIGERATOR

C1 RG 1 - AREA SCHEDULE	
NAME	AREA
C1 RG 1 - MARKET NET	1695 SF
C1 RG 1 - PATIO	191 SF
C1 RG 1 - UNHEATED	507 SF
C1 RG 1 - GROSS	2393 SF

1. DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
2. ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
3. ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
4. ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
5. ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
6. MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
7. REFER TO A401 FOR TYPICAL UNIT DETAILS.
8. WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
9. ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
10. REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
11. ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
12. ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
13. ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
14. ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
15. TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
16. SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
17. SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
18. PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (1EW3. REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL

Diagram showing details for roof edge and fire rated area. The top section shows a cross-section of a roof edge with a hatched area labeled "VENTED SOFFIT BELOW". Below this, a cross-section of a wall, beam, or column is shown with a hatched area labeled "ROOF EDGE". The wall, beam, or column is labeled "WALL, BEAM, OR COLUMN BELOW". The hatched area is labeled "36\" ICE AND WATER SHIELD @ EAVES & VALLEYS; @ EAVES UNDERLAYMENT TO EXTEND 24\" BEYOND EXT. WALL ONTO ROOF (TYP.)". The bottom section shows a cross-section of a fire rated area with a hatched area labeled "FIRE RATED AREA. PROVIDE FRT ROOF DECKING FOR 4'-0\" EACH SIDE OF DEMISING WALL PER IRC R302.2.3. EXCEPTION. REFER TO STRUCTURAL FOR FRT DECKING".

CALCULATIONS PER 2018 NORTH CAROLINA RESIDENTIAL CODE SECTION 806.2

ATTIC ZONE 1 - 846 SQ. FT.

846 SF x 144 = 121,824 SQ. IN./300 = **406 SQ. IN. REQUIRED**
(MIN. UPPER VENTILATION 40% x 330.7 = 163 SI)
(MAX. UPPER VENTILATION 50% x 330.7 = 203 SI)

VENTILATION AT MAX. 3" 0" ABOVE EAVE

RIDGE VENTS = 11 LF x 18 SI/LF = 198 SQ. IN.
OFF RIDGE VENT = 0 LF x 9 SI/LF = 0 SQ. IN.

TOTAL UPPER VENTILATION PROVIDED: = 198 SQ. IN.

LOWER VENTILATION AT MAX. 3" 0" ABOVE EAVE

SOFFIT VENT = 0 LF x 9 SI/LF = 0 SQ. IN.
LOW ROOF DECK VENT = 24 x 9 SI/LF = 216 SQ. IN.

TOTAL LOWER VENTILATION PROVIDED: = 216 SQ. IN.

TOTAL ZONE 1 ATTIC VENTILATION PROVIDED: = 414 SQ. IN.

ATTIC ZONE 2 - 201 SQ.FT.

201 SF x 144 = 28,944 SQ. IN./300 = **96.5 SQ. IN. REQUIRED**
(MIN. UPPER VENTILATION 40%x97= 39 SI)
(MAX. UPPER VENTILATION 50%x97= 48 SI)

VENTILATION AT MIN. 3'-0" ABOVE EAVE
RIDGE VENTS = 0 LF x 18 S/LF = **= 0 SQ. IN.**
OFF RIDGE VENT = 8 x 9 S/LF = **= 72 SQ. IN.**

TOTAL UPPER VENTILATION PROVIDED: = 72 SQ. IN.

LOWER VENTILATION AT MAX. 3'-0" ABOVE EAVE
SOFFIT VENT = 0 LF x 9 S/LF = **= 0 SQ. IN.**
LOW ROOF DECK VENT = 8 x 9 S/LF = **= 72 SQ. IN.**

TOTAL LOWER VENTILATION PROVIDED: = 72 SQ. IN.

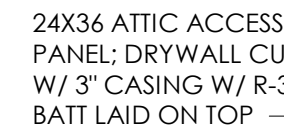
TOTAL ZONE 2 ATTIC VENTILATION PROVIDED: = 144 SQ. IN.

1.	ROOF SHINGLES TO BE ARCHITECTURAL ASPHALT WITH A LIFETIME WARRANTY OR EQUAL. COLOR TO BE SELECTED BY OWNER.	14.	OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
2.	VALLEYS TO BE PROVIDED WITH 36" STRIP OF 60 MIL. SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.	15.	INDICATES ROOF SLOPE DIRECTION
3.	ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGNATED FELT. ROOF UNDERLAYMENT AT ROOFS WITH LESS THAN 4:12 SLOPE TO BE 40MIL. SELF-ADHERING, SELF-HEALING RUBBERIZED UNDERLAYMENT.	16.	INDICATES RIDGELINE
4.	ROOF UNDERLAYMENT TO BE TERMINATED 6" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.	17.	FLASH ALL ROOF PENETRATIONS PER MFR. REQUIREMENTS TO PROVIDE CONTINUOUS WARRANTY. PITCH PANS NOT PERMITTED
5.	ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES AS DETAILED ELSEWHERE.	19.	REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES
6.	KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLIES TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.		
7.	ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.		
8.	ROOFING / GENERAL CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.		
9.	PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.		
10.	FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING, FACTORY FINISHED.		
11.	PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".		



5'-0" MINIMUM FIRE SEPARATION DISTANCE FROM UNRATED WALLS, REFER TO CIVIL, COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT

2'-0" MINIMUM FIRE SEPARATION DISTANCE FROM EAVE [R302.1(1), EXCEPTION], REFER TO CIVIL, COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT



5'-0" MINIMUM FIRE SEPARATION DISTANCE FROM UNRATED WALLS, REFER TO CIVIL, COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT

2'-0" MINIMUM FIRE SEPARATION DISTANCE FROM EAVE [R302.1(1), EXCEPTION], REFER TO CIVIL, COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT

a **GF** design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT
DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT
PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR
PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION
IN ANY FORM, THE USE OF THESE DOCUMENTS OR THE ELECTRONIC
INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS
OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO
THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG
REAL ESTATE PARTNERS

HUNTERVILLE, NC

REVISION SCHEDULE		
#	DESCRIPTION	DATE

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: Checker
ISSUE DATE:
06/02/2022

A109

SCALE: As indicated

6/6/2022 8:45:42 AM

ABBREVIATIONS LEGEND

1S / 2S	1 SHELF / 2 SHELVES
DW	DISHWASHER
LIN	LINEN CABINET
MW	MICROWAVE
P	PANTRY
REF	REFRIGERATOR

TH F, T1 - AREA SCHEDULE	
NAME	AREA
TH F, T1 - MARKET NET	1465 SF
TH F, T1 - PATIO	43 SF
TH F, T1 - UNHEATED	256 SF
TH F - GROSS	1764 SF

BUILDING PLAN GENERAL NOTES:

- DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
- ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
- ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
- ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
- ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
- MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
- REFER TO A401 FOR TYPICAL UNIT DETAILS.
- WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
- ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
- REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
- ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
- ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
- TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
- SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
- SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
- PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (1EW3, REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

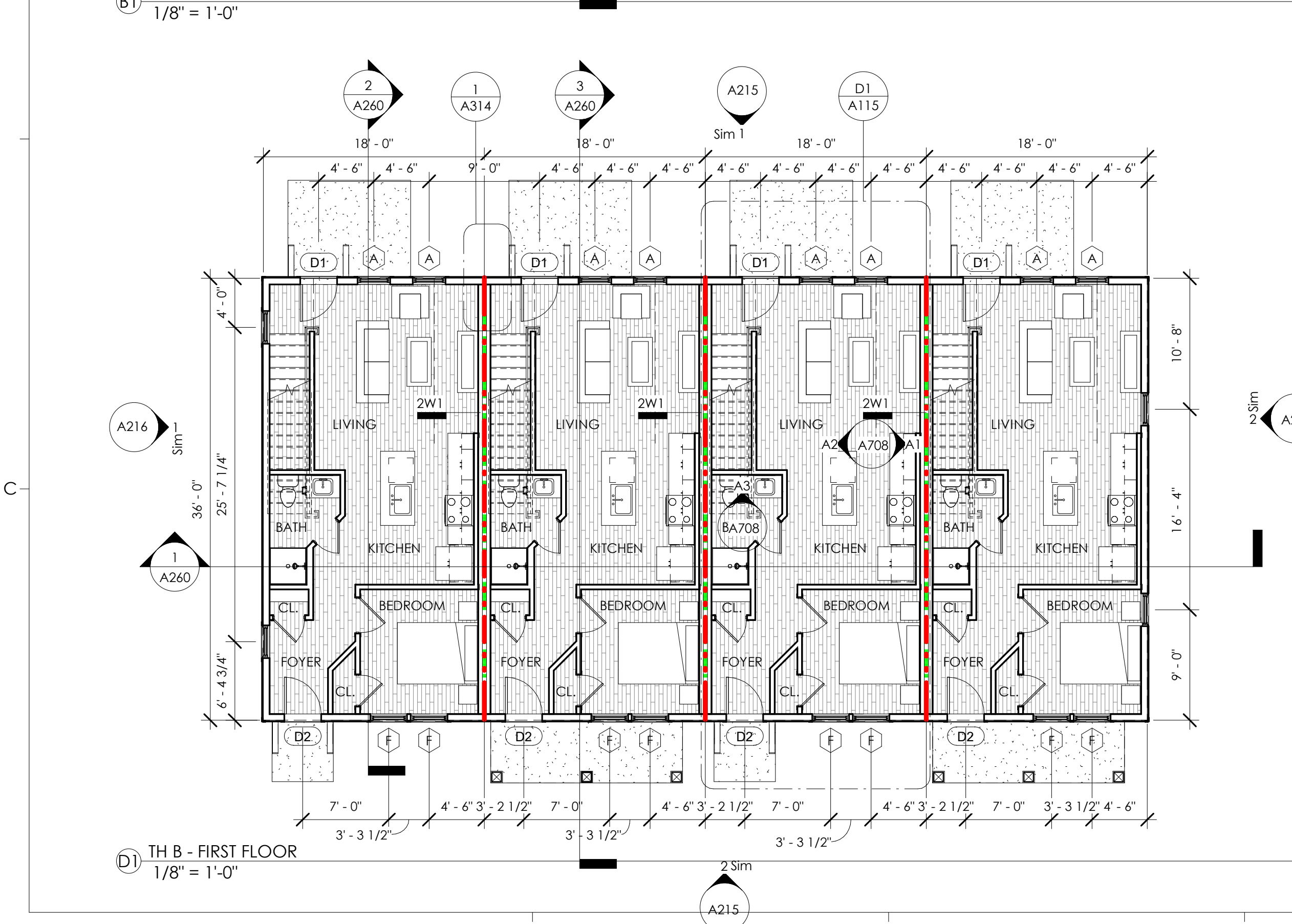
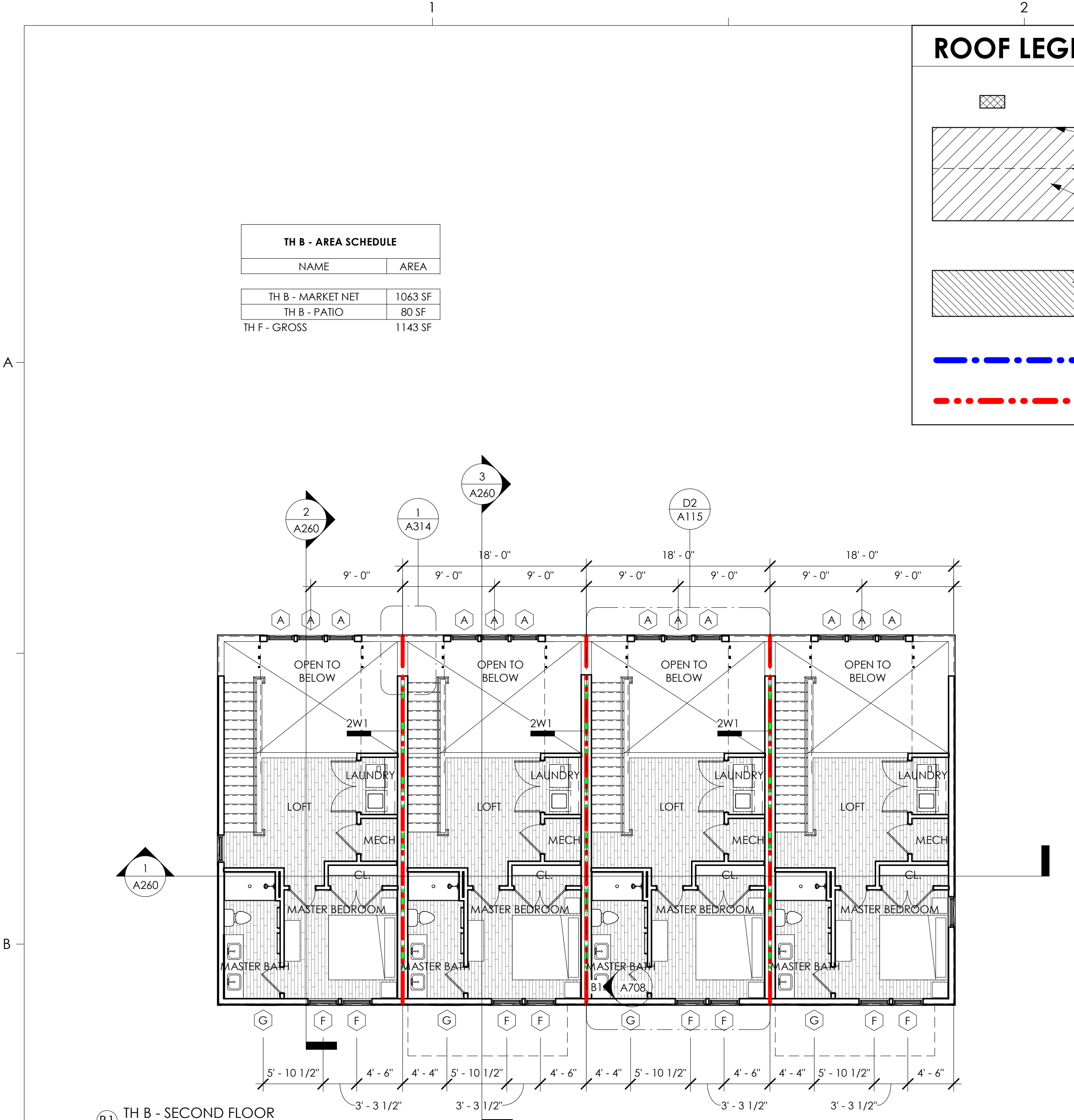
SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

PLANS - TOWNHOME
UNIT F

A111

SCALE: As indicated



ROOF GENERAL NOTES

- ROOF SHINGLES TO BE ARCHITECTURAL ASPHALT WITH A LIFETIME WARRANTY OR EQUAL. COLOR TO BE SELECTED BY OWNER.
- VALLEYS TO BE PROVIDED WITH 36" STRIP OF 60 MIL SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.
- ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGNATED FELT. ROOF UNDERLAYMENT AT ROOFS WITH LESS THAN 4:12 SLOPE TO BE 40MIL, SELF-ADHERING, SELF-HEALING RUBBERIZED UNDERLAYMENT.
- ROOF UNDERLAYMENT TO BE TERMINATED 6" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.
- ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES AS DETAILED ELSEWHERE.
- KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLY TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.
- ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.
- ROOFING / GENERAL CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.
- PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.
- FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING. FACTORY FINISHED.
- PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".
- OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
- INDICATES ROOF SLOPE DIRECTION
- INDICATES RIDGELINE
- FLASH ALL ROOF PENETRATIONS PER MFR. REQUIREMENTS TO PROVIDE CONTINUOUS WARRANTY. PITCH PANS NOT PERMITTED
- REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES.

BUILDING PLAN GENERAL NOTES:

- DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
- ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
- ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
- ALL DOORS SHALL BE 5' OFF NEAREST CORNER OR CENTERED ON WALL UNO.
- ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
- MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
- REFER TO A401 FOR TYPICAL UNIT DETAILS.
- WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
- ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
- REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
- ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
- ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
- ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
- TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
- SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
- SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
- PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (1EW3, REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL.

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:

21-177-04

DESIGNED BY: CS, RC

DRAWN BY: AC, LH, HK, KL

CHECKED BY: Checker

ISSUE DATE:

06/02/2022

PLANS - TOWNHOME
B4

A114

SCALE: As indicated

1S / 2S	1 SHELF / 2 SHELVES
DW	DISHWASHER
LIN	LINEN CABINET
MW	MICROWAVE
P	PANTRY
REF	REFRIGERATOR

TH B - MARKET NET	1063 SF
TH B - PATIO	80 SF
TH F - GROSS	1143 SF

1. DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
2. ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
3. ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
4. ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
5. ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
6. MAX THRESHOLD HEIGHT SHALL BE 1 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
7. REFER TO A401 FOR TYPICAL UNIT DETAILS.
8. WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
9. ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
10. REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
11. ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
12. ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
13. ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
14. ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
15. TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
16. SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
17. SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
18. PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (**1EWS**, REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL

a **GF** design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT
DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT
PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR
PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION
IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC
INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS
OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO
THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG
REAL ESTATE PARTNERS

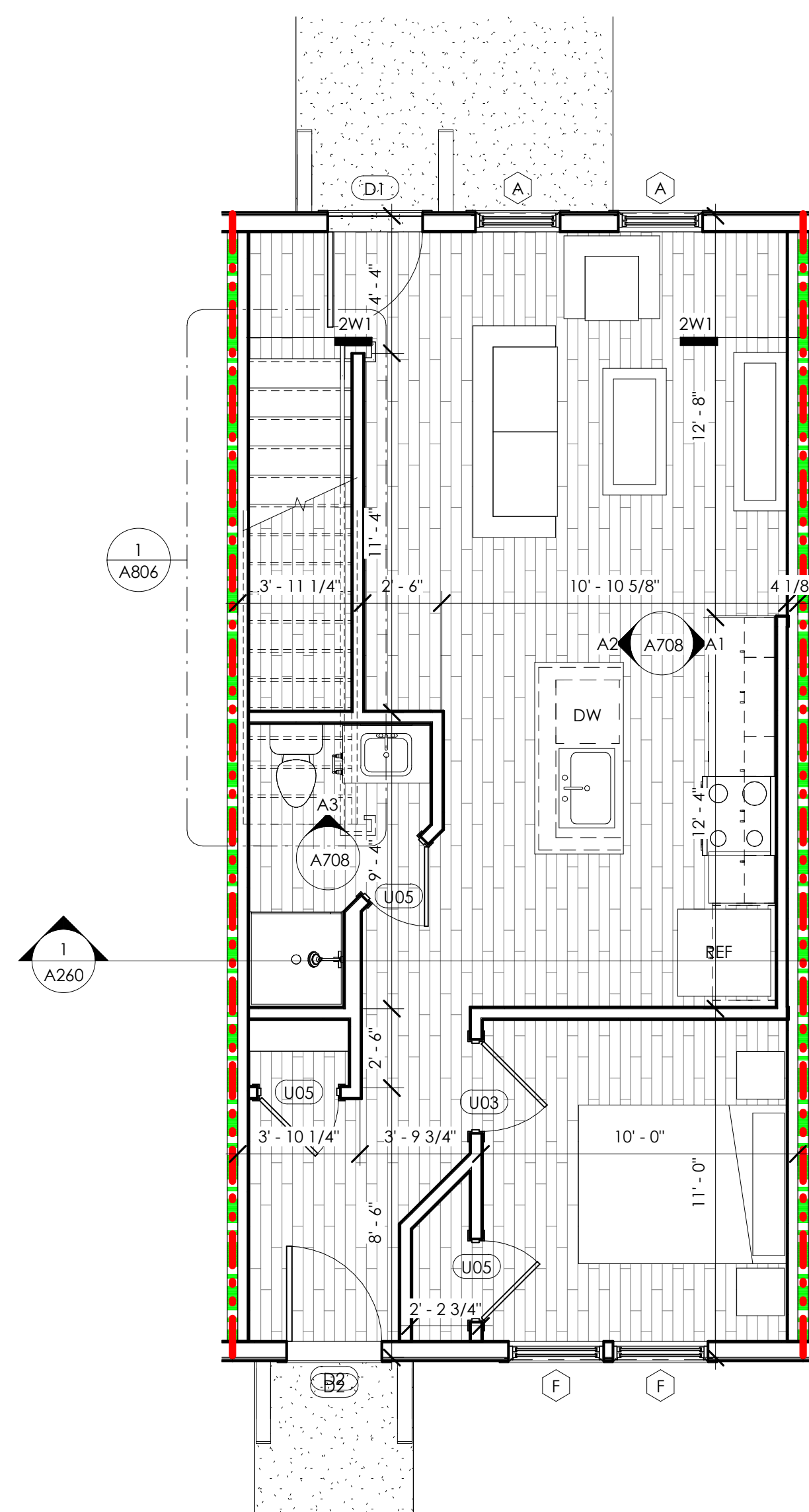
HUNTERVILLE, NC

REVISION SCHEDULE		
#	DESCRIPTION	DATE

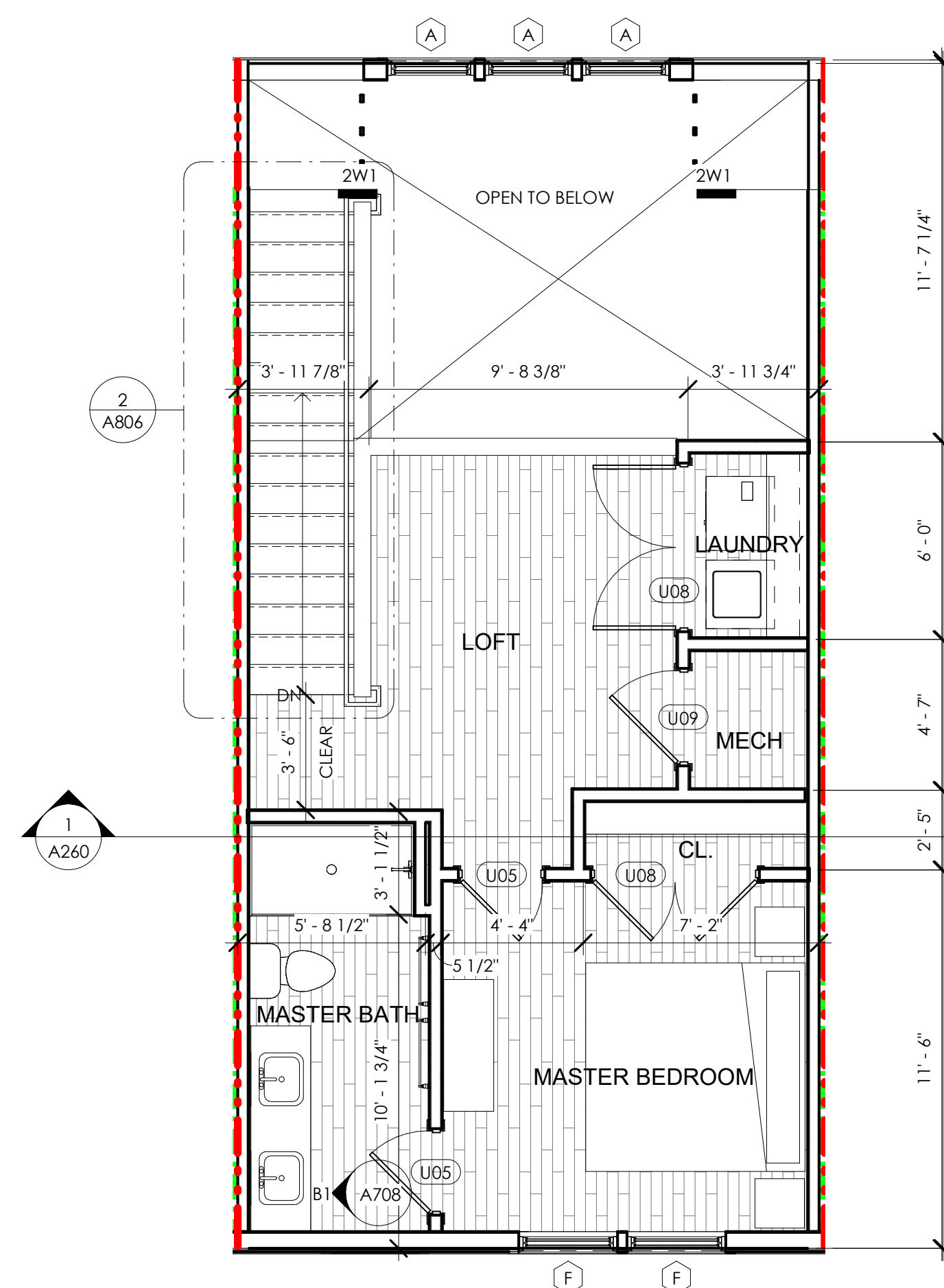
SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: Checker
ISSUE DATE:
06/02/2022

A115

SCALE: As indicated



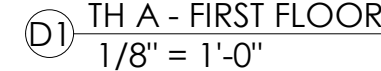
TH B - FIRST FLOOR UNIT
1/4" = 1'-0"



(D2) TH B - SECOND FLOOR UNIT
 1/4" = 1'-0"

A-

C-

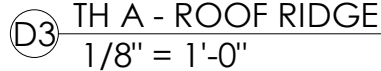


2

3

- 4

1. DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
2. ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
3. ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
4. ALL DOORS SHALL BE 5' OFF NEAREST CORNER OR CENTERED ON WALL UNO.
5. ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
6. MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
7. REFER TO A401 FOR TYPICAL UNIT DETAILS.
8. WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
9. ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
10. REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
11. ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
12. ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
13. ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
14. ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
15. TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
16. SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
17. SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
18. PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES **[EW3. REFER TO G501]** WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL



THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT
DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT
PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR
PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION
IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC
INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS
OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO
THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.



HUNTERSVILLE, NC

SCHEMATIC DESIGN
SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: Checker
ISSUE DATE:
06/02/2022

SCALE: As indicated

A

B

C

ABBREVIATIONS LEGEND

1S / 2S	1 SHELF / 2 SHELVES
DW	DISHWASHER
LIN	LINEN CABINET
MW	MICROWAVE
P	PANTRY
REF	REFRIGERATOR

TH A - AREA SCHEDULE	
NAME	AREA
TH A - MARKET NET	882 SF
TH A - PATIO	77 SF
TH F - GROSS	959 SF

BUILDING PLAN GENERAL NOTES:

1. DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
2. ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
3. ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
4. ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
5. ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
6. MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
7. REFER TO A401 FOR TYPICAL UNIT DETAILS.
8. WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
9. ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
10. REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
11. ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
12. ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
13. ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
14. ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
15. TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
16. SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
17. SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
18. PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (1EW3, REFER TO G501) WHERE MINIMUM FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET, COORDINATE WITH CIVIL.

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

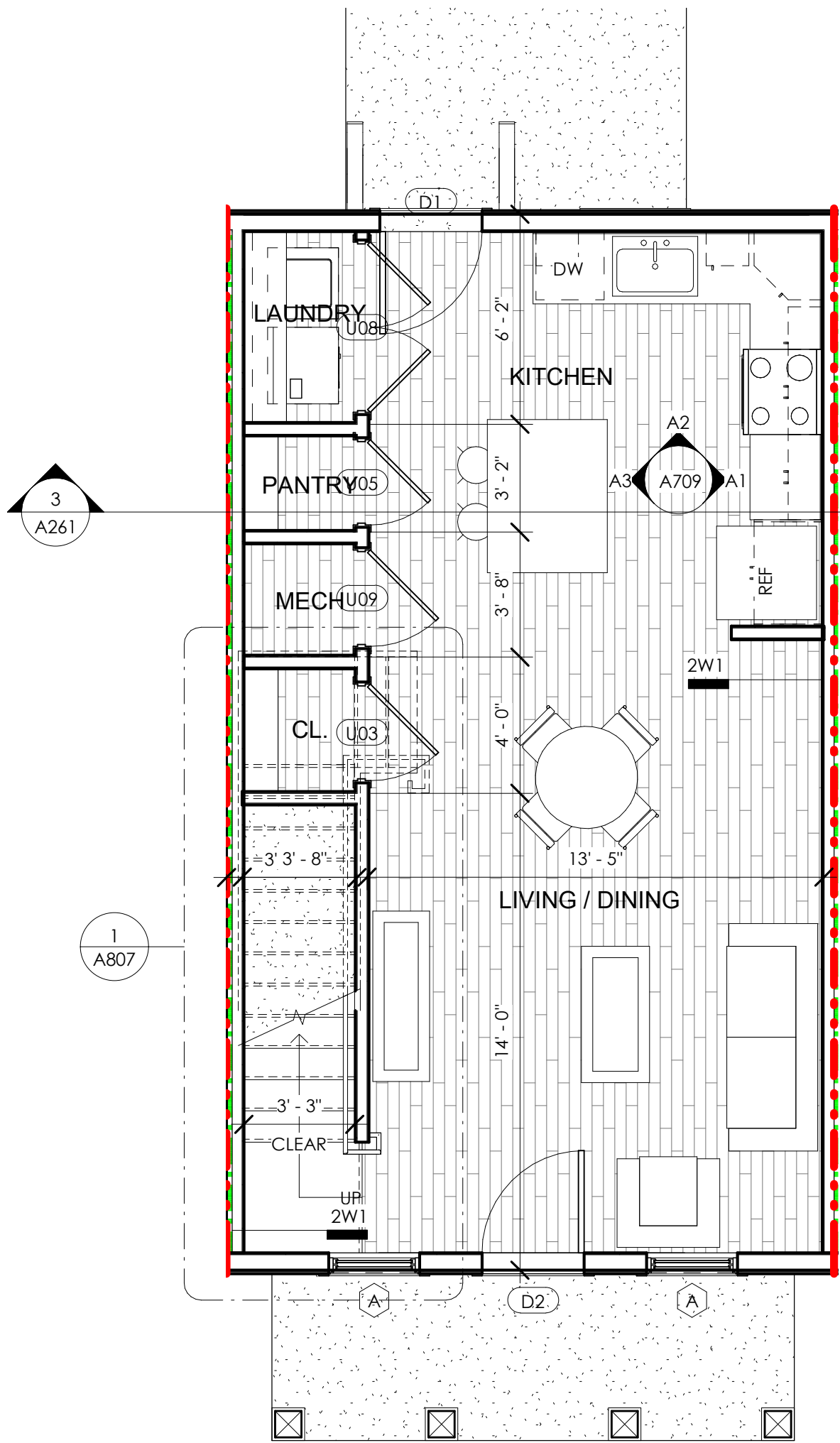
SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: Checker
ISSUE DATE:
06/02/2022

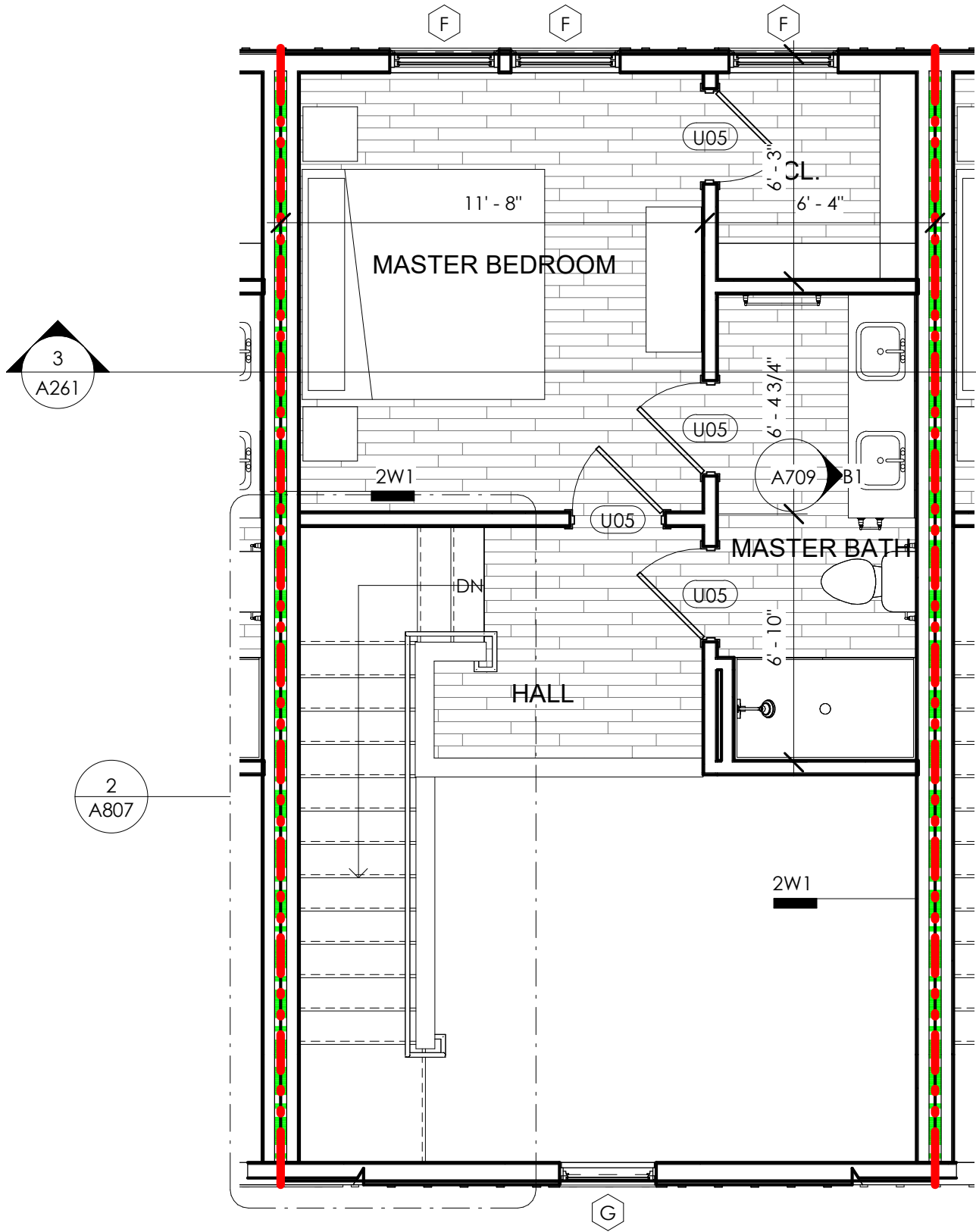
PLANS - TOWNHOME
UNIT A

A117

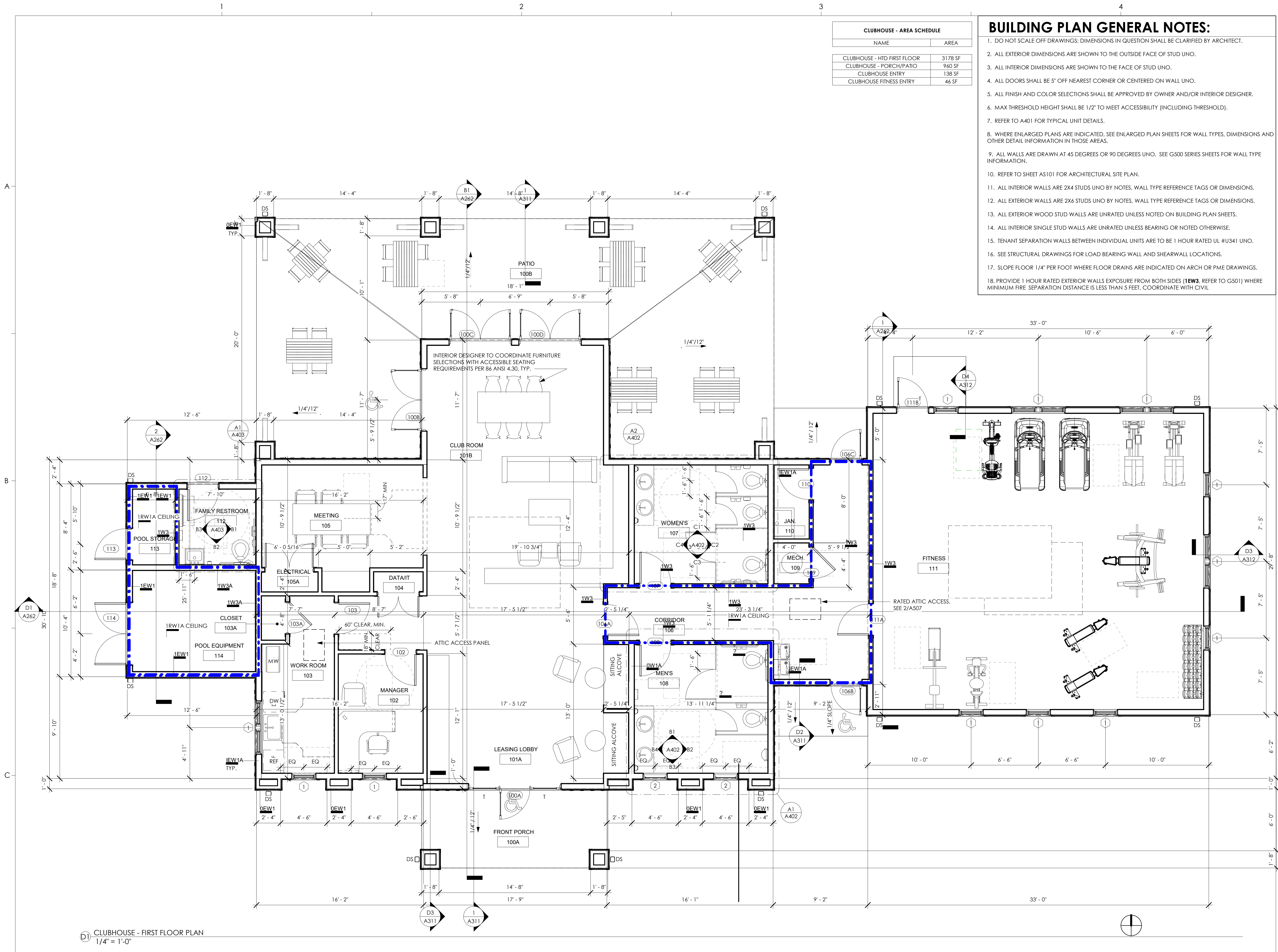
SCALE: As indicated



D1 TH A - FIRST FLOOR UNIT
1/4" = 1'-0"



D2 TH A - SECOND FLOOR UNIT
1/4" = 1'-0"



THESE DOCUMENTS PROVIDED BY SGA | NW ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS
Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE
 **MIDDLEBURG REAL ESTATE PARTNERS**

SCHEMATIC DESIGN
HUNTERSVILLE, NC

REVISION SCHEDULE		
#	DESCRIPTION	DATE

SCHEMATIC DESIGN
SGA | NW DESIGN PROJECT NUMBER: 21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE: 06/02/2022

PLANS - CLUBHOUSE

A120
SCALE: As indicated

ATTIC CALCULATIONS- CLUBHOUSE:

CALCULATIONS PER 2015 IBC SECTION 1203.2

ATTIC ZONE 1 - 2,169 SQ.FT.

2,169SF x 144 = 312,336 SQ. IN./300 = **1,041 SQ. IN. REQUIRED**
(MIN. UPPER VENTILATION 40% $\times$ 1041= 416.4 SI)
(MAX. UPPER VENTILATION 50% $\times$ 1041= 520.5 SI)

VENTILATION AT MIN. 3'-0" ABOVE EAVE

TAMCO ROLL RIDGE VENTS = 29 LF x 18 SI/LF = 504 SQ. IN.
TAMCO OFF RIDGE VENT = 0 LF x 35 SI/LF = 0 SQ. IN.
TOTAL UPPER VENTILATION PROVIDED: = 504 SQ. IN.

LOWER VENTILATION

CONT. SOFFIT VENT = 235 LF x 9 SI/LF = 2115 SQ. IN.
TOTAL LOWER VENTILATION PROVIDED: = 2115 SQ. IN.

TOTAL ZONE 1 ATTIC VENTILATION PROVIDED: = 2,619 SQ. IN.

ATTIC ZONE 2 - 2,212 SQ.FT.

2,212 SF x 144 = 318,528 SQ. IN./300 = **1061.8 SQ. IN. REQUIRED**
(MIN. UPPER VENTILATION 40% $\times$ 1437.6= 424.7 SI)
(MAX. UPPER VENTILATION 50% $\times$ 1437.6= 530.9 SI)

VENTILATION AT MIN. 3'-0" ABOVE EAVE

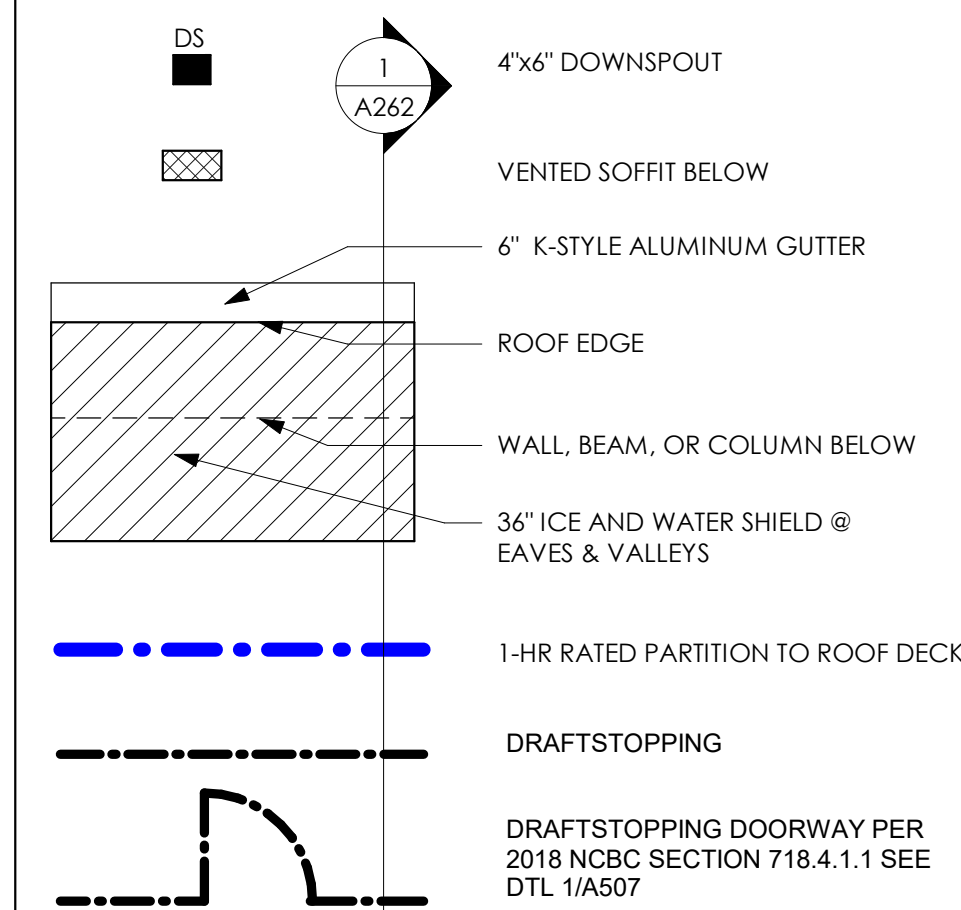
TAMCO ROLL RIDGE VENTS = 29 LF x 18 SI/LF = 522 SQ. IN.
TAMCO OFF RIDGE VENT = 0 LF x 35 SI/LF = 0 SQ. IN.
TOTAL UPPER VENTILATION PROVIDED: = 522 SQ. IN.

LOWER VENTILATION

CONT. SOFFIT VENT = 145 LF x 9 SI/LF = 1305 SQ. IN.
TOTAL LOWER VENTILATION PROVIDED: = 1305 SQ. IN.

TOTAL ZONE 2 ATTIC VENTILATION PROVIDED: = 1,827 SQ. IN.

ROOF LEGEND



ROOF GENERAL NOTES

1. ROOF SHINGLES TO BE GAF TIMBERLINE HIGH DEFINITION DIMENSIONAL LIFETIME OR EQUAL. COLOR TO BE SELECTED BY OWNER.
2. VALLEYS TO BE PROVIDED WITH 36" STRIP OF 40 MIL MIN. SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.
3. ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGNATED FELT AT ASPHALT SHINGLE ROOFING. ROOF UNDERLAYMENT TO BE 40 MIL MIN. SELF ADHERING HIGH TEMP MEMBRANE AT METAL ROOFING.
4. ROOF UNDERLAYMENT TO BE TERMINATED 8" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.
5. ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES.
6. KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLY TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.
7. ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.
8. ROOFING CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.
9. PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.
10. FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING, FACTORY FINISHED.
11. FOR GUTTERS AND DOWNSPOUTS, REFER TO LEGEND FOR DISCHARGE INTO STORM SEWER WITH PIPE UNDERGROUND.
12. PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".
13. DOWNSPOUTS SHALL BE PREFINISHED 3"x4" ALUMINUM PIPE WITH BELL FITTINGS.
14. OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
15. ——— INDICATES ROOF SLOPE DIRECTION
16. REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES.
17. ROOF CRICKET SLOPES TO BE MIN. 1/2" PER FOOT.
18. ALL GUTTERS TO BE 6" WIDE U.N.O.

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NW ARE THE PROPERTY OF SGA | NW. THEY ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SGA | NW.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER: 21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE: 06/02/2022

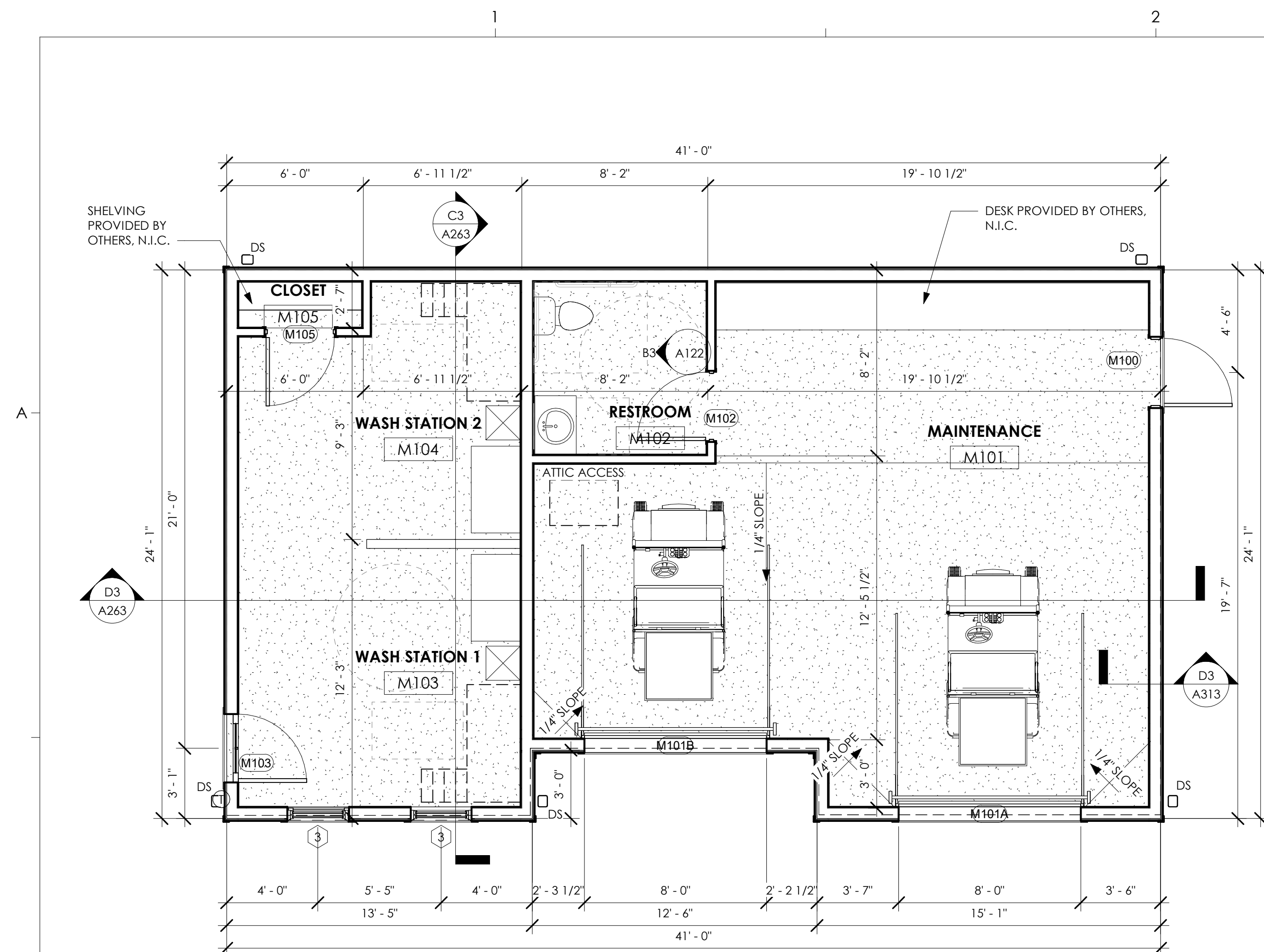
ROOF PLAN - CLUBHOUSE

A121

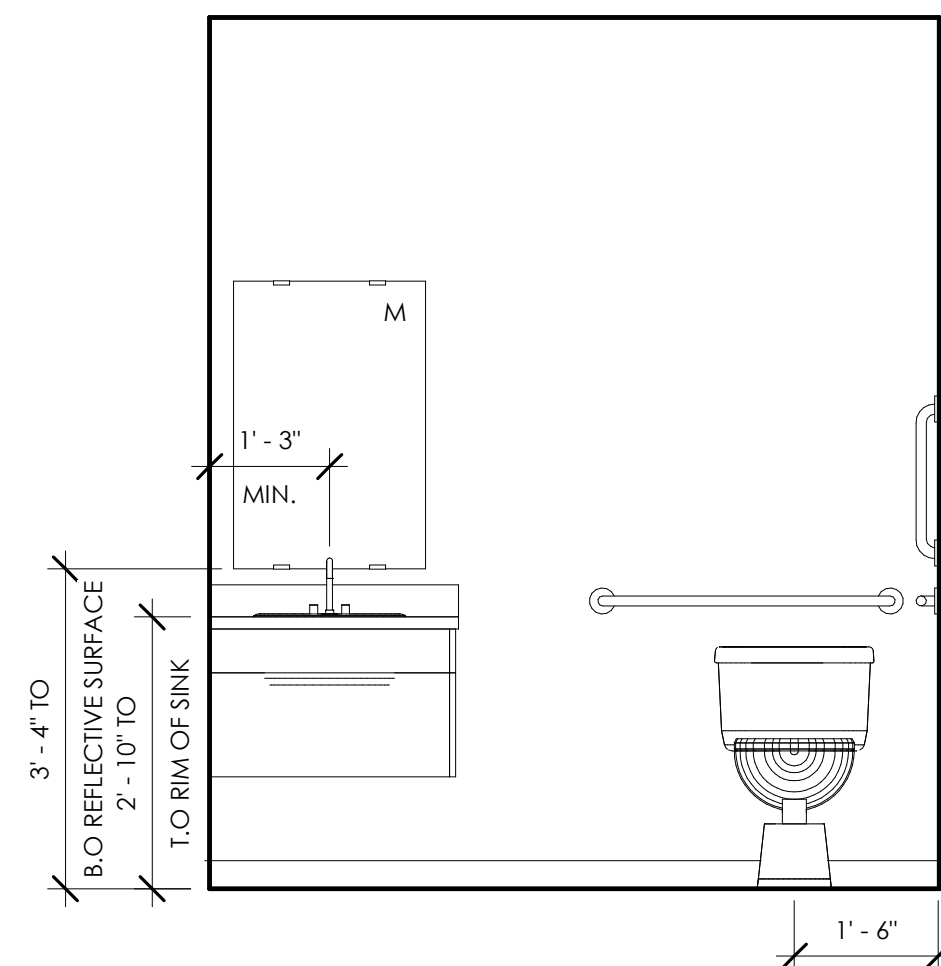
SCALE: As indicated

6/6/2022 8:46:20 AM

11 CLUBHOUSE - ROOF PLAN
1/4" = 1'-0"



D3 MAINTENANCE - FIRST FLOOR PLAN
1/4" = 1'-0"



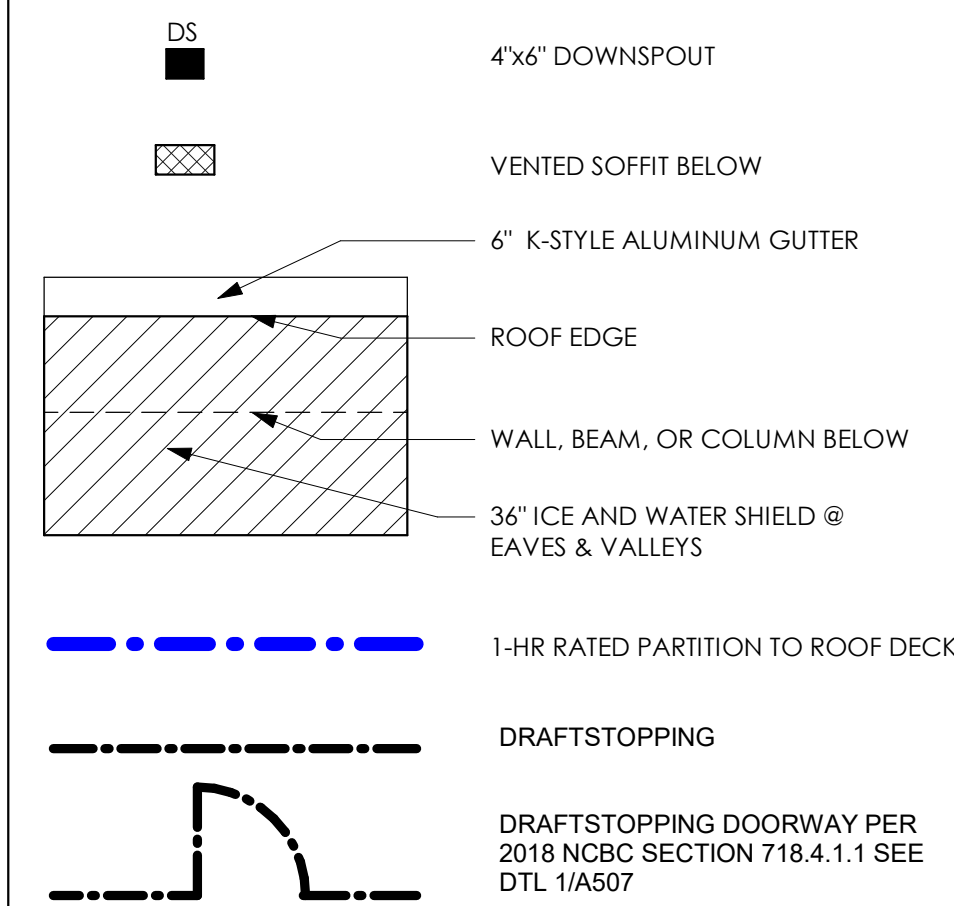
(B3) MAINTENANCE - RESTROOM ELEVATION
1/2" = 1'-0"

MAINTENANCE - AREA SCHEDULE	
NAME	AREA
MB - SHOP	592 SF
MB - PET WASH	362 SF

BUILDING PLAN GENERAL NOTES:

1. DO NOT SCALE OFF DRAWINGS; DIMENSIONS IN QUESTION SHALL BE CLARIFIED BY ARCHITECT.
2. ALL EXTERIOR DIMENSIONS ARE SHOWN TO THE OUTSIDE FACE OF STUD UNO.
3. ALL INTERIOR DIMENSIONS ARE SHOWN TO THE FACE OF STUD UNO.
4. ALL DOORS SHALL BE 5" OFF NEAREST CORNER OR CENTERED ON WALL UNO.
5. ALL FINISH AND COLOR SELECTIONS SHALL BE APPROVED BY OWNER AND/OR INTERIOR DESIGNER.
6. MAX THRESHOLD HEIGHT SHALL BE 1/2" TO MEET ACCESSIBILITY (INCLUDING THRESHOLD).
7. REFER TO A401 FOR TYPICAL UNIT DETAILS.
8. WHERE ENLARGED PLANS ARE INDICATED, SEE ENLARGED PLAN SHEETS FOR WALL TYPES, DIMENSIONS AND OTHER DETAIL INFORMATION IN THOSE AREAS.
9. ALL WALLS ARE DRAWN AT 45 DEGREES OR 90 DEGREES UNO. SEE G500 SERIES SHEETS FOR WALL TYPE INFORMATION.
10. REFER TO SHEET AS101 FOR ARCHITECTURAL SITE PLAN.
11. ALL INTERIOR WALLS ARE 2X4 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
12. ALL EXTERIOR WALLS ARE 2X6 STUDS UNO BY NOTES, WALL TYPE REFERENCE TAGS OR DIMENSIONS.
13. ALL EXTERIOR WOOD STUD WALLS ARE UNRATED UNLESS NOTED ON BUILDING PLAN SHEETS.
14. ALL INTERIOR SINGLE STUD WALLS ARE UNRATED UNLESS BEARING OR NOTED OTHERWISE.
15. TENANT SEPARATION WALLS BETWEEN INDIVIDUAL UNITS ARE TO BE 1 HOUR RATED UL #U341 UNO.
16. SEE STRUCTURAL DRAWINGS FOR LOAD BEARING WALL AND SHEARWALL LOCATIONS.
17. SLOPE FLOOR 1/4" PER FOOT WHERE FLOOR DRAINS ARE INDICATED ON ARCH OR PME DRAWINGS.
18. PROVIDE 1 HOUR RATED EXTERIOR WALLS EXPOSURE FROM BOTH SIDES (1EW3, REFER TO G501) WHERE MINIMUM FIRE SEPARATION IS REQUIRED (SEE FIRE CODES AND LOCAL ORDINANCES).

ROOF LEGEND



ATTIC CALCULATIONS- MAINTENANCE

CALCULATIONS PER 2015 IBC SECTION 1203.2

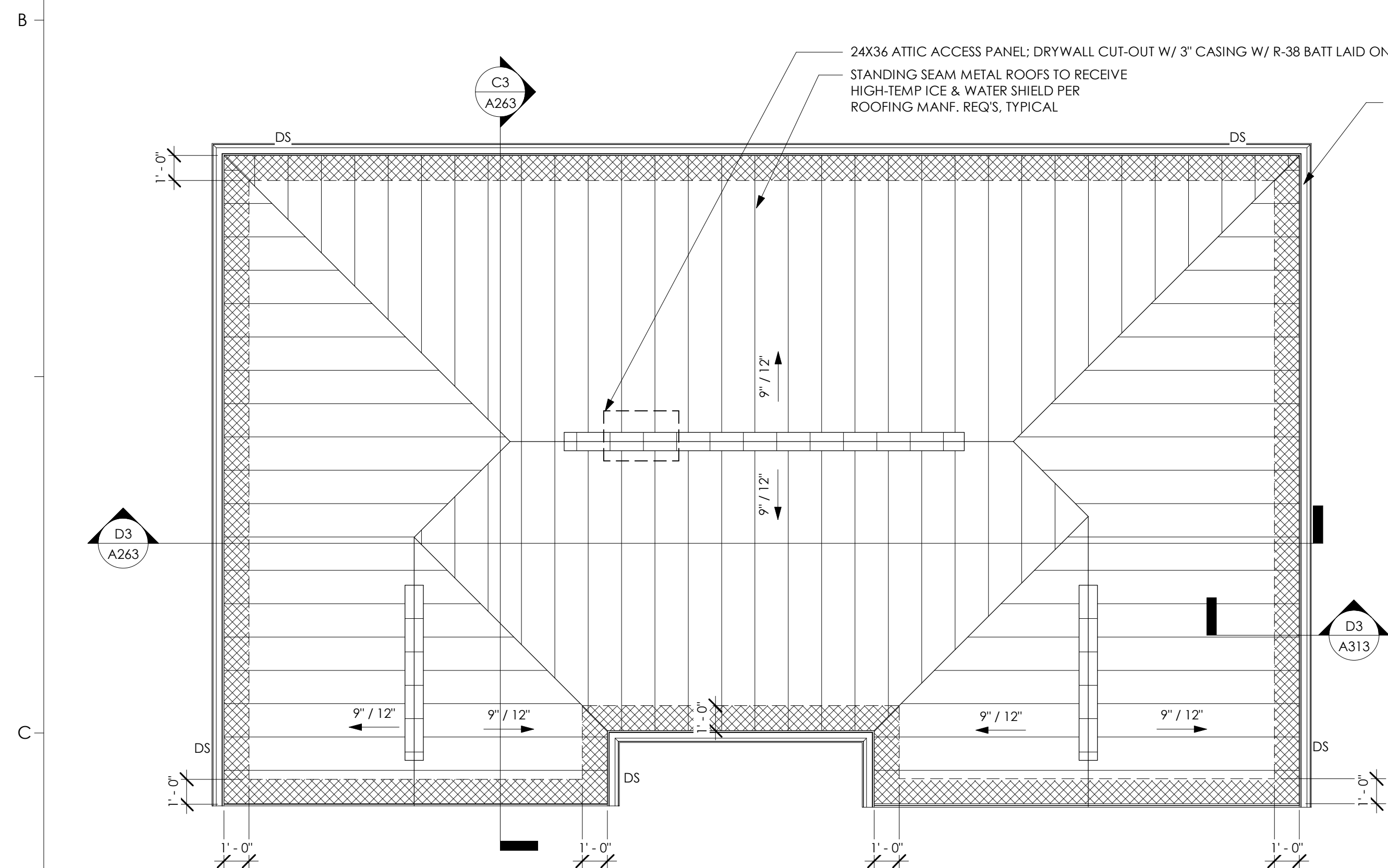
ATTIC ZONE 1 - 1,084 SQ.FT.
 1,084 SF x 144 = 156,096 SQ. IN./300 = **520.3 SQ. IN. REQUIRED**
 (MIN. UPPER VENTILATION 40% x 520.3 = 208.1 S.I.)
 (MAX. UPPER VENTILATION 50% x 520.3 = 260.1 S.I.)

VENTILATION AT MIN. 3'-0" ABOVE FAULT
 RIDGE VENTS = 30 LF x 18 S.I/LF = 540 SQ. IN.
 OFF RIDGE VENT = 0 LF x 35 S.I/LF = 0 SQ. IN.
TOTAL UPPER VENTILATION PROVIDED: = 540 SQ. IN.

LOWER VENTILATION
 CONT. SOFFIT VENT = 140 LF x 9 S.I/LF = 1260 SQ. IN.
TOTAL LOWER VENTILATION PROVIDED: = 1260 SQ. IN.

TOTAL ZONE 1 ATTIC VENTILATION PROVIDED: = 1,800 SQ. IN.

TOTAL ZONE 1 ATTIC VENTILATION PROVIDED: = 1,800 SQ. IN



① MAINTENANCE - ROOF PLAN
1/4" = 1'-0"

—ROOF GENERAL NOTES

1. ROOF SHINGLES TO BE GAF TIMBERLINE HIGH DEFINITION DOWNSLOPE OR EQUAL. COLOR TO BE SELECTED BY OWNER.
2. VALLEYS TO BE PROVIDED WITH 36" STRIP OF 40 MIL. MIN. SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.
3. ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGATED FELT AT ASPHALT SHINGLE ROOFING. ROOF UNDERLAYMENT TO BE 40 MIL MIN. SELF ADHERING HIGH TEMP MEMBRANE AT METAL ROOFING.
4. ROOF UNDERLAYMENT TO BE TERMINATED 8" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.
5. ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES.
6. KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLYS TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.
7. ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.
8. ROOFING CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.
9. PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.
10. FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING, FACTORY FINISHED.
11. FOR GUTTERS AND DOWNSPOUTS, REFER TO LEGEND FOR DISCHARGE INTO STORM SEWER WITH PIPE UNDERGROUND.
12. PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".
13. DOWNSPOUTS SHALL BE PREFINISHED 3"x4" ALUMINUM PIPE WITH BELL FITTINGS.
14. OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
15.  INDICATES ROOF SLOPE DIRECTION
16. REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES.
17. ROOF CRICKET SLOPES TO BE MIN. 1/2" PER FOOT.
18. ALL GUTTERS TO BE 6" WIDE U.N.O.

SGA | NW

a **GF** design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT
DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT
PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR
PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION
IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC
INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS
OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO
THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

**MIDDLEBURG REAL
ESTATE PARTNERS
HAMLET AT
HUNTERSVILLE**

**MIDDLEBURG**
REAL ESTATE PARTNERS

SCHEMATIC DESIGN

HUNTERVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:

21-177-04

DESIGNED BY: CS, RC

DRAWN BY: AC, LH, HK, KL

CHECKED BY: KK, MR

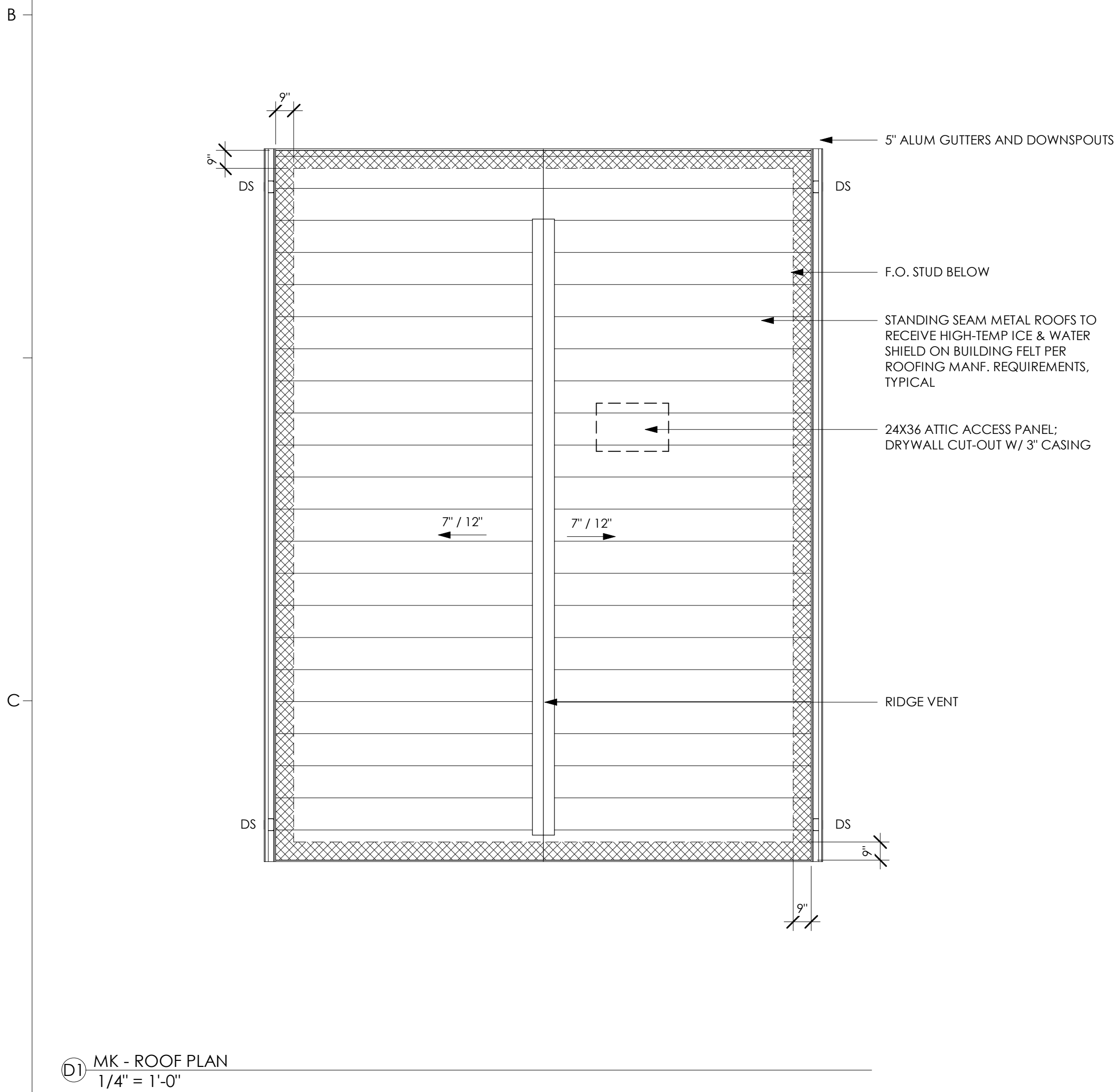
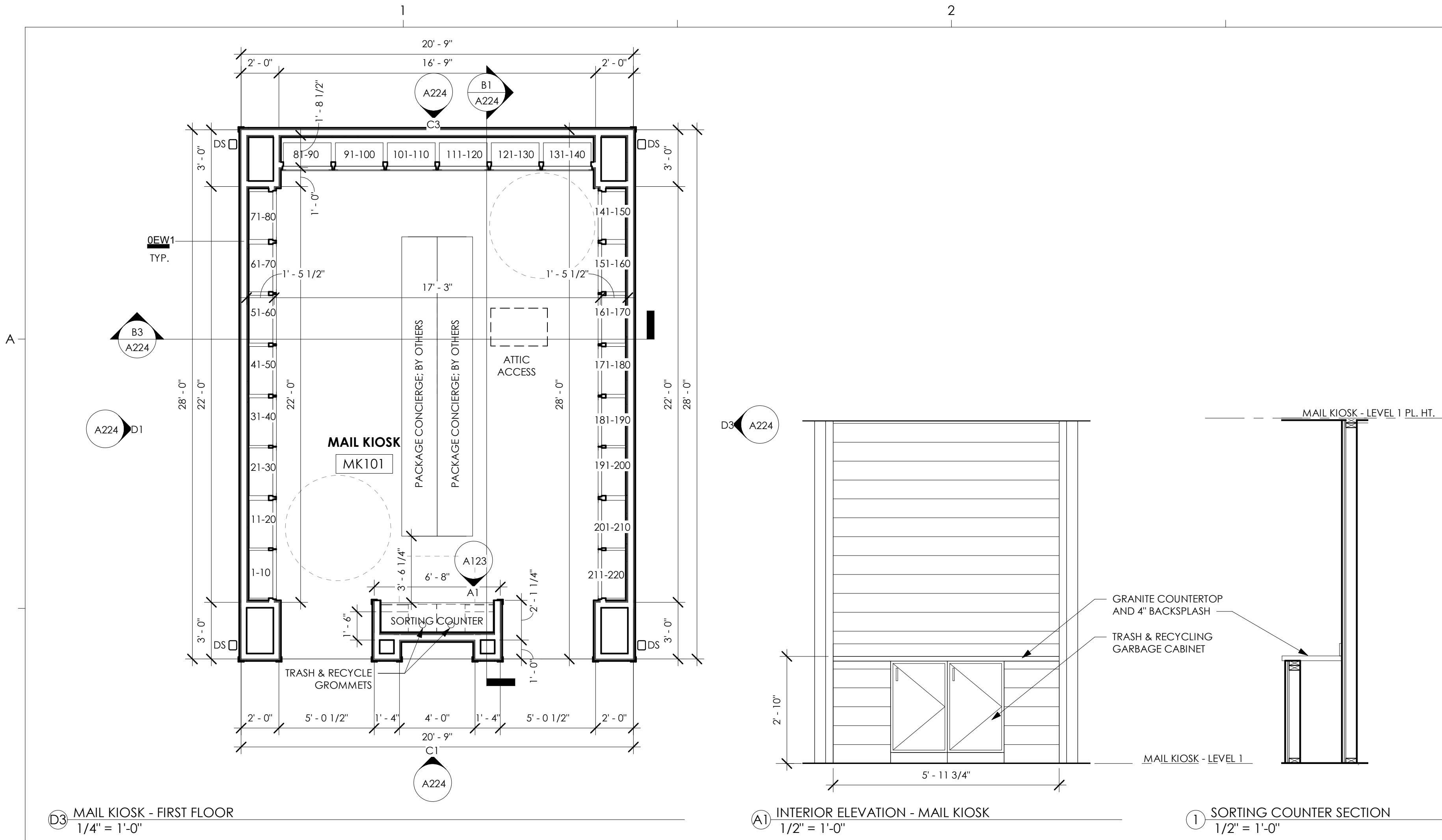
ISSUE DATE:

06/02/2022

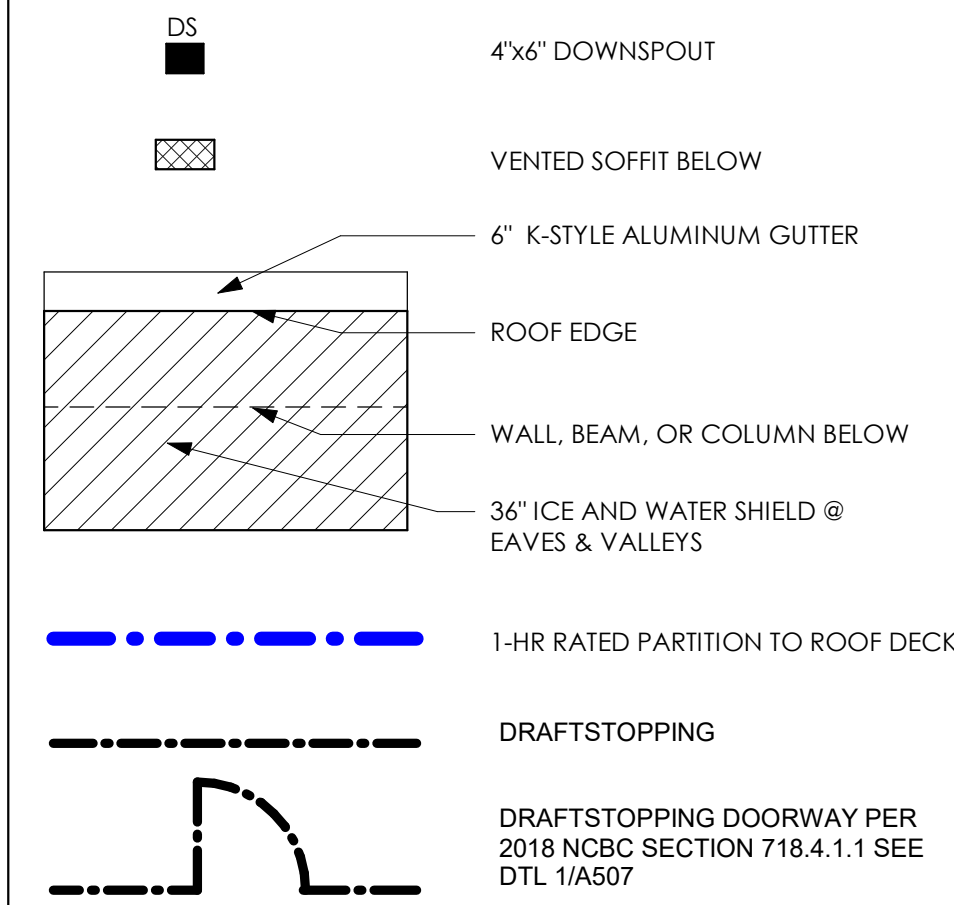
PLANS - MAINTENANCE BUILDING

A122

SCALE: As indicated



ROOF LEGEND



ATTIC CALCULATIONS- MAIL KIOSK

CALCULATIONS PER 2015 IBC SECTION 1203.2

ATTIC ZONE 1 - 682.5 SQ.FT.
682.5 SF x 144 = 98,280 SQ. IN./300 = **327.6 SQ. IN. REQUIRED**
(MIN. UPPER VENTILATION 40%x327.6= 131 SI)
(MAX. UPPER VENTILATION 50%x327.6= 163.8 SI)
VENTILATION AT MIN. 3'-0" ABOVE EAVE
RIDGE VENTS = 7.33 LF x 18 SI/LF = **132 SQ. IN.**
OFF RIDGE VENT = 0 LF x 35 SI/LF = **0 SQ. IN.**
TOTAL UPPER VENTILATION PROVIDED: = 132 SQ. IN.
LOWER VENTILATION
CONT. SOFFIT VENT = 101.5 LF x 9 SI/LF = **913.5 SQ. IN.**
TOTAL LOWER VENTILATION PROVIDED: = 913.5 SQ. IN.
TOTAL ZONE 1 ATTIC VENTILATION PROVIDED: = 1,045.5 SQ. IN.

ROOF GENERAL NOTES

1. ROOF SHINGLES TO BE GAF TIMBERLINE HIGH DEFINITION DIMENSIONAL LIFETIME OR EQUAL. COLOR TO BE SELECTED BY OWNER.
2. VALLEYS TO BE PROVIDED WITH 36" STRIP OF 40 MIL MIN. SELF-ADHERING MEMBRANE FLASHING CENTERED IN THE VALLEYS INSTALLED DIRECTLY OVER THE SHEATHING.
3. ROOF UNDERLAYMENT TO BE 30# ASPHALT IMPREGNATED FELT AT ASPHALT SHINGLE ROOFING. ROOF UNDERLAYMENT TO BE 40 MIL MIN. SELF ADHERING HIGH TEMP MEMBRANE AT METAL ROOFING.
4. ROOF UNDERLAYMENT TO BE TERMINATED 8" VERTICALLY ONTO THE BASE OF ANY ADJACENT WALL ASSEMBLY, PRIOR TO THE INSTALLATION OF THE METAL 'L' OR STEP FLASHING.
5. ROOF UNDERLAYMENT TO BE INSTALLED OVER THE EAVE DRIP EDGE AND BELOW THE EDGE FLASHING AT THE RAKES.
6. KICK-OUT/DIVERTER FLASHINGS TO BE INSTALLED AT ANY LOCATION WHERE THE EAVE OF THE ROOF ASSEMBLY TERMINATES INTO AN ADJACENT WALL. THE KICK-OUT FLASHING IS NECESSARY TO DIVERT WATER AWAY FROM THE EXTERIOR WALL FINISHES AND OR STAINING OF THE EXTERIOR WALL.
7. ROOF DECKING TO BE NAILED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR NAILING LOCATIONS.
8. ROOFING CONTRACTOR TO PROVIDE ATTIC SPACE VENTILATION WITH RIDGE VENTS, OFF-RIDGE VENTS, AND CONTINUOUS VENT IN SOFFIT IN ACCORDANCE WITH LOCAL CODES AND JURISDICTIONS.
9. PROVIDE GABLE END TRUSSES AT ALL GABLE END CONDITIONS.
10. FLASH ALL ROOF AND WALL INTERSECTIONS WITH METAL FLASHING, FACTORY FINISHED.
11. FOR GUTTERS AND DOWNSPOUTS, REFER TO LEGEND FOR DISCHARGE INTO STORM SEWER WITH PIPE UNDERGROUND.
12. PROVIDE SCREENING AT ALL ROOF OPENINGS INTO THE ATTIC SPACE. OPENINGS IN SCREEN SHALL NOT EXCEED 1/4".
13. DOWNSPOUTS SHALL BE PREFINISHED 3"x4" ALUMINUM PIPE WITH BELL FITTINGS.
14. OMISSIONS OF ANY ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.
15. INDICATES ROOF SLOPE DIRECTION
16. REFER TO STRUCTURAL DRAWINGS / ROOF TRUSS DRAWINGS FOR TRUSS PROFILES.
17. ROOF CRICKET SLOPES TO BE MIN. 1/2" PER FOOT.
18. ALL GUTTERS TO BE 6" WIDE U.N.O.

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

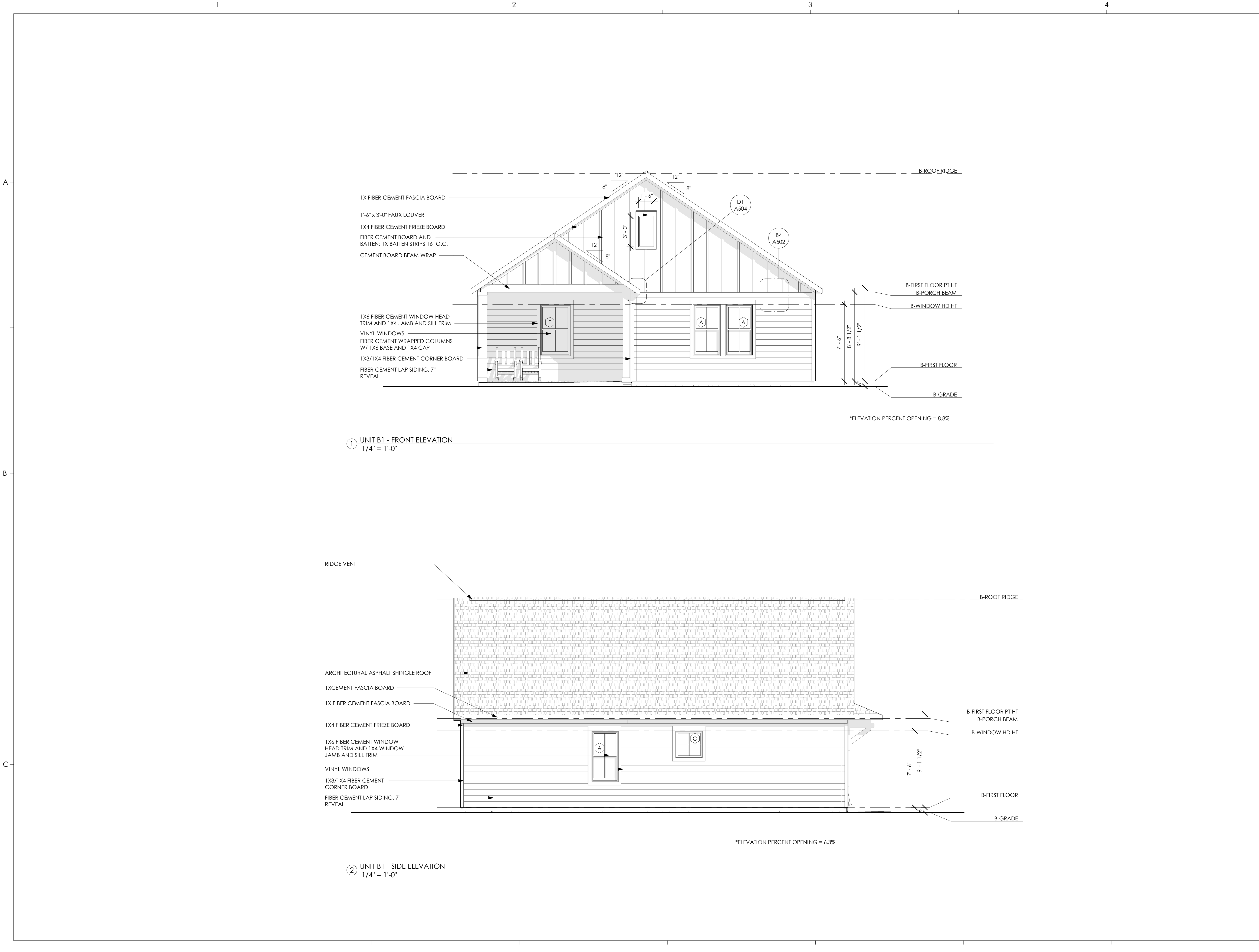
SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

PLANS - MAIL KIOSK

A123

SCALE: As indicated



THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

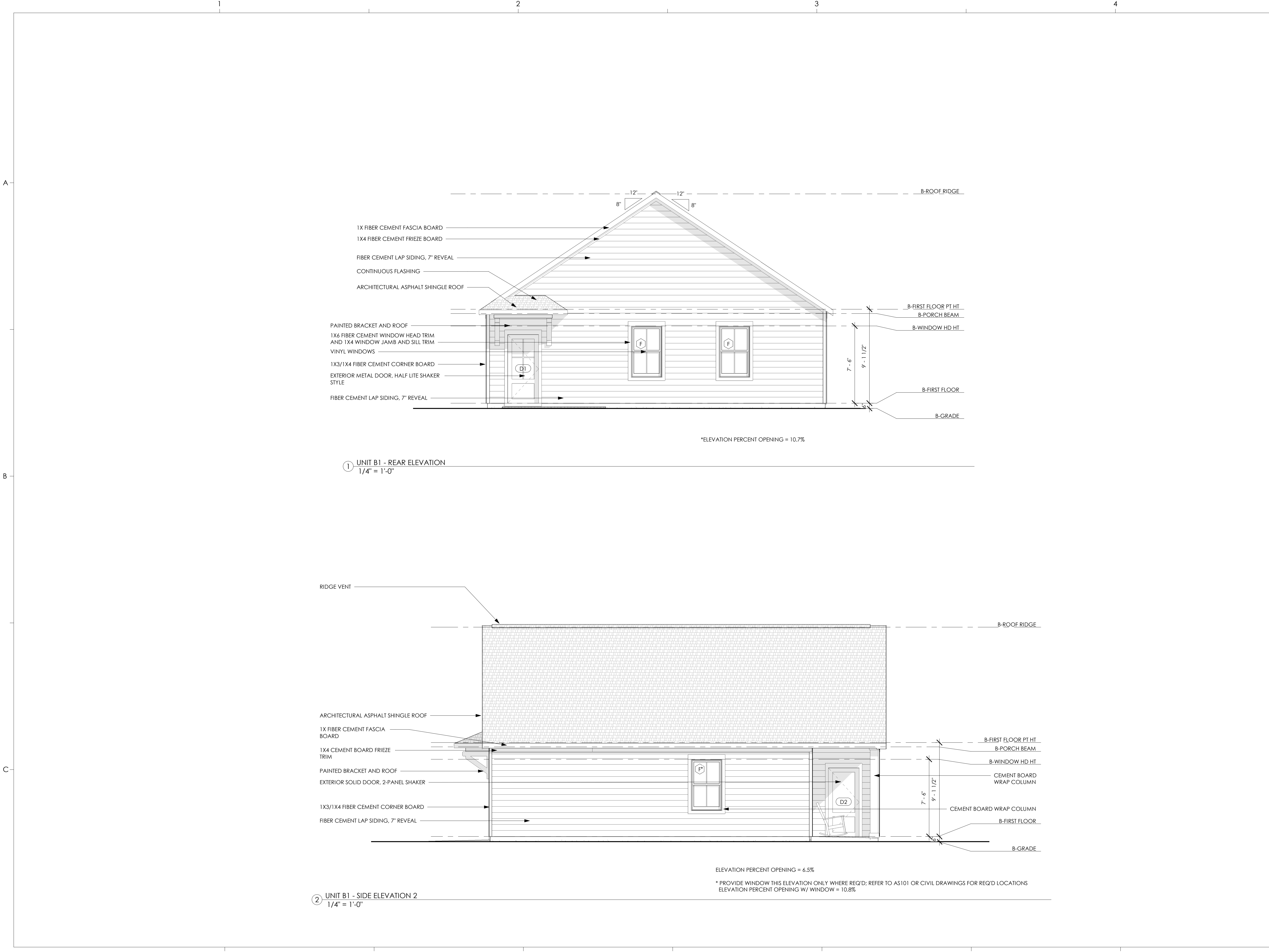
REVISION SCHEDULE		
#	DESCRIPTION	DATE

SCHEMATIC DESIGN
SGA | NW DESIGN PROJECT NUMBER: 21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE: 06/02/2022

ELEVATION - UNIT B1

A203

SCALE: 1/4" = 1'-0"



PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



MIDDLEBURG
REAL ESTATE PARTNERS

SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

ELEVATIONS - UNIT B1

A204

SCALE: 1/4" = 1'-0"

PROGRESS DRAWINGS

Not for pricing, permitting
or construction. If used for
estimating, it must be
understood by all that the
drawings and
specifications at this point
in time are incomplete
and cannot be assumed
to be the basis for correct
budgeting or bidding.

MIDDLEBURG REAL
ESTATE PARTNERS
HAMLET AT
HUNTERSVILLE

SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

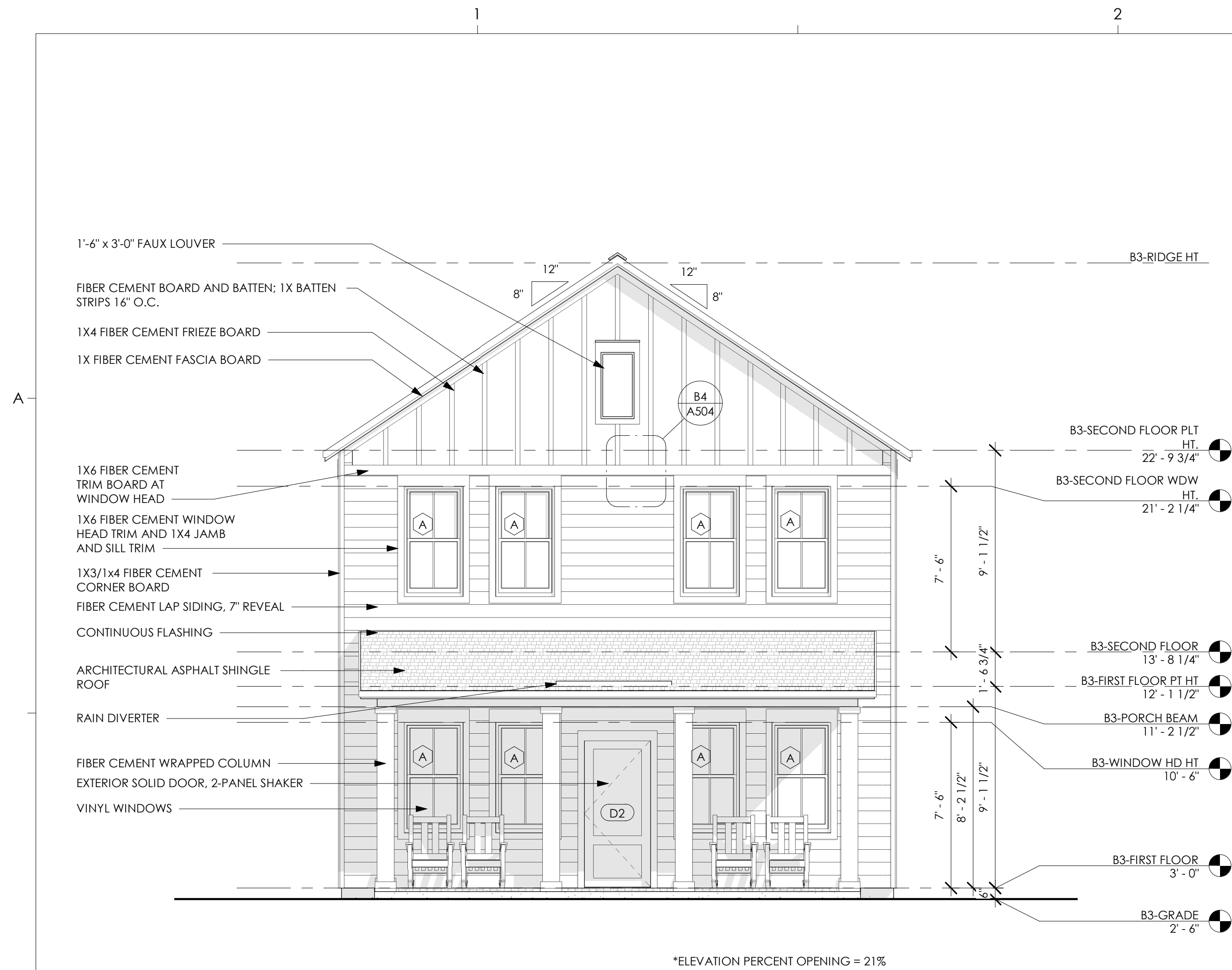
SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

ELEVATIONS - UNIT B3

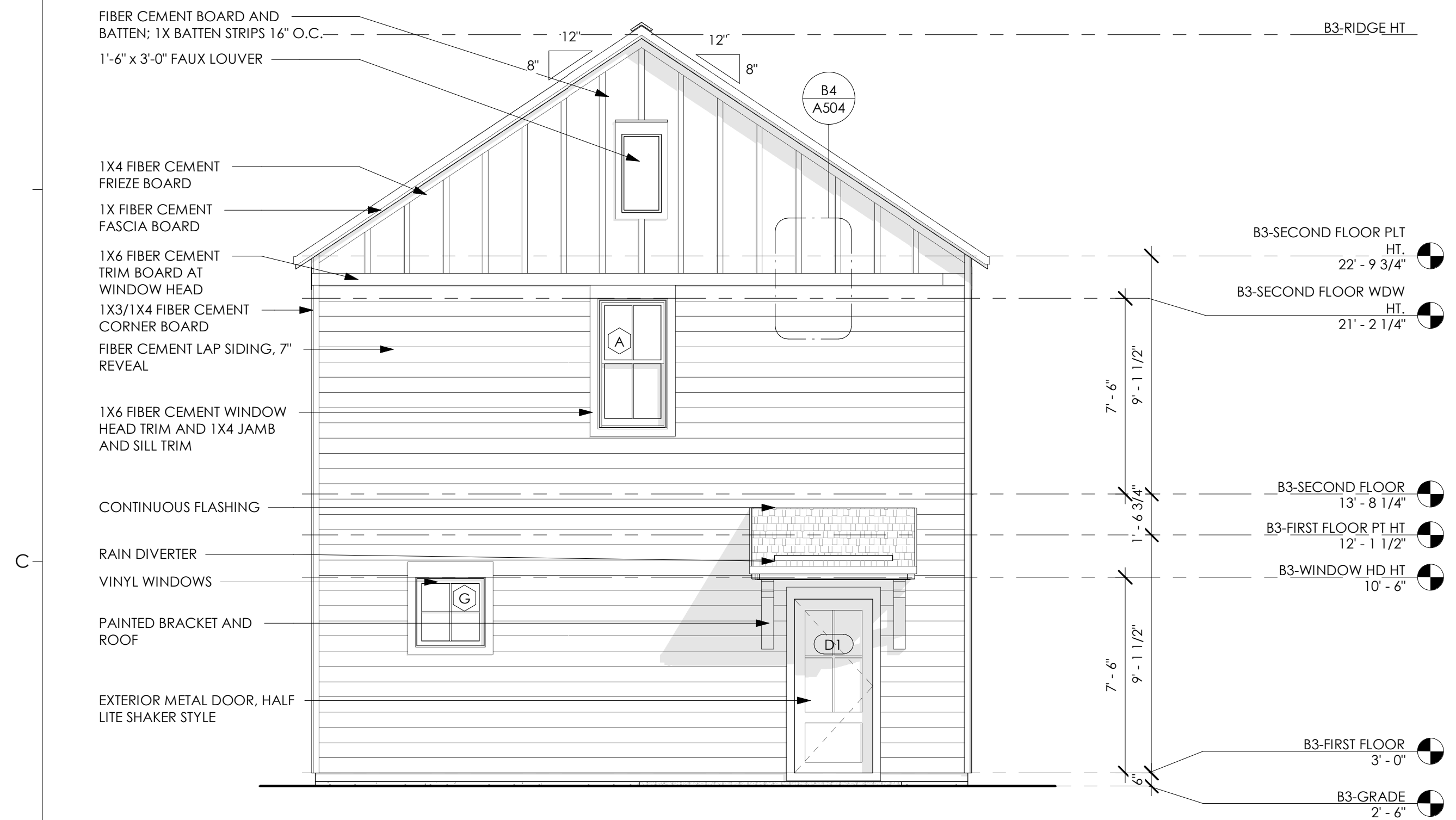
A207

SCALE: 1/4" = 1'-0"

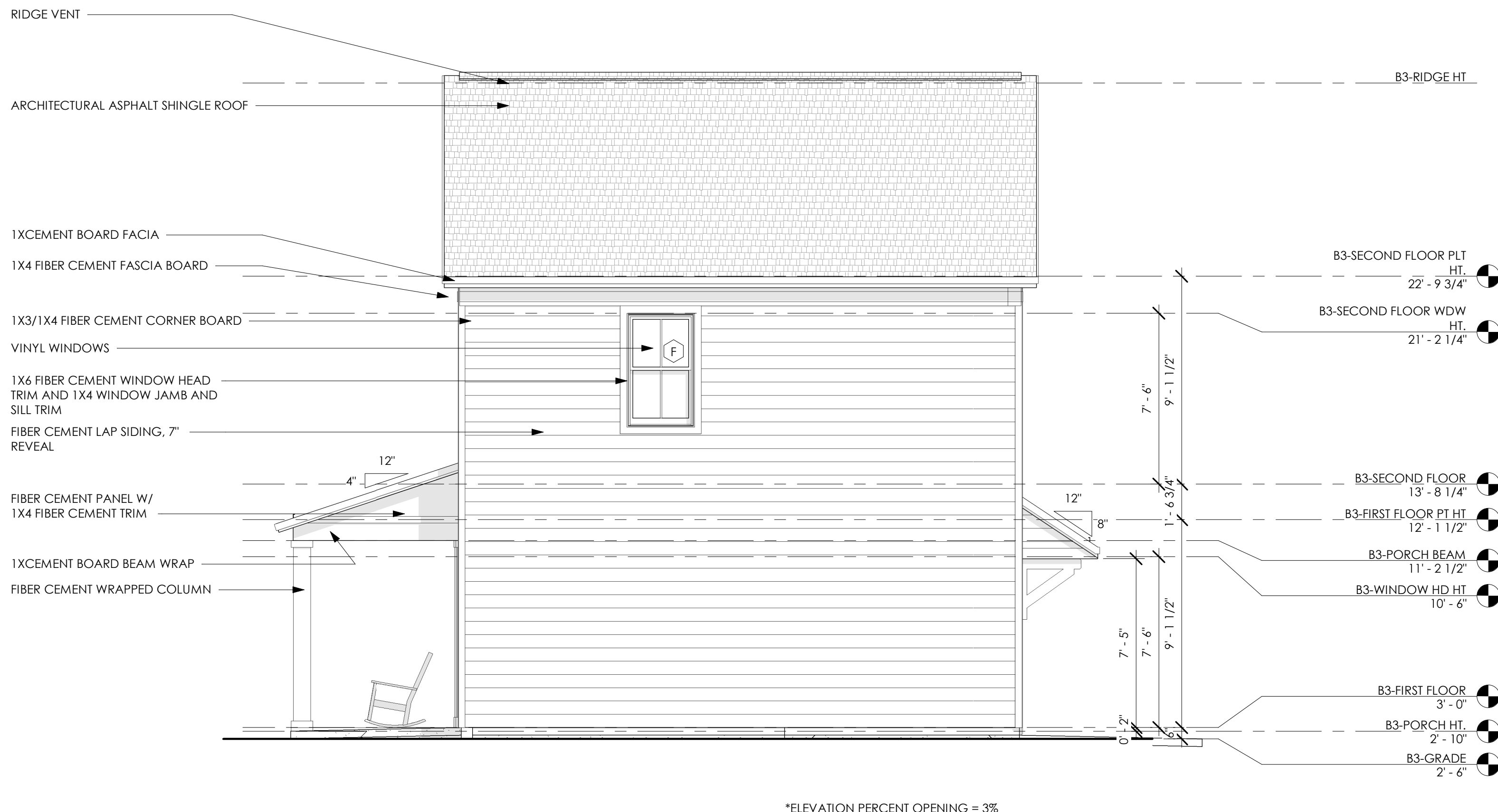
6/6/2022 8:46:47 AM



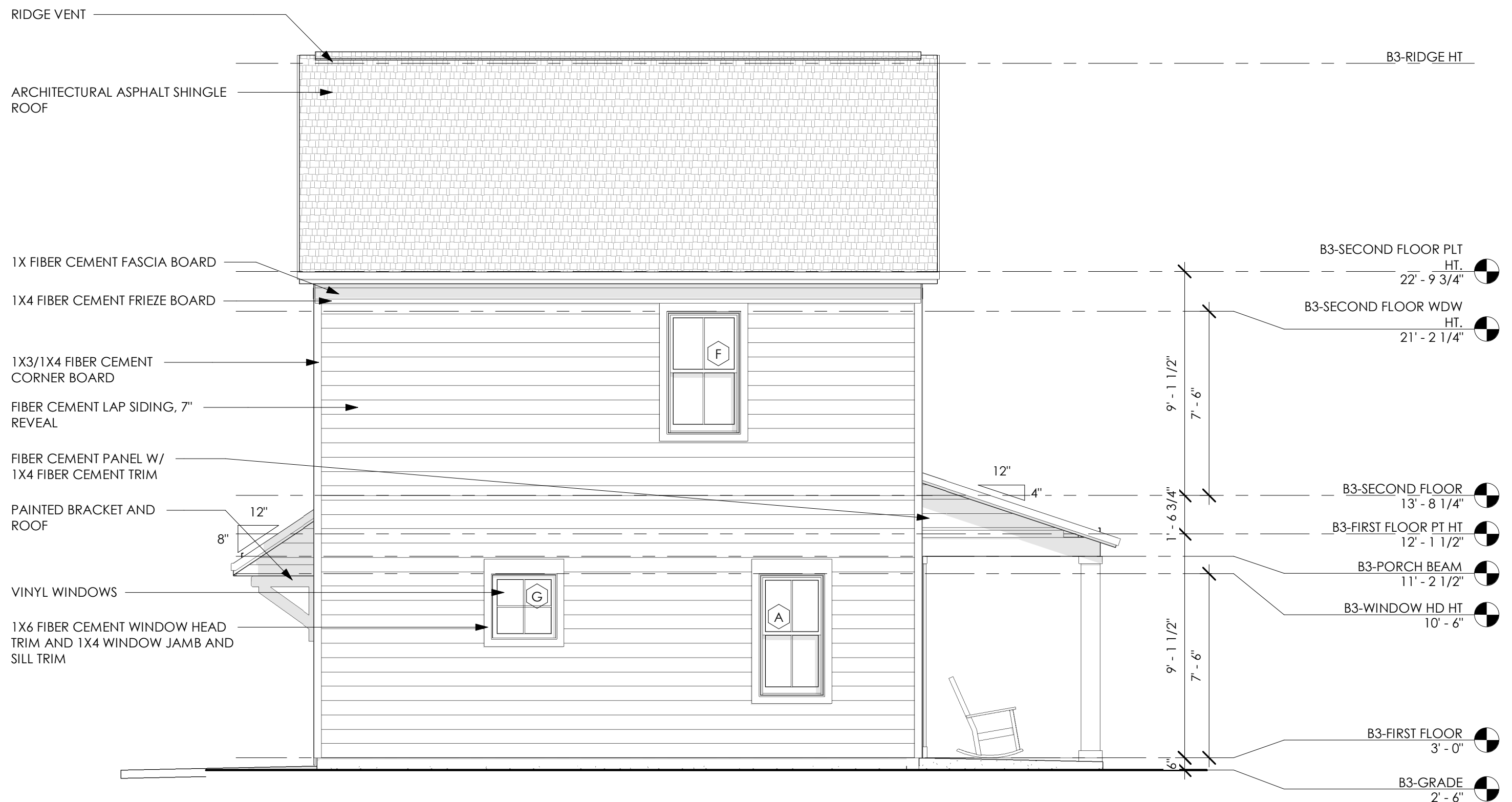
① UNIT B3 - FRONT ELEVATION
1/4" = 1'-0"



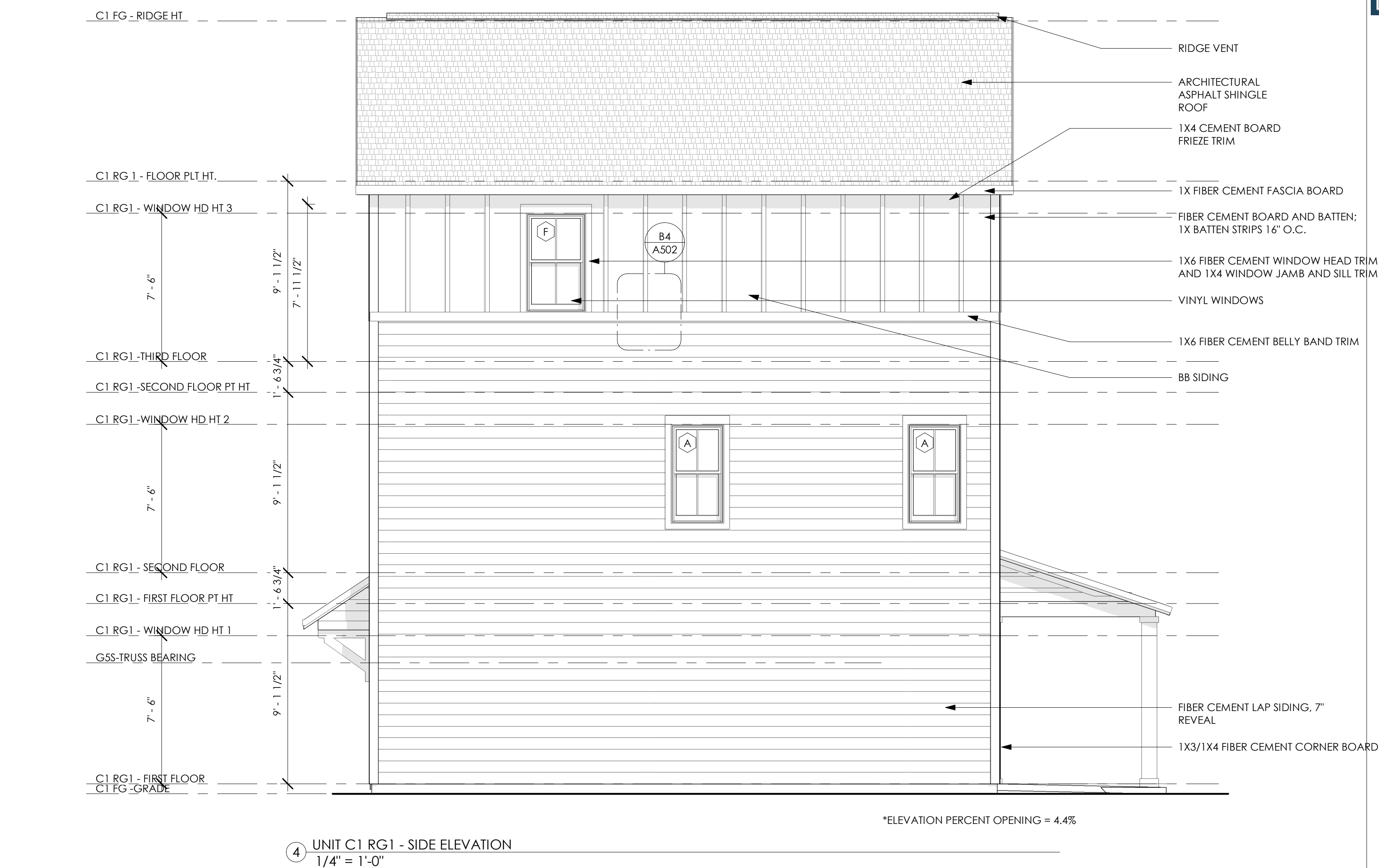
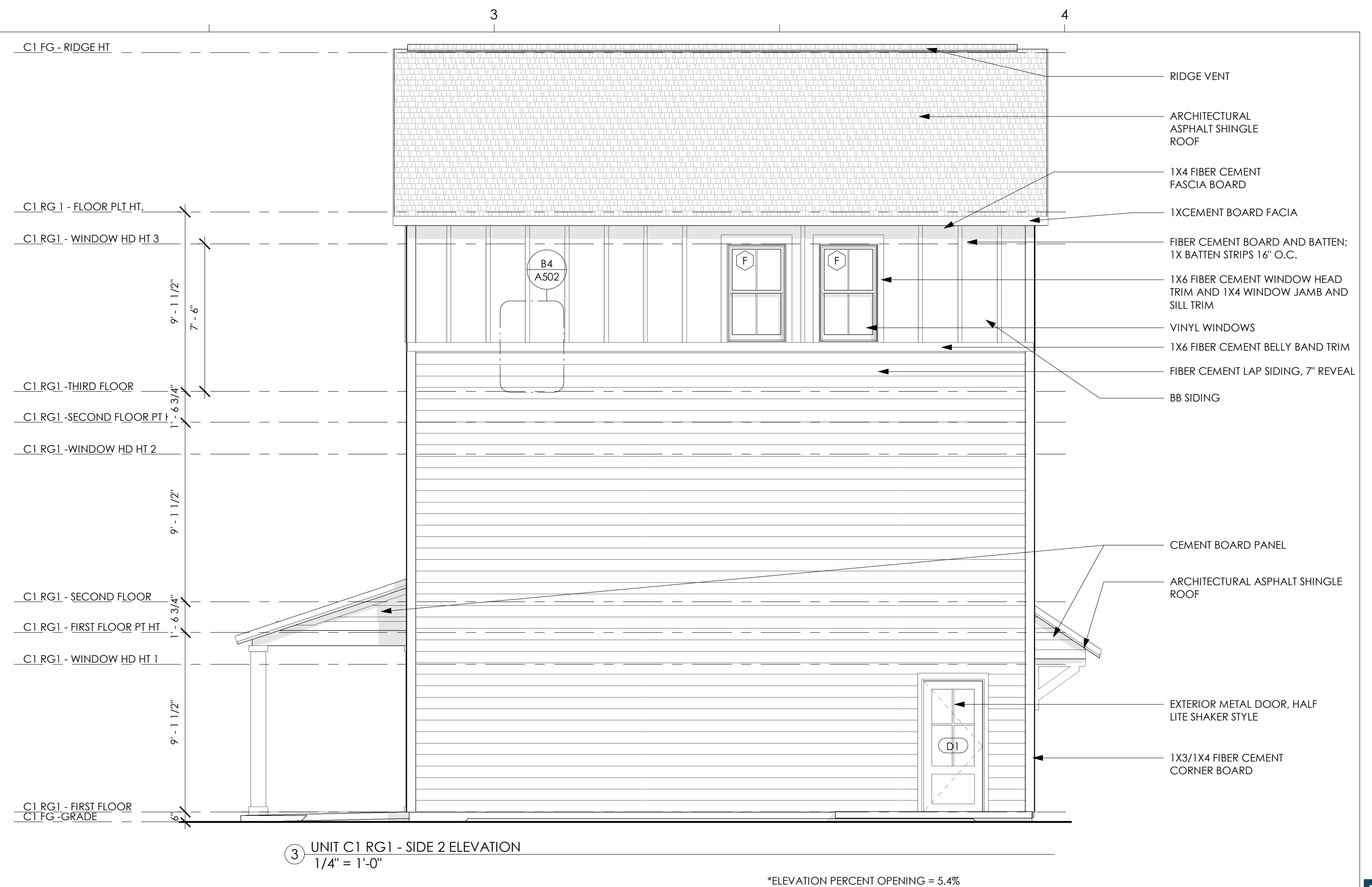
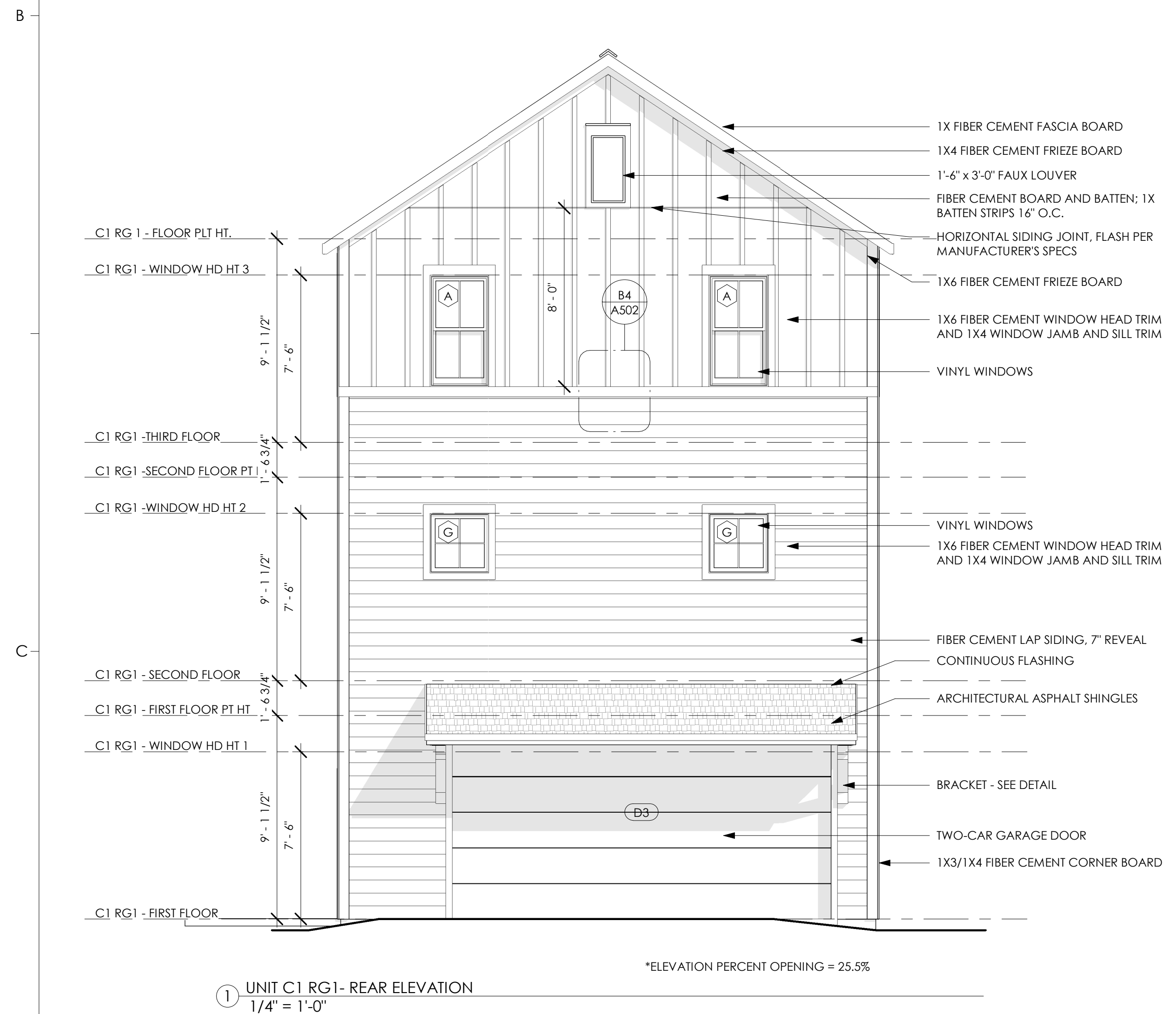
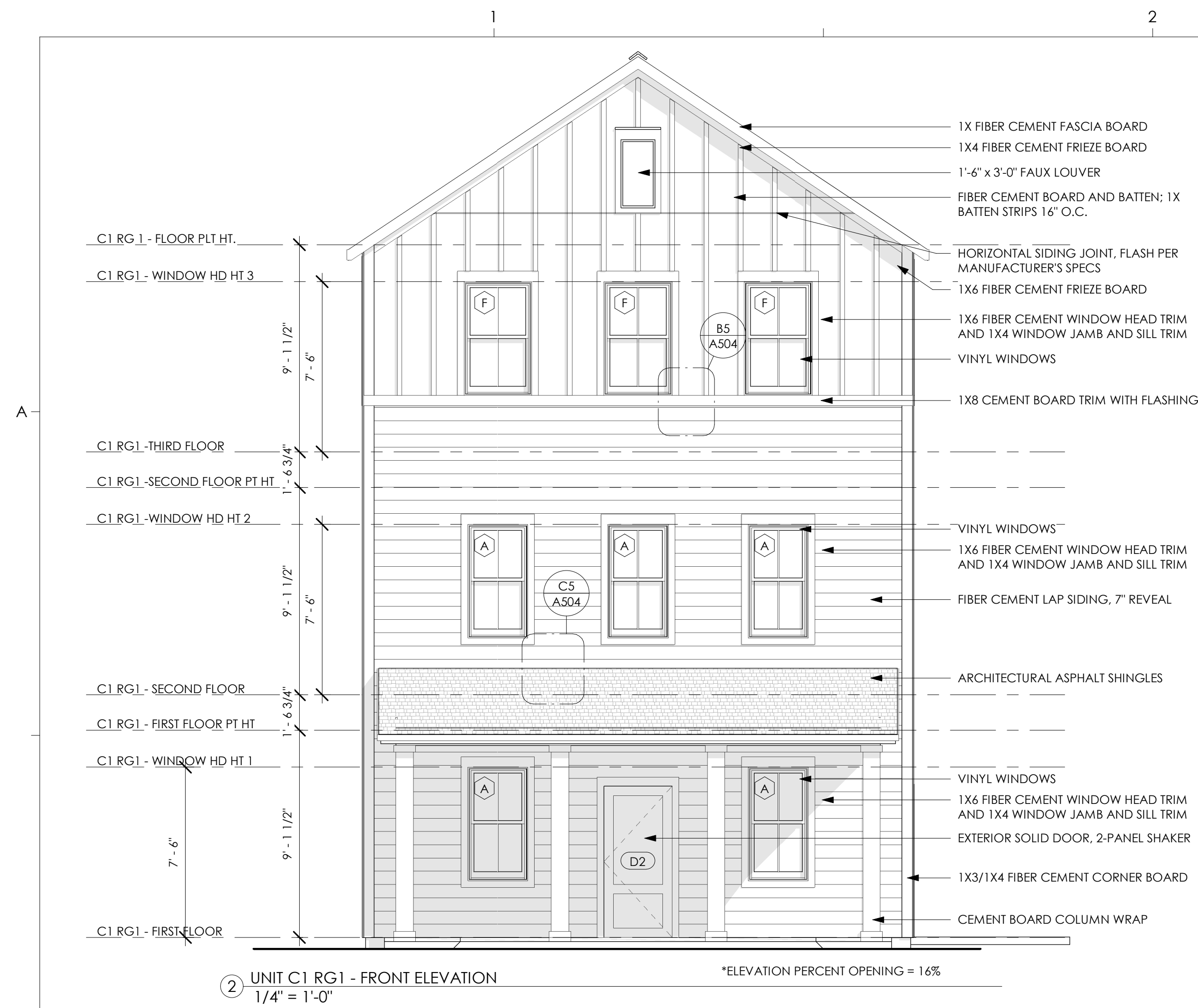
② UNIT B3 - REAR ELEVATION
1/4" = 1'-0"



③ UNIT B3 - SIDE ELEVATION
1/4" = 1'-0"



④ UNIT B3 - SIDE ELEVATION 2
1/4" = 1'-0"



PROGRESS DRAWINGS
Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

**MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE**



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE		
#	DESCRIPTION	DATE
1	Revision 1	Date 1

SCHEMATIC DESIGN
SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: Checker
ISSUE DATE:
06/02/2022

**ELEVATIONS - UNIT C1
REAR LOADED
GARAGE 1**

A210

SCALE: 1/4" = 1'-0"

PROGRESS DRAWINGS

Not for pricing, permitting
or construction. If used for
estimating, it must be
understood by all that the
drawings and
specifications at this point
in time are incomplete
and cannot be assumed
to be the basis for correct
budgeting or bidding.

MIDDLEBURG REAL
ESTATE PARTNERS
HAMLET AT
HUNTERSVILLE

SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
1	Revision 1	Date 1

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

ELEVATIONS -
TOWNHOME F4

A211

SCALE: 1/4" = 1'-0"



① TOWNHOUSE F4 - FRONT ELEVATION
1/4" = 1'-0"



② TOWNHOUSE F4 - REAR ELEVATION
1/4" = 1'-0"



SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

ELEVATIONS - TOWNHOME F

A212

SCALE: 1/4" = 1'-0"

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE

SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:

21-177-04

DESIGNED BY: CS, RC

DRAWN BY: AC, LH, HK, KL

CHECKED BY: Checker

ISSUE DATE:

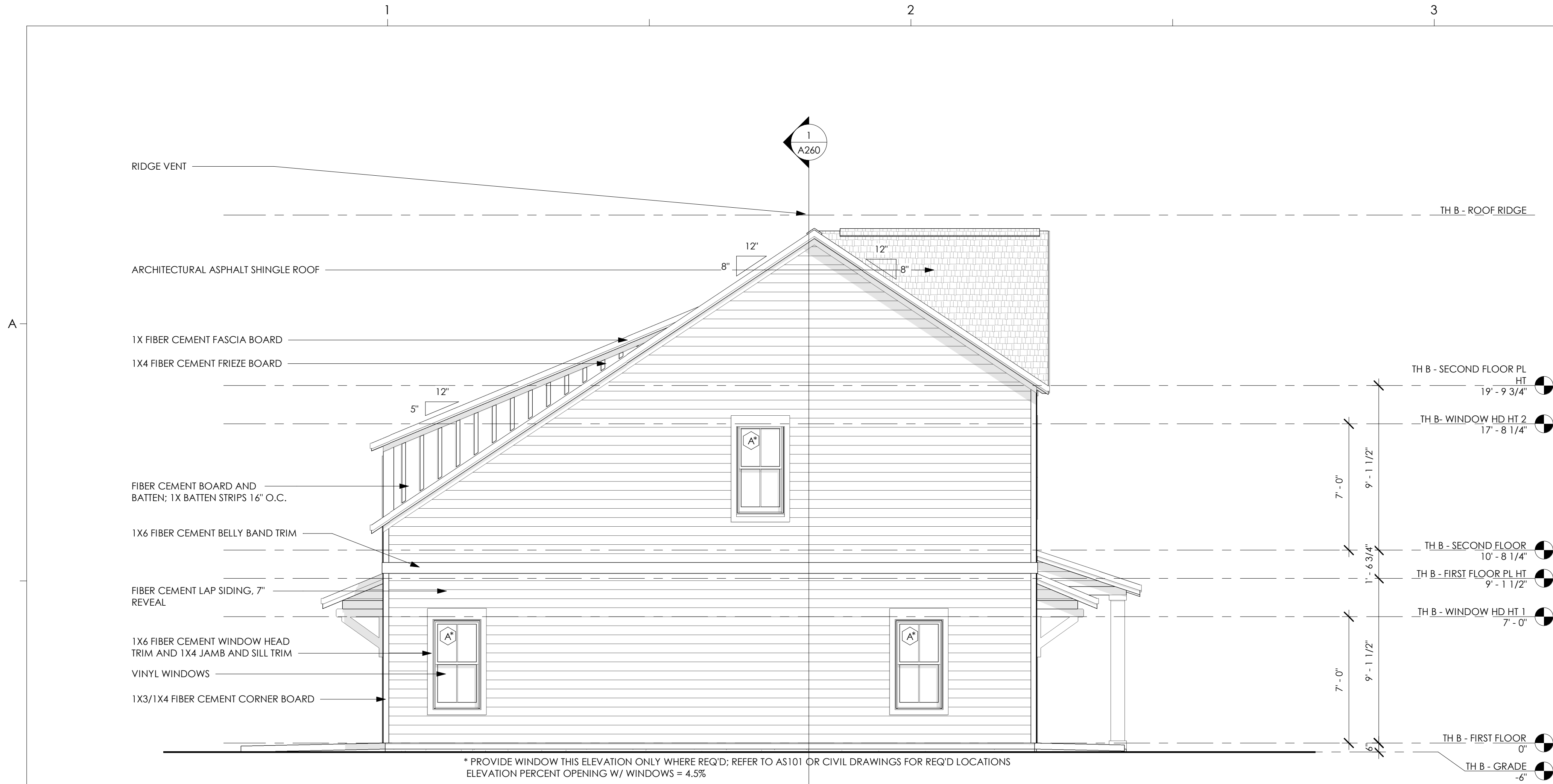
06/02/2022

ELEVATIONS -
TOWNHOME B4

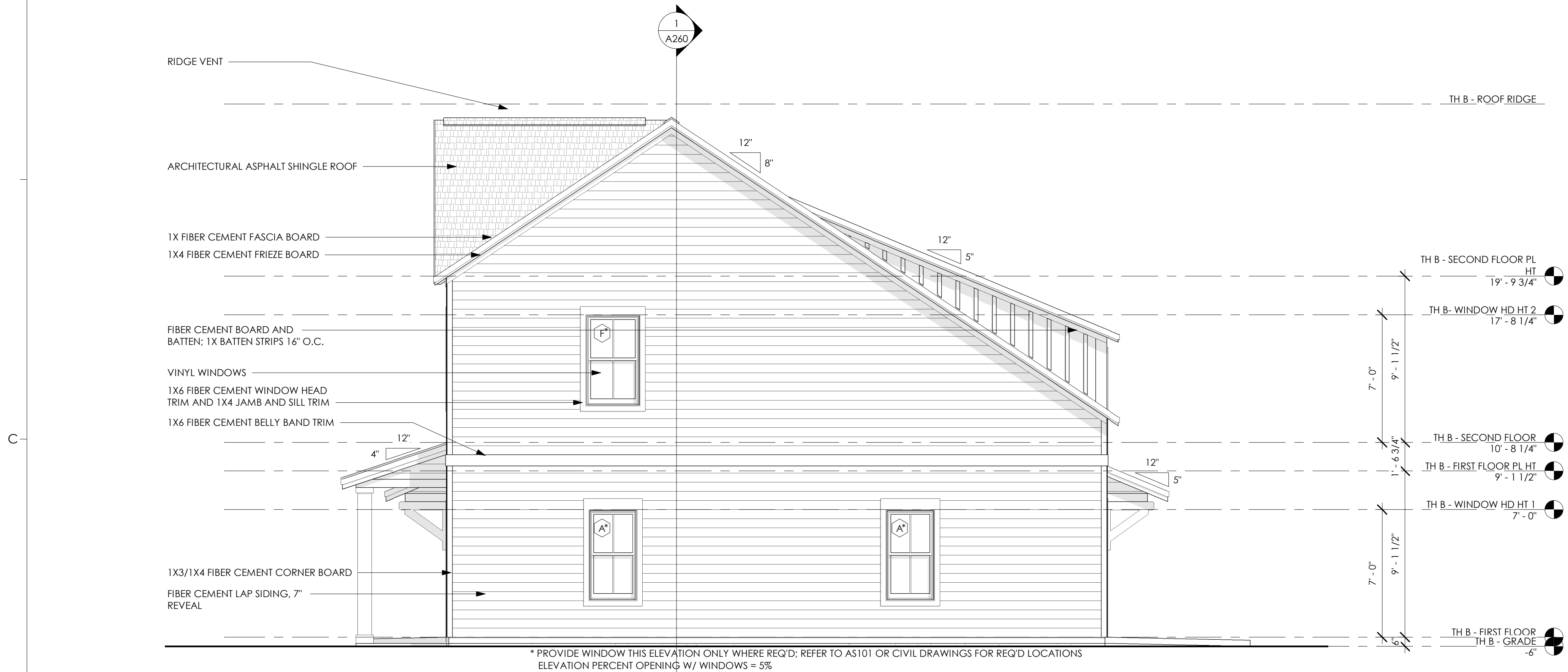
A215

SCALE: 1/4" = 1'-0"

1 TOWNHOUSE B - FRONT ELEVATION
1/4" = 1'-0"2 TOWNHOUSE B - REAR ELEVATION
1/4" = 1'-0"



① TOWNHOUSE B - SIDE ELEVATION 1
1/4" = 1'-0"



② TOWNHOUSE B - SIDE ELEVATION 2
1/4" = 1'-0"

ELEVATION NOTES:

1. EXTERIOR MATERIALS, DETAILING AND COLORS TO WRAP CORNER AT ALL BAY CONDITIONS AND TERMINATE AT THE INSIDE CORNER, UNO.
2. SEAL ALL WALL PENETRATIONS WITH MEMBRANE FLASHING AT SURFACE OF EXTERIOR SHEATHING, UNO. SEE WATERPROOFING DETAILS.
3. PROVIDE 3/8" JOINT SPACE WITH SEALANT INTERFACE BETWEEN DISSIMILAR EXTERIOR FINISHES.
4. ALL FIBER CEMENT (FC) TO BE PRIMED AND PAINTED, SMOOTH PANEL WITH BATTENS PAINTED TO MATCH.
5. GC TO CONSOLIDATE AND ALIGN (VERTICALLY AND HORIZONTALLY) ALL DRYER AND EXHAUST VENTS. PROVIDE FLAT FC TRIM BLOCK AT EACH LOCATION. COORDINATE WITH MEP, ARCHITECTURAL AND STRUCTURAL. GC TO REVIEW TRUSS SHOP DRAWINGS AND CONFIRM SPACING PRIOR TO APPROVAL. PAINT TO MATCH ADJACENT SURFACE.
6. FACTORY FINISH CONDUCTORS, SCUPPER AND DOWNSPOUTS TO MATCH ADJACENT SURFACES.
7. INSTALL 12" SELF-ADHERING MEMBRANE AT ALL INSIDE/OUTSIDE CORNERS. OVERLAP EACH SIDE 6". APPLY DIRECTLY OVER SHEATHING.
8. PROVIDE PREFABRICATED FLASHING COMPONENTS AT DRYER/EXHAUST VENTS. SEAL ALL DUCT PENETRATIONS WITH QUICK FLASH COMPONENTS.
9. ALL WINDOWS AND DOORS IN FC WALLS TO RECEIVE FC TRIM SURROUNDS.

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER: 21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: Checker
ISSUE DATE: 06/02/2022

ELEVATIONS -
TOWNHOME B

A216

SCALE: As indicated

PROGRESS DRAWINGS

Not for pricing, permitting
or construction. If used for
estimating, it must be
understood by all that the
drawings and
specifications at this point
in time are incomplete
and cannot be assumed
to be the basis for correct
budgeting or bidding.

MIDDLEBURG REAL
ESTATE PARTNERS
HAMLET AT
HUNTERSVILLEMIDDLEBURG
REAL ESTATE PARTNERS

SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:

21-177-04

DESIGNED BY: CS, RC

DRAWN BY: AC, LH, HK, KL

CHECKED BY: Checker

ISSUE DATE:

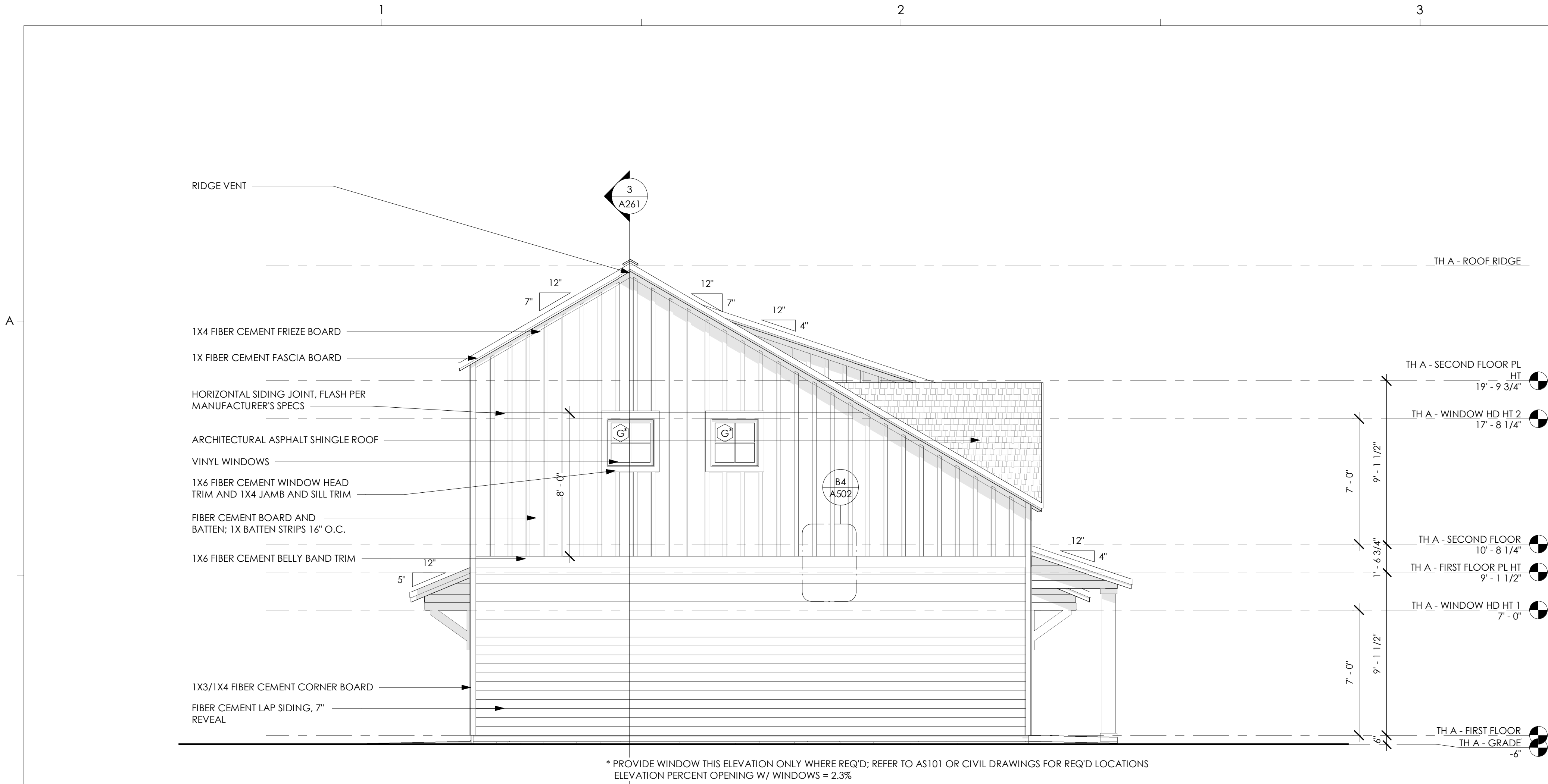
06/02/2022

ELEVATIONS -
TOWNHOME A4

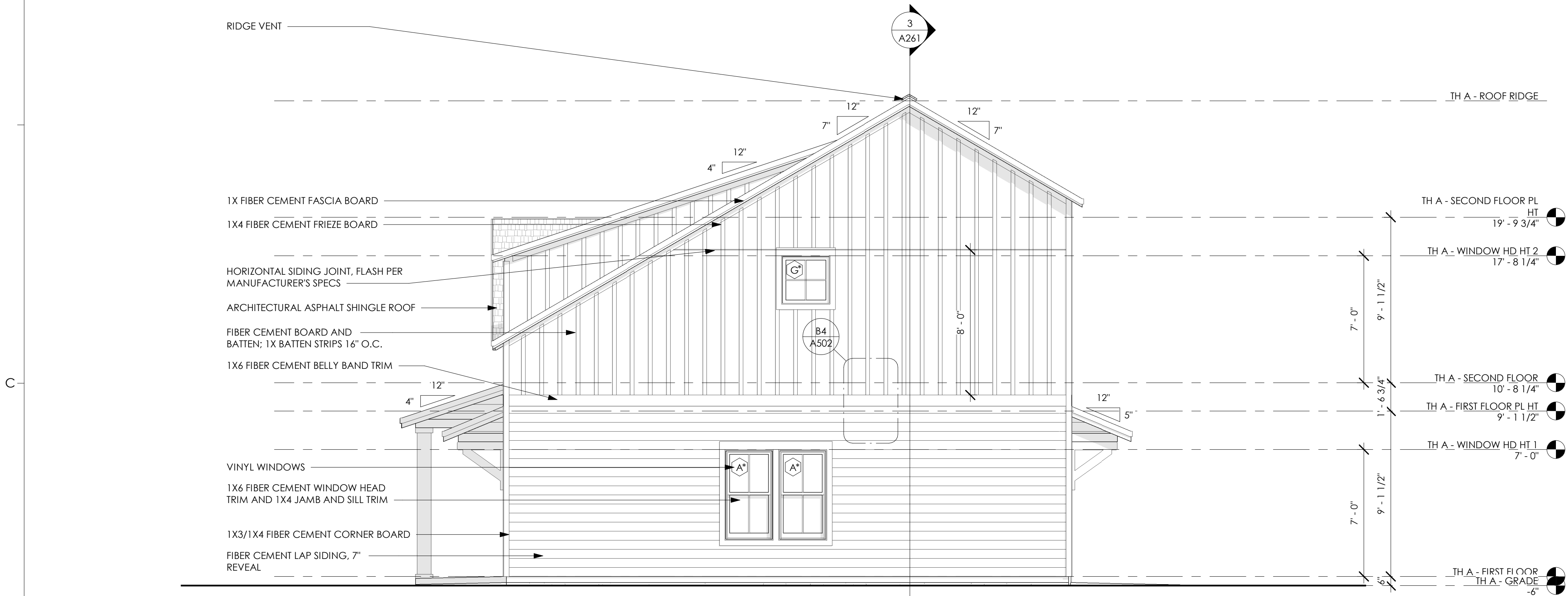
A217

SCALE: 1/4" = 1'-0"

① TOWNHOUSE A - FRONT ELEVATION
1/4" = 1'-0"② TOWNHOUSE A - REAR ELEVATION
1/4" = 1'-0"



① TOWNHOUSE A - SIDE ELEVATION 1
1/4" = 1'-0"



② TOWNHOUSE A - SIDE ELEVATION 2
1/4" = 1'-0"

ELEVATION NOTES:

1. EXTERIOR MATERIALS, DETAILING AND COLORS TO WRAP CORNER AT ALL BAY CONDITIONS AND TERMINATE AT THE INSIDE CORNER, UNO.
2. SEAL ALL WALL PENETRATIONS WITH MEMBRANE FLASHING AT SURFACE OF EXTERIOR SHEATHING, UNO. SEE WATERPROOFING DETAILS.
3. PROVIDE 3/8" JOINT SPACE WITH SEALANT INTERFACE BETWEEN DISSIMILAR EXTERIOR FINISHES.
4. ALL FIBER CEMENT (FC) TO BE PRIMED AND PAINTED, SMOOTH PANEL WITH BATTENS PAINTED TO MATCH.
5. GC TO CONSOLIDATE AND ALIGN (VERTICALLY AND HORIZONTALLY) ALL DRYER AND EXHAUST VENTS. PROVIDE FLAT FC TRIM BLOCK AT EACH LOCATION. COORDINATE WITH MEP, ARCHITECTURAL AND STRUCTURAL. GC TO REVIEW TRUSS SHOP DRAWINGS AND CONFIRM SPACING PRIOR TO APPROVAL. PAINT TO MATCH ADJACENT SURFACE.
6. FACTORY FINISH CONDUCTORS, SCUPPER AND DOWNSPOUTS TO MATCH ADJACENT SURFACES.
7. INSTALL 12" SELF-ADHERING MEMBRANE AT ALL INSIDE/OUTSIDE CORNERS. OVERLAP EACH SIDE 6". APPLY DIRECTLY OVER SHEATHING.
8. PROVIDE PREFABRICATED FLASHING COMPONENTS AT DRYER/EXHAUST VENTS. SEAL ALL DUCT PENETRATIONS WITH QUICK FLASH COMPONENTS.
9. ALL WINDOWS AND DOORS IN FC WALLS TO RECEIVE FC TRIM SURROUNDS.

SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: Checker
ISSUE DATE:
06/02/2022

ELEVATIONS - TOWNHOME A

A218

SCALE: As indicated

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

**MIDDLEBURG REAL
ESTATE PARTNERS
HAMLET AT
HUNTERSVILLE**



MIDDLEBURG
REAL ESTATE PARTNERS

SCHEMATIC DESIGN

HUNTERVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

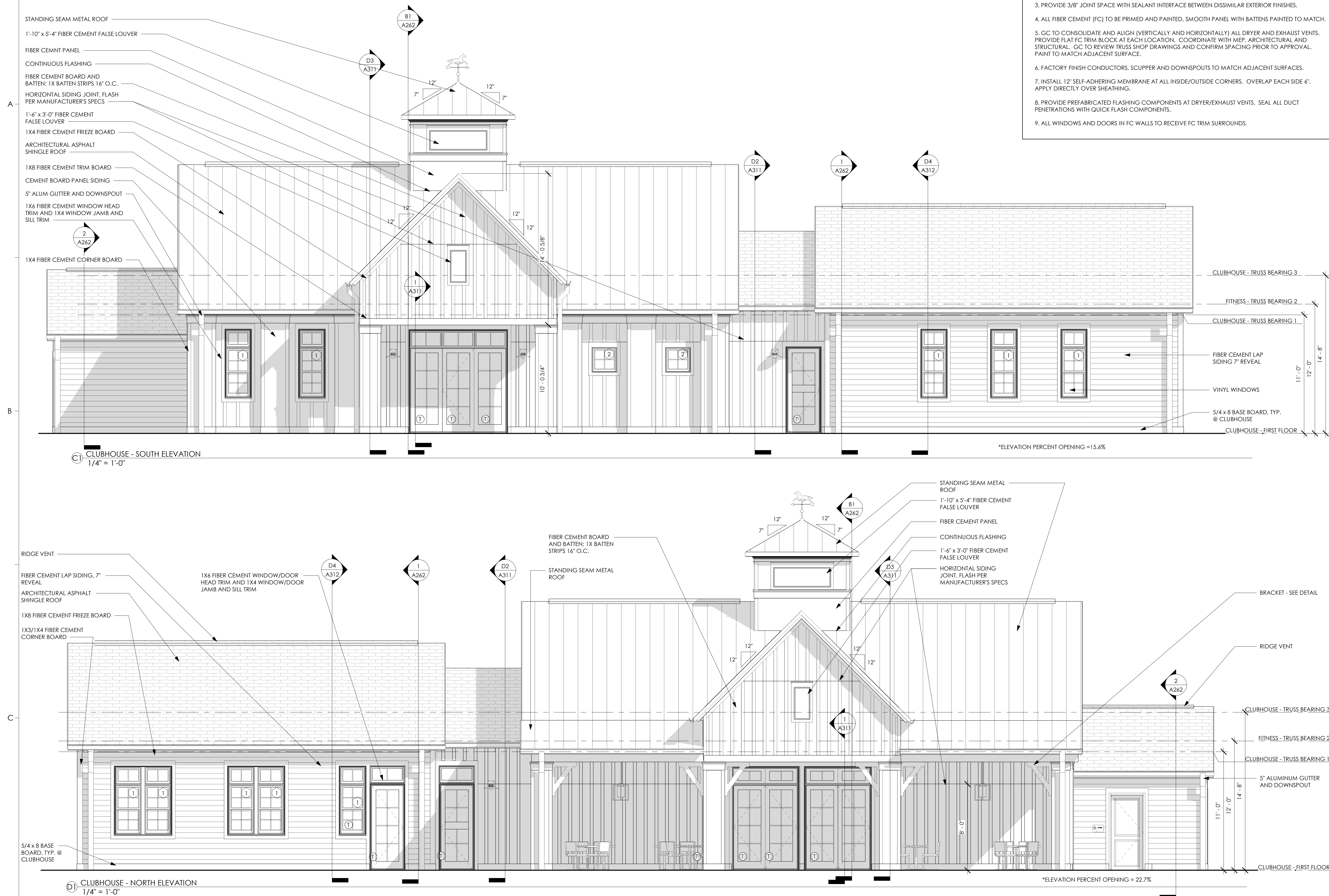
SCHEMATIC DESIGN

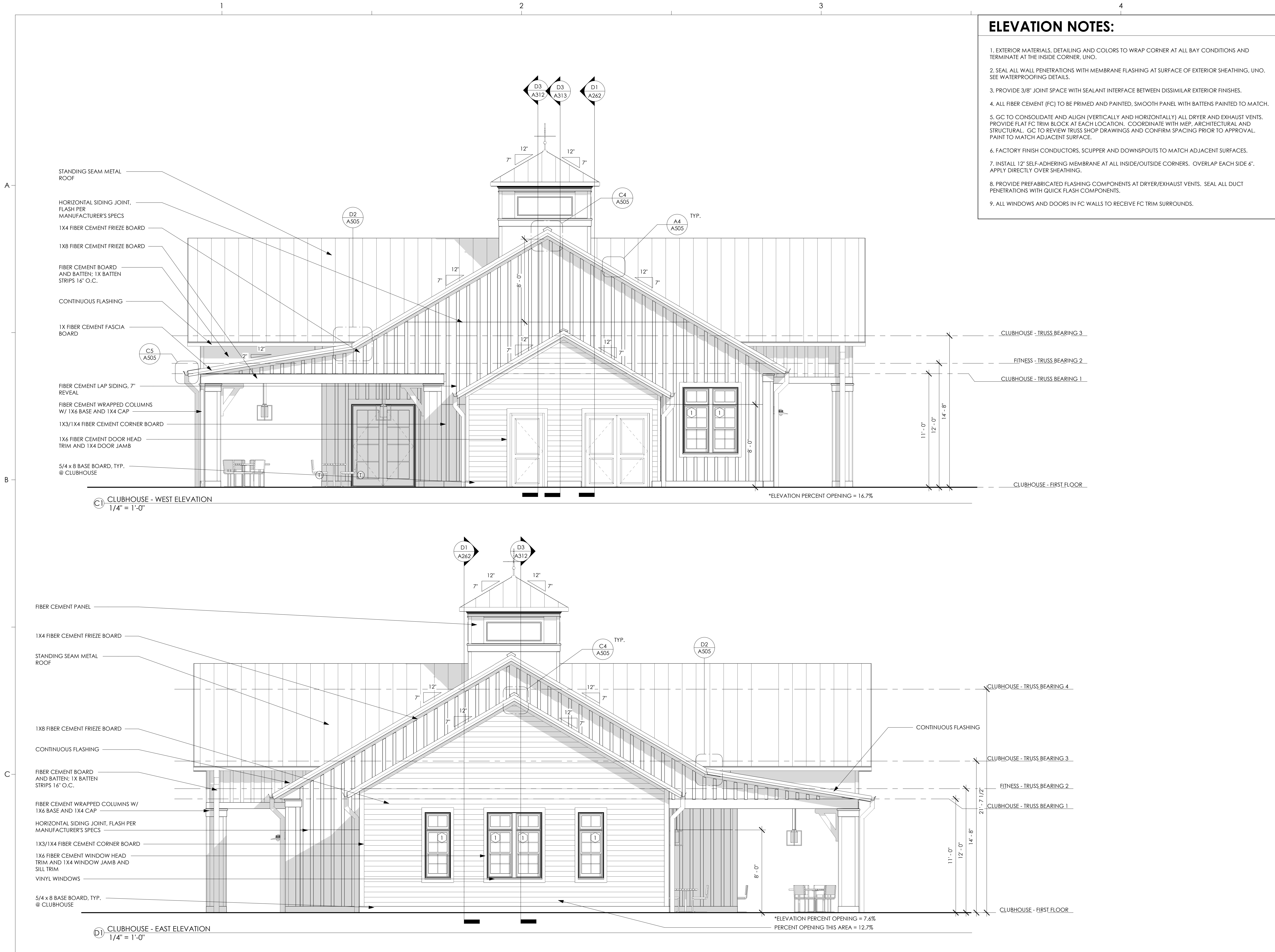
SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

ELEVATIONS - CLUBHOUSE

A221

SCALE: As indicated





SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

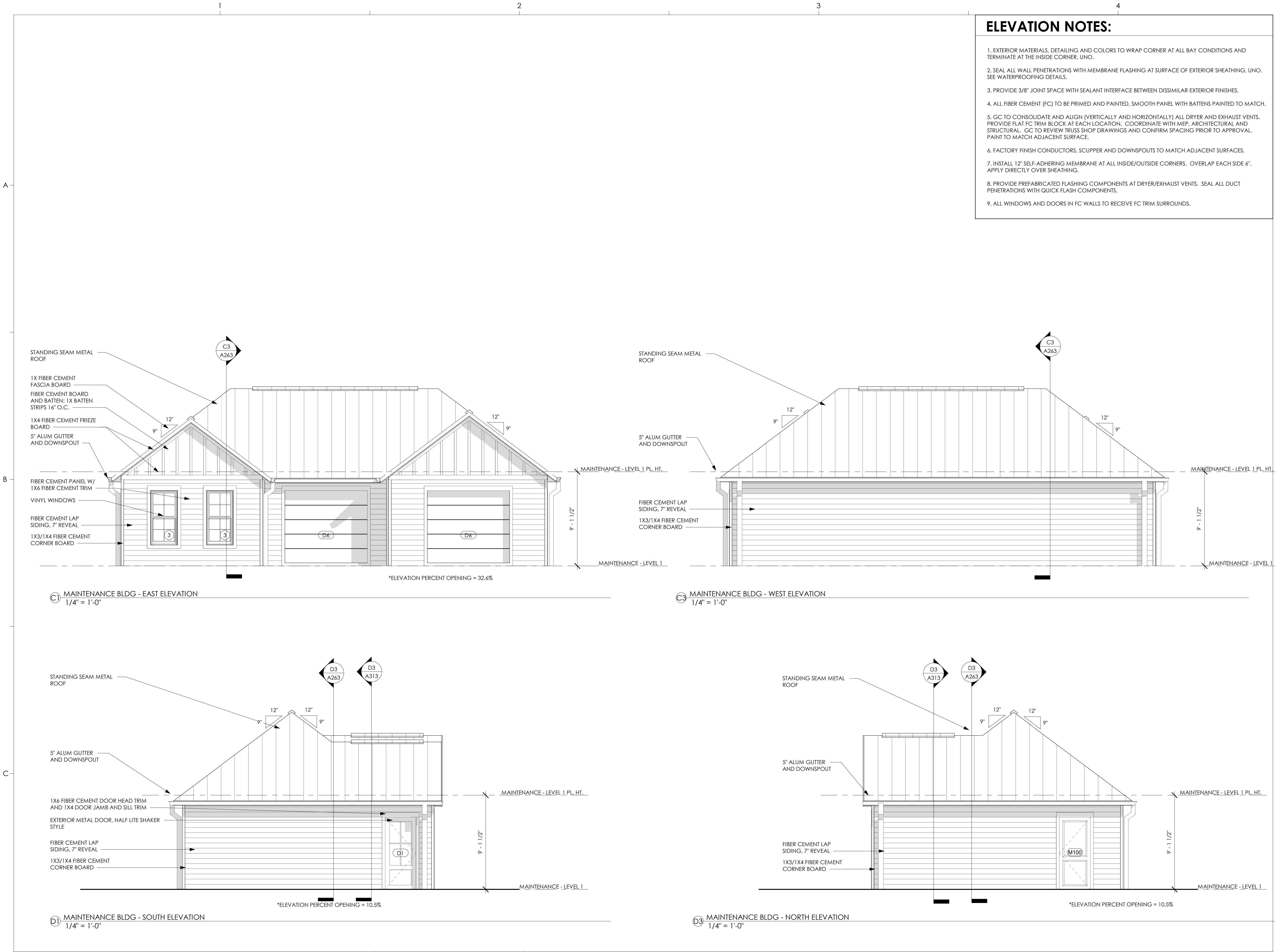
SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

ELEVATIONS - CLUBHOUSE

A222

SCALE: As indicated



SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS
HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

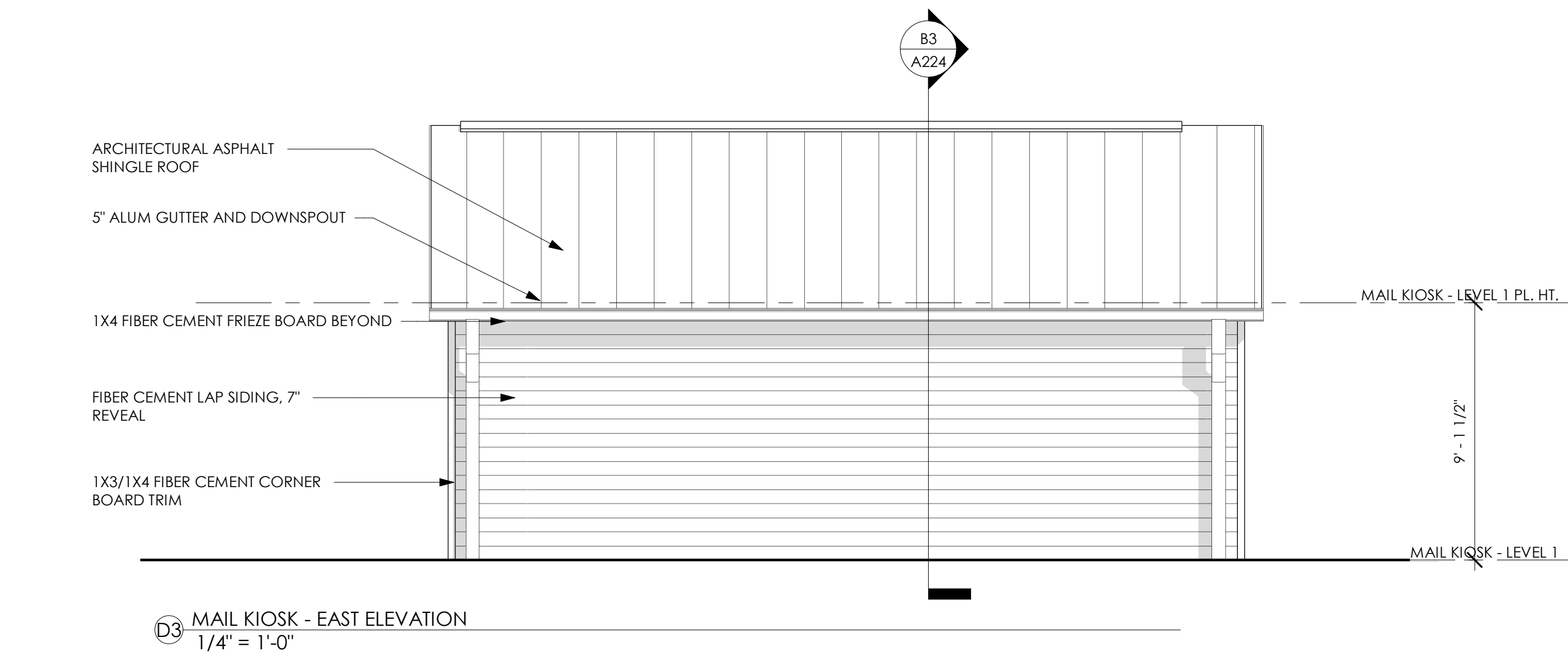
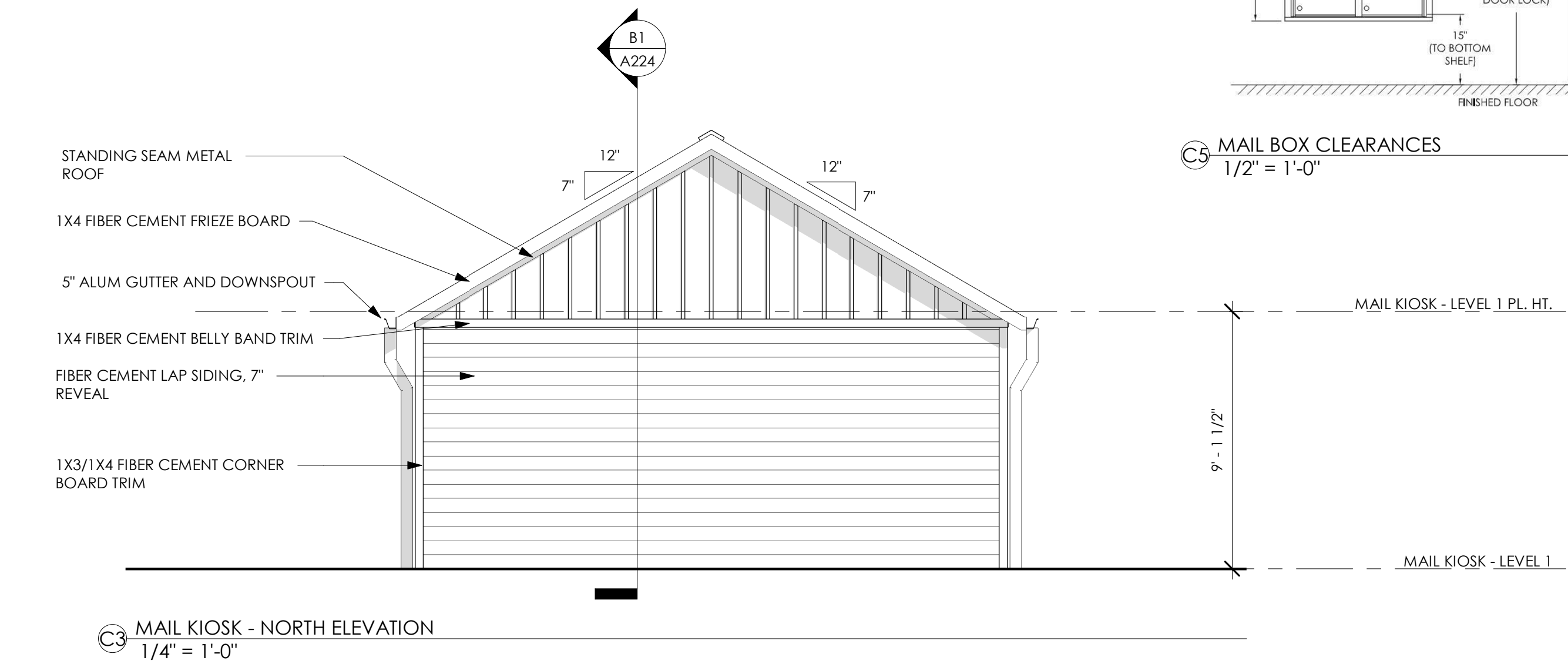
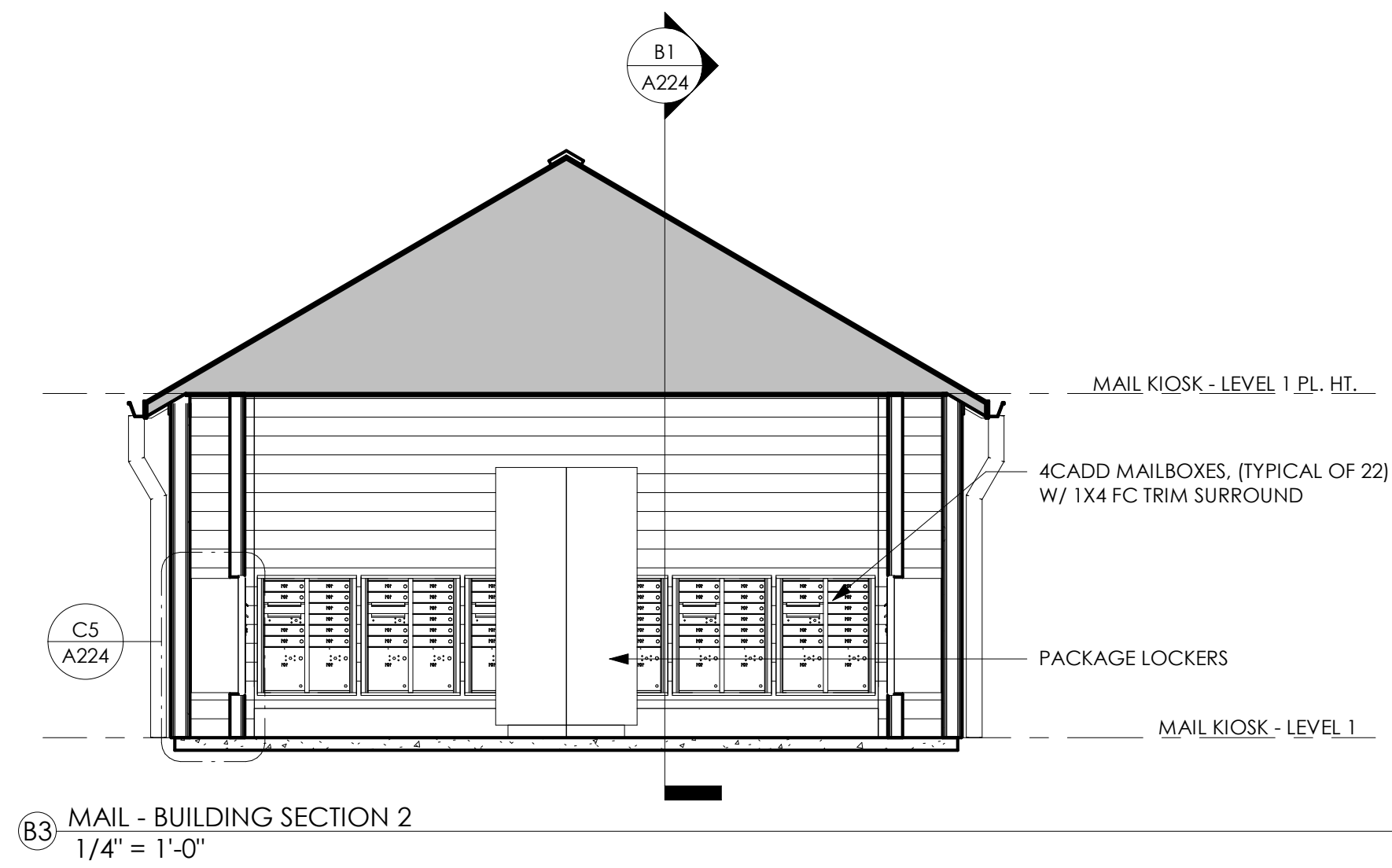
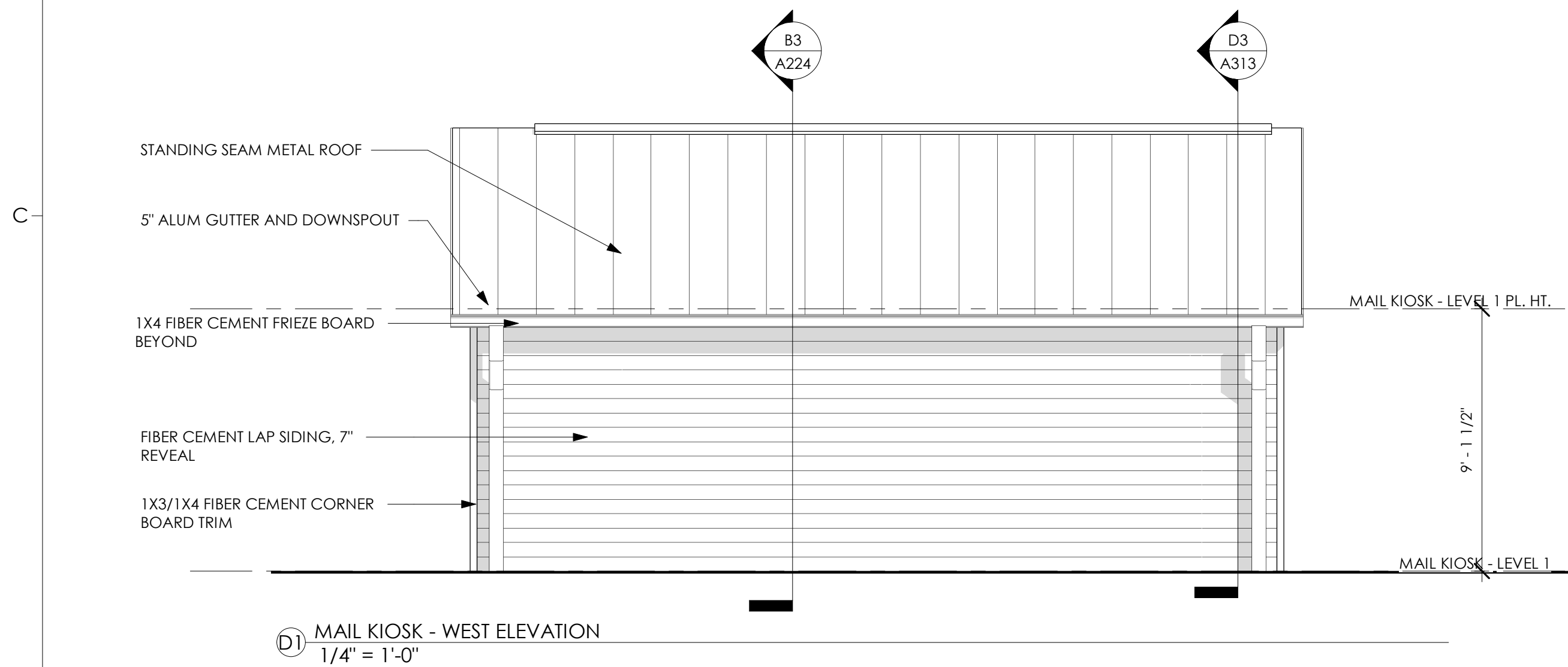
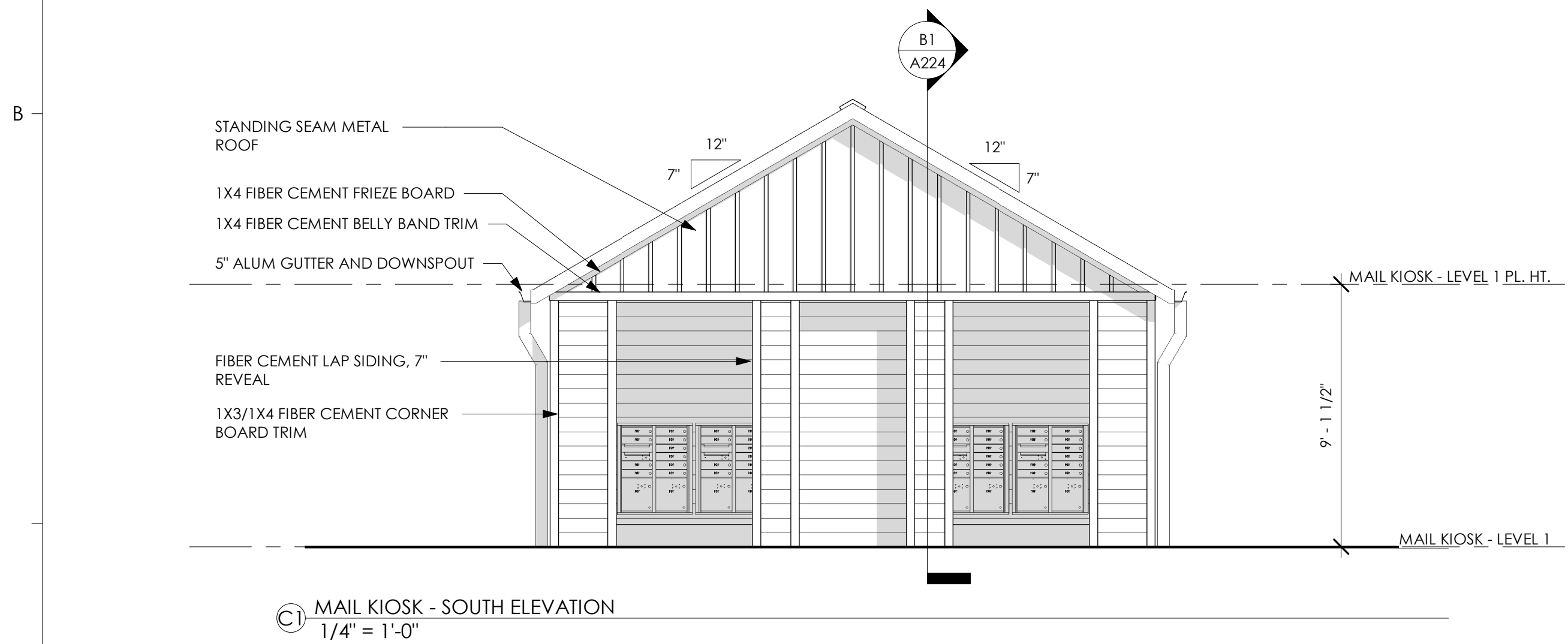
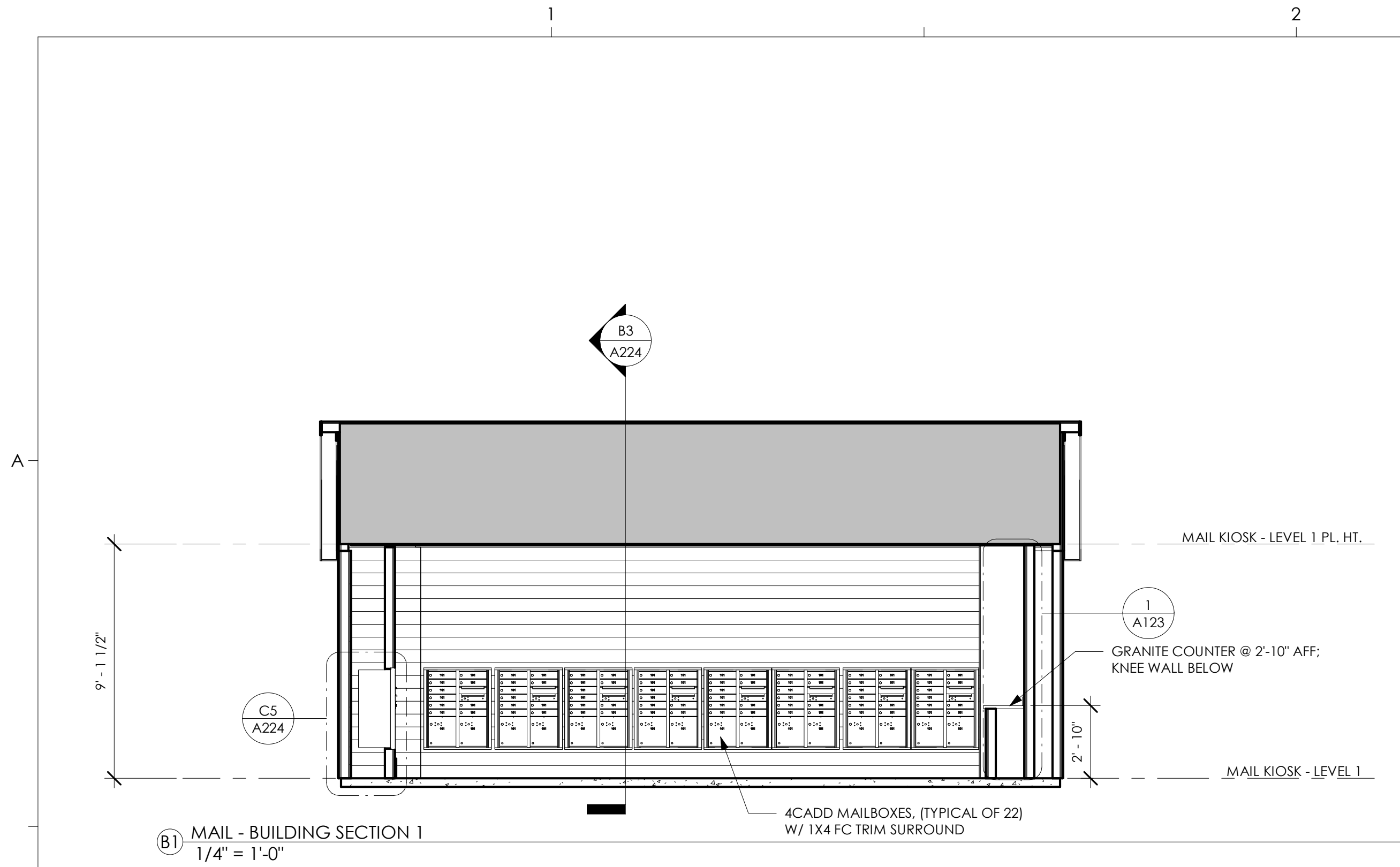
REVISION SCHEDULE		
#	DESCRIPTION	DATE
1	Revision 1	Date 1

SCHEMATIC DESIGN
SGA | NW DESIGN PROJECT NUMBER: 21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE: 06/02/2022

ELEVATIONS - MAINTENANCE BLDG

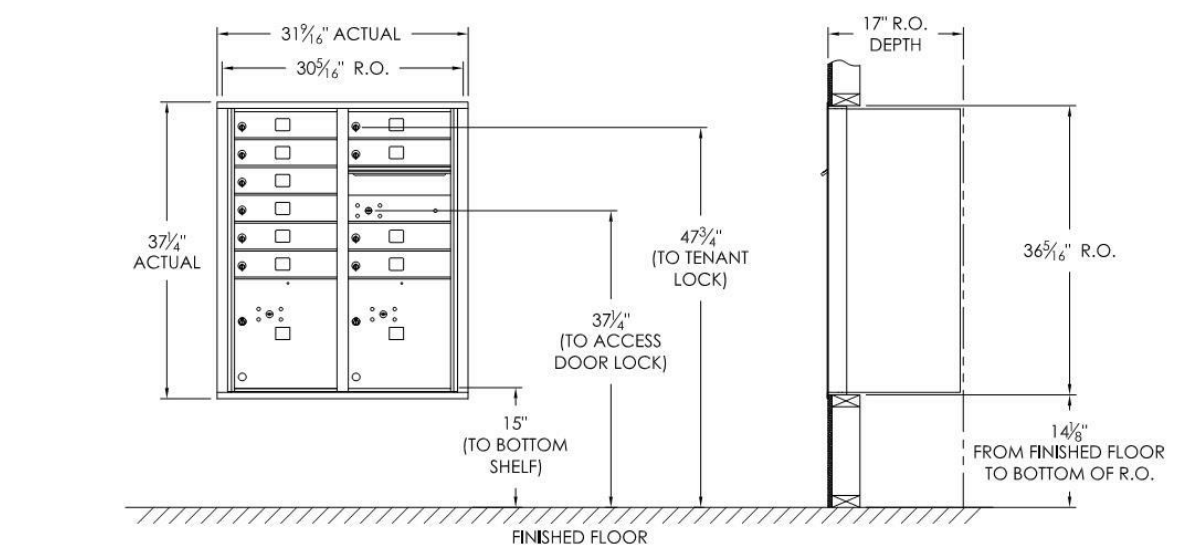
A223

SCALE: As indicated



ELEVATION NOTES:

1. EXTERIOR MATERIALS, DETAILING AND COLORS TO WRAP CORNER AT ALL BAY CONDITIONS AND TERMINATE AT THE INSIDE CORNER, UNO.
2. SEAL ALL WALL PENETRATIONS WITH MEMBRANE FLASHING AT SURFACE OF EXTERIOR SHEATHING, UNO. SEE WATERPROOFING DETAILS.
3. PROVIDE 3/8" JOINT SPACE WITH SEALANT INTERFACE BETWEEN DISSIMILAR EXTERIOR FINISHES.
4. ALL FIBER CEMENT (FC) TO BE PRIMED AND PAINTED, SMOOTH PANEL WITH BATTENS PAINTED TO MATCH.
5. GC TO CONSOLIDATE AND ALIGN (VERTICALLY AND HORIZONTALLY) ALL DRYER AND EXHAUST VENTS. PROVIDE FLAT FC TRIM BLOCK AT EACH LOCATION. COORDINATE WITH MEP, ARCHITECTURAL AND STRUCTURAL. GC TO REVIEW TRUSS SHOP DRAWINGS AND CONFIRM SPACING PRIOR TO APPROVAL. PAINT TO MATCH ADJACENT SURFACE.
6. FACTORY FINISH CONDUCTORS, SCUPPER AND DOWNSPOUTS TO MATCH ADJACENT SURFACES.
7. INSTALL 12" SELF-ADHERING MEMBRANE AT ALL INSIDE/OUTSIDE CORNERS. OVERLAP EACH SIDE 6". APPLY DIRECTLY OVER SHEATHING.
8. PROVIDE PREFABRICATED FLASHING COMPONENTS AT DRYER/EXHAUST VENTS. SEAL ALL DUCT PENETRATIONS WITH QUICK FLASH COMPONENTS.
9. ALL WINDOWS AND DOORS IN FC WALLS TO RECEIVE FC TRIM SURROUNDS.



SGA | NW

a GF design company

8263 Ocean Highway
Pawleys Island, SC 29585
p 843.237.3421
www.sganwdesign.com

THESE DOCUMENTS PROVIDED BY SGA | NARMOURWRIGHT DESIGN ARE SUBJECT TO THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AS INTELLECTUAL PROPERTY. SIMILAR PROTECTION IS ALSO APPLICABLE TO ELECTRONIC INFORMATION IN ANY FORM. THE USE OF THESE DOCUMENTS OR THE ELECTRONIC INFORMATION THAT PRODUCED THEM IS PROHIBITED UNLESS OTHERWISE PROVIDED IN WRITING BY AND COMPENSATION TO THE ARCHITECT.

Copyright © 2022 SGA | NW, a GF Design Company

PROGRESS DRAWINGS

Not for pricing, permitting or construction. If used for estimating, it must be understood by all that the drawings and specifications at this point in time are incomplete and cannot be assumed to be the basis for correct budgeting or bidding.

MIDDLEBURG REAL ESTATE PARTNERS HAMLET AT HUNTERSVILLE



SCHEMATIC DESIGN

HUNTERSVILLE, NC

REVISION SCHEDULE

#	DESCRIPTION	DATE
---	-------------	------

SCHEMATIC DESIGN

SGA | NW DESIGN PROJECT NUMBER:
21-177-04
DESIGNED BY: CS, RC
DRAWN BY: AC, LH, HK, KL
CHECKED BY: KK, MR
ISSUE DATE:
06/02/2022

ELEVATIONS & BUILDING SECTIONS - MAIL KIOSK

A224

SCALE: As indicated

Neighborhood Meeting Report for The Hamlet at Huntersville

The neighborhood meeting for The Hamlet at Huntersville was held from 4:30-6:00 PM on January 26, 2022, at the Lake Norman Charter School. Approximately 35-40 adjacent property owners attended the meeting (see attached attendance sheets), all of which were residents of the Plum Creek neighborhood which is immediately adjacent to the project. The meeting was conducted by Jason Pfister, Steve Farmartino and Reece Kimsey of Middleburg Communities. In addition, David Peete from the Town of Huntersville, Thomas Haapapuro of Design Resource Group (Middleburg's land planner) and Gary Knox (owners' representative) also attended the meeting.

At the meeting, a general overview of the project was presented to the attendees, along with a discussion of the buffering that will be provided between the project and the Plum Creek neighborhood. Middleburg explained to the residents that the buffer will be significantly larger than is required by the Town's Zoning Ordinance (50' proposed vs. 20' required) and will also include a 6' tall buffer fence even though there is no requirement to provide such fencing.

After providing an overview of the project and discussing the buffer, the discussion was opened to answer attendees' questions and hear their concerns. Far and away the most common objection raised by the attendees related to the required stub connection to Hortulan Court. The attendees were uniformly opposed to the stub connection because they felt it would increase traffic within Plum Creek by creating a cut through to Old Statesville Road. Middleburg explained that it was not the applicant's desire to connect the project to Hortulan Court, but it was a required under the Town's Zoning Ordinance. David Peete confirmed that the stub connection was required and also explained that the stub connection would provide a secondary emergency access point to Plum Creek. In response, the attendees requested that the connection to Hortulan Court be gated to limit traffic to emergency vehicles only. Mr. Peete explained to the residents that gating of public roads was not permissible in the Town of Huntersville. The residents also expressed general concerns about the potential for increased traffic and congestion along Old Statesville Road (Hwy 115). Middleburg explained that the Traffic Impact Analysis for the project recommended a traffic light at either of the two proposed entrances to the project, but the ultimate decision as to whether or not it will be required will be made by the NCDOT. David Peete also reiterated this point and also added that the NCDOT has plans to widen Old Statesville Road but indicated that the timing of such widening is unknown at this time.

Finally, some residents expressed concerns that some of the Plum Creek residents were unable to attend the meeting due to the time of the meeting and/or Covid related concerns. It should be noted that the meeting was held in person at the request of the Plum Creek HOA. In response, Middleburg offered to schedule additional neighborhood meetings (or smaller group meetings) either in person or individually with anyone who could not attend. In addition, Middleburg has provided a copy of the poster boards that were used at the meeting to Linda Hopkins of the Plum Creek HOA to distribute to the community and offered to provide her with any additional information that is requested.

Second Neighborhood Meeting Report for The Hamlet at Huntersville

The second neighborhood meeting for The Hamlet at Huntersville was held from 6:00-8:00 PM on April 20, 2022, at the Huntersville Arts & Cultural Center. Eleven adjacent property owners attended the meeting (see attached attendance sheets), all of which were residents of the Plum Creek neighborhood who had also attended the first neighborhood meeting. The meeting was conducted by Jason Pfister, Steve Farmartino of Middleburg Communities. In addition, David Peete from the Town of Huntersville, Thomas Haapapuro of Design Resource Group (Middleburg's land planner) and Gary Knox (owners' representative) also attended the meeting.

The main purpose of the meeting was to provide the Plum Creek residents with an explanation and overview of the changes to the site plan that were made in response to the feedback Middleburg received at the first neighborhood meeting. More specifically, the changes to the site plan that addressed the residents concerns about density immediately adjacent to Plum Creek as well as the Hortulan Court road connection were discussed with the attendees. Middleburg explained to the attendees that the overall site layout was redesigned in order to reduce the number of units that directly abut the Plum Creek neighborhood in order to make a smoother transition between the project and the Plum Creek neighborhood. In addition, Middleburg demonstrated that the internal road structure was redesigned in order to reduce the likelihood that future residents of the project would use the Hortulan Court road connection as a cut-through to the Plum Creek residents. The attendees still strongly prefer to eliminate the required Hortulan Court connection, but they realize that this connection is a requirement of the Town's subdivision ordinance that is beyond Middleburg's control. At the meeting, several attendees noted that Middleburg made substantial changes to address their concerns and expressed appreciation for Middleburg's continued willingness to work with them.

**Town of Huntersville: 12349 Old Statesville Road
Hamlet at Huntersville**

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: 258 single family detached, and 45 single family attached

CMS Planning Area: North

Average Student Yield per Unit: 0.5118 (single family detached) = 132
0.1812 (single family attached) = 8

This development may add 140 students to the schools in this area.

The following data is as of 20th Day of the 2021-22 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
LEGETTE BLYTHE ELEMENTARY	49.50	50	855	864	99%	57	105%
JM ALEXANDER MIDDLE	50.8	54	856	910	94%	35	98%
NORTH MECKLENBURG HIGH	118.5	108	2095	1909	110%	48	113%

The total estimated capital cost of providing the additional school capacity for this new development is \$4,050,000; calculated as follows:

Elementary School: **57** x \$34,000 = \$1,938,000

High School: **48** x \$44,000 = \$2,112,000

RECOMMENDATION

Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.

David Peete

From: Cathy Horridge <chorridge123@gmail.com>
Sent: Monday, April 11, 2022 4:13 PM
To: Melinda Bales; Stacy Phillips; Dan Boone; Rob Kidwell; Amber Kovacs; Imunter@huntersville.org; Derek Partee; Jack Simoneau; Brian Richards; Au'Darius Blackwood; Nathan Farber; Dave Hill; Paul Lowe; Kayleigh Mielenz; David Peete; Bradley Priest; Claudia Schruhl; Lauren Speight; Kimberly Tejeda; Frances Tucker; Stephen Trott; Andrew Cheek; Eian Fowler; Kevin Garton; Emily Sloop; Jacob Glass
Subject: Proposed Development Next to Plum Creek
Follow Up Flag: Flag for follow up
Flag Status: Completed

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.

Cathy Horridge
13403 Damson Drive
Huntersville, NC 28078

It is with sadness and concern that I write to you today. As a resident in the Plum Creek community, I find it quite disturbing that our beautiful town is being turned upside down with building projects, road projects and super highways. Our area in particular, is being choked out with large rental communities. The huge Luxe complex and Stonybrook Station development are right in our backyards. And these communities are being built on extremely small lots to squeeze in as many units as possible. Also, The Arden 55+ community will add another 160 units. So, in the trickle down, The Recycling Center is sure to ask to increase their size in the coming years as Huntersville explodes. I ask you all to please, stop and take a breath.

As far as infrastructure goes, I'm not sure I've seen sufficient data to support 270 rental units to be built next to Plum Creek. When did they get permission to increase the number of units to 270 (100% rental units)? And, it was also mentioned that Hortulan Court be opened up as a cut through. It is unreasonable to propose that this many cars have access to our neighborhood. I also received information that the current development group, Middleburg Communities, will have the right to sell at any time. So, then what happens to any promises the current group may make? Please, stop and take a breath.

The schools are already overcrowded and there are not enough teachers. Our children are suffering because of this. Police and Fire Departments are also stretched to the limit. A few of our neighbors have expressed concern that when they called 911 they were greeted by a recording. The speed of traffic along 115 is extremely dangerous. Trying to get onto 115 at certain times of the day is frightening. The condition of the roads and trash along the sides of the roads is getting worse all the time. As I drive along 115 tears well up as I see all of the old growth trees cut down, in the name of progress. Please, stop and take a breath.

As far as Pottstown is concerned, this community should be revered and supported. You should not allow it to be squeezed out and gentrified. It has been there since the early 1900s with many of the homes built by former slaves. Let's support our neighbors, not drive them out.

Please don't allow our beautiful Huntersville to be blacktopped and overbuilt. In the long run, I believe continuing on this track will be detrimental to all of us. We've all been through some very trying years recently and many of us feel hopeless as you all hand our town over to developers and investment groups. So, for the sake of us all, please stop and take a breath.

God Bless each of you as you direct our town.

Sincerely,

Cathy Horridge

David Peete

From: Brian Richards
Sent: Wednesday, February 16, 2022 9:04 AM
To: james meadows; David Peete
Subject: FW: Plum Creek and potential Middleburg Community apartments
Attachments: Subdivision Sketch Plan Quasi Judicial Information Sheet.pdf

Mr. Meadows,

Thank you for sharing your concerns with the Mayor. As you may know this project is a "by right" subdivision project and is subject to the Town Quasi-Judicial hearing process. Attached is an information sheet that outlines the process. Please feel free to let me know if you have any questions.

Also below is a link to the project page for the proposed development. The applicant is currently revising the proposed subdivision based upon feedback that they received from the Public and Staff. We are awaiting them to resubmit plans to be reviewed. With that being said the Planning Board meeting has been pushed back to April 26 (tentative) and the Town Board hearing to May 16th (tentative).

I have copied David Peete (Town Staff – Project Manager ph. 704-766-2216) on this email if you have specific questions regarding the project that we can answer.

<https://www.huntersville.org/2718/The-Hamlet-at-Huntersville>

Again thank you for reaching out and please let us know how we can assist.

Brian Richards
Assistant Planning Director
Huntersville Planning Dept.
105 Gilead Rd 3rd Floor
Huntersville, NC 28078

Mailing address
PO BOX 664
Huntersville, NC 28070
Ph 704 766 2218
Fx 704 992 5528
brichards@huntersville.org

From: Anthony Roberts <aroberts@huntersville.org>
Sent: Tuesday, February 15, 2022 9:34 PM
To: Melinda Bales <mbales@huntersville.org>
Cc: james meadows <ayeayecapn@hotmail.com>; Emily Sloop <esloop@huntersville.org>; Jack Simoneau <jsimoneau@huntersville.org>; Brian Richards <brichards@huntersville.org>
Subject: Re: Plum Creek and potential Middleburg Community apartments

Jack or Brian:

Please provide Mr. Meadows with information on the process and application. Thanks.

Anthony Roberts,

Town Manager

On Feb 15, 2022, at 11:15 AM, Melinda Bales <mbales@huntersville.org> wrote:

Mr. Meadows-

Thank you for your email. It is my understanding that this project coming before the Board is considered quasi-judicial and will be heard through the quasi-judicial process.

This process does not allow myself or Board members to hear about or discuss the project outside the quasi-judicial process.

I have copied the Town Manager, Planning Director and Town Attorney on this email.

They can provide you with more information about this process.

I am sorry that I cannot have a conversation with you but it is my hope that staff will be able to answer any of your questions regarding this process.

Warmest Regards,
Melinda

--

Melinda Bales
Huntersville Mayor
Lake Norman Education Collaborative
Mbales@huntersville.org
704-728-9643

On Feb 13, 2022, at 3:51 PM, james meadows <ayeayecapn@hotmail.com> wrote:

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.

Good afternoon Mayor Bales,

I regret to have to be contacting you regarding this matter. Recently, Plum Creek residents were told we would have YET ANOTHER group of apartments encroaching upon our neighborhood. However, unlike the other developments, we would have to share a cut through with them. That is simply unacceptable. Of course, when we met with the property developers, we were given the spill about how they will be high end rentals only. Sadly, I've seen this sad story play out time and again and it never ends well. More recently, the Luxe has brought an increase of crime to this area that is incredibly unfortunate to say the least. There's not even any provision in place to keep the current development group from selling to an investment group.

I vote in all elections- not just presidential elections. Most recently, I voted for you and hope I can depend on your support in this matter. This is a decision that is contingent upon my vote. I will actively seek out people in this neighborhood and community and let them know how this entire matter plays out. Thank you for your time.

James Meadows

David Peete

From: Jack Simoneau
Sent: Monday, January 31, 2022 12:31 PM
To: David Peete
Subject: FW: Stop The Hamlet of Huntersville - Middleburg Communiities

Can you send Angela (and any other Plum Creek residents) a follow-up email like I sent to Martha Olstin.

Thanks,
Jack

From: Angela Smith <13419as@gmail.com>
Sent: Monday, January 31, 2022 8:44 AM
To: Melinda Bales <mbales@huntersville.org>; Stacy Phillips <sphillips@huntersville.org>; Dan Boone <dboone@huntersville.org>; Rob Kidwell <rkidwell@huntersville.org>; Amber Kovacs <akovacs@huntersville.org>; Imunger@huntersville.org; Derek Partee <dpartee@huntersville.org>; Jack Simoneau <jsimoneau@huntersville.org>; brichards@huntersville.org; Au'Darius Blackwood <ablackwood@huntersville.org>; Nathan Farber <nfarber@huntersville.org>; Dave Hill <dhill@huntersville.org>; Paul Lowe <plowe@huntersville.org>; Kayleigh Mielenz <kmielenz@huntersville.org>; dpette@huntersville.org; bprriest@huntersville.org; cschruhl@huntersville.com; lspeigh@huntersville.org; Kimberly Tejeda <ktejeda@huntersville.org>; Frances Tucker <ftucker@huntersville.org>; Stephen Trott <strott@huntersville.org>; Andrew Cheek <acheek@huntersville.org>; Eian Fowler <efowler@huntersville.org>; Kevin Garton <kgarton@huntersville.org>; Emily Sloop <esloop@huntersville.org>; Jacob Glass <jglass@huntersville.org>; Unknown <tom.smith@duke-energy.com>; angela.smith2@wellsfargo.com
Subject: Stop The Hamlet of Huntersville - Middleburg Communiities

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.

Please do not approve the request from Middleburg Communities, LLC to build rental cottages which start out at much lower price point than other nearby apartments on Hwy 115. The average rental price in Statenville Rd / Verhoeff Dr is currently \$1,865, based on NeighborhoodScout's exclusive analysis. The Hamlet of Hunterville starts out at \$1400 which is much lower than the average and may attract tenants that are not favorable.

The entire Plum Creek neighborhood is opposed to rental cottages being next to our neighborhood and below are some but not all of our concerns.

- Traffic patterns are already heavy with schools and other new neighborhoods; it is already very challenging to get out of Plum Creek at rush hour
- Rental properties have a higher crime rate than traditional single family - Per Property Mgmt web site 10% of renters say there is a lot of serious crime in their neighborhood; 25% report a lot of petty crime.
- By allowing a connection to our neighborhood the amount of traffic and noise that will be generated will be unbearable for Plum Creek residents and lead to folks leaving Huntersville

- A decrease in the market value of my home
- Rental cottages do not fit into the single family neighborhood demographic of Plum Creek
- The loss of neighborhood and community character
- The loss of green space buffer around Lake Norman Charter

Thank you for your consideration of my concerns.

Angie Smith

David Peete

From: Jack Simoneau
Sent: Friday, January 28, 2022 5:51 PM
To: Anthony Roberts
Cc: David Peete
Subject: FW: Plum Creek Resident Concern

FYI

From: Jack Simoneau
Sent: Friday, January 28, 2022 5:28 PM
To: Olstin, Martha A <Martha.Olstin@atriumhealth.org>
Cc: David Peete <dpeete@huntersville.org>
Subject: RE: Plum Creek Resident Concern

Ms. Olstin,

Thank you for your email regarding opposition to the proposed street connection of the Hamlet at Huntersville to Hortulan Court in Plum Creek. The proposed subdivision Sketch Plan for The Hamlet at Huntersville will go through a "Quasi-Judicial" process. As you can see from the information sheet on quasi-judicial meetings below, the Town Board is limited to input except under sworn testimony at their meeting (set for March 21, 2022 as of now).

David Peete with our office is handling this proposed subdivision. David, is it your intention to collect all related emails such as those provided by Martha Olstin and include them in the Town Board agenda packet for presentation at the Town Board meeting?

Ms. Olstin, David Peete and I stand ready to assist you in any way possible to provide information about the proposed development or how best to let your concerns be heard. Please feel free to contact David (704-766-2216) or myself (704-766-2211) by phone or email.

Thank you and have a great weekend.

Jack Simoneau

Subdivision Sketch Plan Quasi-Judicial Meeting Information Sheet

- A **neighborhood meeting** is required for all Subdivision Sketch Plans.
- Subdivision Sketch Plans go to the **Huntersville Planning Board for a recommendation** and to the **Huntersville Town Board for action**.
- 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**:
 1. A person with a legal interest in the subject property
 2. The applicant before the decision making board
 3. 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)
 4. 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**.

Jack Simoneau, AICP
Huntersville Planning Director
704-766-2211; jsimoneau@huntersville.org

From: Olstin, Martha A <Martha.Olstin@atriumhealth.org>

Sent: Friday, January 28, 2022 2:32 PM

To: Melinda Bales <mbales@huntersville.org>; Stacy Phillips <sphillips@huntersville.org>; Dan Boone <dboone@huntersville.org>; Rob Kidwell <rkidwell@huntersville.org>; Amber Kovacs <akovacs@huntersville.org>; Lance Munger <lmunger@huntersville.org>; Derek Partee <dpartee@huntersville.org>

Cc: Jack Simoneau <jsimoneau@huntersville.org>

Subject: Plum Creek Resident Concern

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.

To whom it may concern,

I have lived in Huntersville since 2008. I first lived in Monteith Place and now live in Plum Creek with my husband and 2 yo son. My husband and I decided to remain in the area because we enjoyed the feel of a smaller town with schools, parks, etc. We gladly invest our time, money, and our family's future in Huntersville. I understand and appreciate the 2040 plan for the community's continued growth. However, I ask that you vote no/change the plan to have a road constructed from The Hamlet into the Plum Creek subdivision via Hortulan Court. We have had only one entrance since the community was constructed and that's how I, as well as many other neighbors, want it to remain. No one has shown outward concern for the one entrance for decades prior. Whether the purposed road stems from a newer ordinance or a group's opinion, please respect our community. Plum Creek is facing many other changes around us (new apartments, new subdivision, recycle center wants to encroach on our property lines). I cringe to think how putting in this road would bring down our home values, potentially increase crime, and make us somewhat more vulnerable. People like living in Plum Creek because it is quiet and nestled within the town limits. Don't take that away from us.

Thank you in advance,
Martha
13303 Toka Court

Martha Olstin, LCSW
Clinical Social Worker II

Clinical Care Management

Atrium Health

(p): 704-446-7267

(f): 704.355-9390



To improve Health, elevate Hope, and advance Healing – for all

This electronic message may contain information that is confidential and/or legally privileged. It is intended only for the use of the individual(s) and entity named as recipients in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material from any computer. Do not deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains.
Thank you.

David Peete

From: Linda Hopkins <linda_hopkins_2010@yahoo.com>
Sent: Monday, November 8, 2021 3:47 PM
To: David Peete; Jason Pfister; Tracy Barron; Bill Alt; Brian Richards
Cc: Steve Farmartino; Travis A; Maggie Piccirilli; Eric Knesel; George Solomon
Subject: RE: Middleburg development 12349 Old Statesville Road - The Hamlet at Huntersville

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.

Thank you David. We will be keeping a closer eye on this project.

Travis – FYI.

Sent from Linda R. Hopkins professional [Mail](#) for Windows 10 account

From: [David Peete](#)
Sent: Monday, November 8, 2021 3:32 PM
To: [Linda Hopkins](#); [Jason Pfister](#); [Tracy Barron](#); [Bill Alt](#); [Brian Richards](#)
Cc: [Steve Farmartino](#); [Travis A](#); [Maggie Piccirilli](#); [Eric Knesel](#); [George Solomon](#)
Subject: RE: Middleburg development 12349 Old Statesville Road - The Hamlet at Huntersville

Ms. Hopkins,
Thank you for the email.

Let me provide a brief outline of where this project stands:

A subdivision sketch plan was submitted, as you can clearly see on our website. Once submitted, all plans must receive a minimum of two (2) 15-day reviews before they are eligible to go to Planning Board & Town Board.

After our first staff review, our comments were quite extensive and led the applicants to redo their plan – which we have discussed with them on several occasions. To date, they still have not resubmitted their plan for 2nd review (and depending on how that review goes, a 3rd may be required before it can go for Board review.

Once we are ready to take the plan to the Boards, a neighborhood meeting – hosted by the applicant – must be held and report generated. After that, the Town sends out notices and posts signs prior to Planning Board meeting to announce when the Town Board will review a subdivision.

You have not missed any notification, the applicants, by virtue of significantly revising their plan and altering the process, have slowed things down. We do not have a new timeline to post, but we can post “TBD” for the meeting dates until they are known.

As you can see below, we do add “tentative” simply because these plans very often do not follow the estimated timeline.

Again, there will be 3 public opportunities to review and comment on the plans prior to any possible action by Town Board.

The plans are always available online and written comments may be emailed or submitted to me at any time.

I hope this offers some clarification and I apologize that the website was not as clear as it should be.

Thank you.

	Phone: 704-766-2216
Neighborhood Meeting	To be scheduled and conducted by the Developer no later than September 28,
Planning Board Meeting	October 26, 2021 (tentative)
Town Board Meeting	November 15, 2021 (tentative)
Application:	Application (PDF)
Plan Documents:	Sketch Plan (PDF)
Subdivision Sketch Plan Quasi-Judicial Meeting Information	Subdivision Sketch Plan Quasi-Judicial Meeting Information

David F. Peete, AICP

Principal Planner
Town of Huntersville
PO Box 664
105 Gilead Road
Huntersville, NC 28078
Phone: 704.766.2216
Fax: 704.992.5528
Email: dpeete@huntersville.org
Website: www.huntersville.org

Connect with Town of Huntersville!



Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may be disclosed to third parties.

From: Linda Hopkins <linda_hopkins_2010@yahoo.com>
Sent: Monday, November 8, 2021 3:09 PM
To: Jason Pfister <jpfister@livemiddleburg.com>; Tracy Barron <tbarron@huntersville.org>; Bill Alt <altb@mindspring.com>; David Peete <dpeete@huntersville.org>; Linda Hopkins <linda_hopkins_2010@yahoo.com>
Cc: Steve Farmartino <sfarmartino@livemiddleburg.com>; Travis A <travisaspy@gmail.com>; Maggie Piccirilli <mpoutdoorz@yahoo.com>; Eric Knesel <knesel_e@bellsouth.net>; George Solomon <wallst71@gmail.com>
Subject: RE: Middleburg development 12349 Old Statesville Road - The Hamlet at Huntersville
Importance: High

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.

Good afternoon Jason, David & Tracy,

I recently reviewed the Planning Department Projects and found the following information recently updated to said Project:

The Hamlet at Huntersville - Middleburg development 12349 Old Statesville Road. (see links below).

Upon attending the Pre-Development Zoning meeting on May 21, 2021, I was informed by Tracey Barron with my attending and speaking at this meeting, I would receive further updates and forthcoming information on this project as provided by the Town of Huntersville. The new information and updates as attached as links *have not* been communicated to me as a Board of Director for Plum Creek Community. This responsibility would have fallen on the Town of Huntersville planning to keep Plum Creek informed of the updates.

Per my research on 11/07: Planning Department>Projects>**Projects List**
<https://www.huntersville.org/1189/Projects-List>
<https://www.huntersville.org/2718/The-Hamlet-at-Huntersville>

To provide some quick updates to the addressees of this email
(black - the Towns updates) (red – PC: Linda input)

Neighborhood Meeting - To be scheduled and conducted by the Developer no later than 9/28/2021

– **Not completed nor communicated to Plum Creek community.**

Board of Adjustment (if Variance) - N/A

Public Hearing - N/A – **David, Why would there not be a Public Hearing?**

Planning Board (Recommendation) - 10/26/2021 (tentative) – **Why Tentative?**

Town Board (Final Action) - 11/15/2021 (tentative) – **Why Tentative?**

Plum Creek addressees: Huntersville Town Planning Dept. meet on the following dates:

6:30 p.m. on the Fourth (4th) Tuesday of each and every month unless otherwise noted or changed upon compliance of the Open Meeting Law. (i.e.) 11/23, 12/28

Their meetings are live via [Facebook Town Meeting](#).

Meeting Agendas and Minutes

Tracey Barron – Town of Huntersville Administrative Assistant

David Peete – Assigned Town Reviewer

Steve Farmartino – Middleburg Development Manager for this project

Jason Pfister – Middleburg Development representative

Bill Alt, Eric Knesel, Linda Hopkins – Plum Creek Board of Directors

George Solomon – Plum Creek Officer of Treasury.

Travis Aspy & Maggie Piccirilli – Plum Creek leads for this project.

Sent from Linda R. Hopkins professional [Mail](#) for Windows 10 account

----- Original message -----

From: Jason Pfister <jpfister@livemiddleburg.com>

Date: 6/21/21 9:20 AM (GMT-05:00)

To: Linda Hopkins <linda_hopkins_2010@yahoo.com>, Bill Alt <altb@mindspring.com>, Eric Knesel <knesel_e@bellsouth.net>, Travis A <travisaspy@gmail.com>, Maggie Piccirilli <mpoutdoorz@yahoo.com>

Cc: Steve Farmartino <sfarmartino@livemiddleburg.com>, Jason Pfister <jpfister@livemiddleburg.com>

Subject: RE: Middleburg development off Old Statesville Road

Thank you for the feedback Linda. We have not yet filed the rezoning application and have not even had the pre-application meeting yet. I will update you as we proceed.



JASON C. PFISTER | Vice President, Land Entitlements

D: 919.589.1088 | C: 919.824.6088 |

E: jpfister@livemiddleburg.com | MiddleburgCommunities.com

From: Linda Hopkins <linda_hopkins_2010@yahoo.com>

Sent: Friday, June 18, 2021 6:00 PM

To: Jason Pfister <jpfister@livemiddleburg.com>; Bill Alt <altb@mindspring.com>; Eric Knesel <knesel_e@bellsouth.net>; Travis A <travisaspy@gmail.com>; Maggie Piccirilli <mpoutdoorz@yahoo.com>

Cc: Steve Farmartino <sfarmartino@livemiddleburg.com>

Subject: RE: Middleburg development off Old Statesville Road

EXTERNAL email: Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.

Jason/ Steve

1. What are Middleburg's next steps?
 - a. Neighborhood/ Community meeting?
 - i. *As described in the Conditional District (CD) Rezoning Review Checklist*
2. Has a Huntersville Project planning manager been assigned?
3. Have the additional required reviews been addressed as the project is located along the Mountain Island and Lake Norman Watersheds?
4. You are aware of the following requirements for Conditional District (CD) Rezoning Review Process have not or were not met by Middleburg:
 - Owner of each property across a street, easement, or right-of-way (public or private) and within 250 feet of the right-of way boundary opposite the petitioned property.
 - Neighborhood associations, property owner associations, and homeowner associations registered with the Huntersville Planning Department within 2,000 feet of any portion of the subdivision site (distance scaled on a TOH or Mecklenburg County official map).

It may be suggested for Middleburg to looking into developing at this site as it lends itself to be more advantageous to apartments and mixed-use housing.

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Jack Simoneau, Planning Director

Date: July 18, 2022

Subject: QUASI-JUDICIAL - Valea Village Subdivision

EXPLAIN REQUEST:

QUASI-JUDICIAL. Conduct evidentiary hearing and consider decision on Valea Subdivision, a request by Valea Bowman, LLC to subdivide 31.84 acres located south of Dellwood Drive and east of Central Avenue primarily at 14215 Holbrooks Road into 36 single-family lots.

ACTION RECOMMENDED:

Make a decision

FINANCIAL IMPLICATIONS:

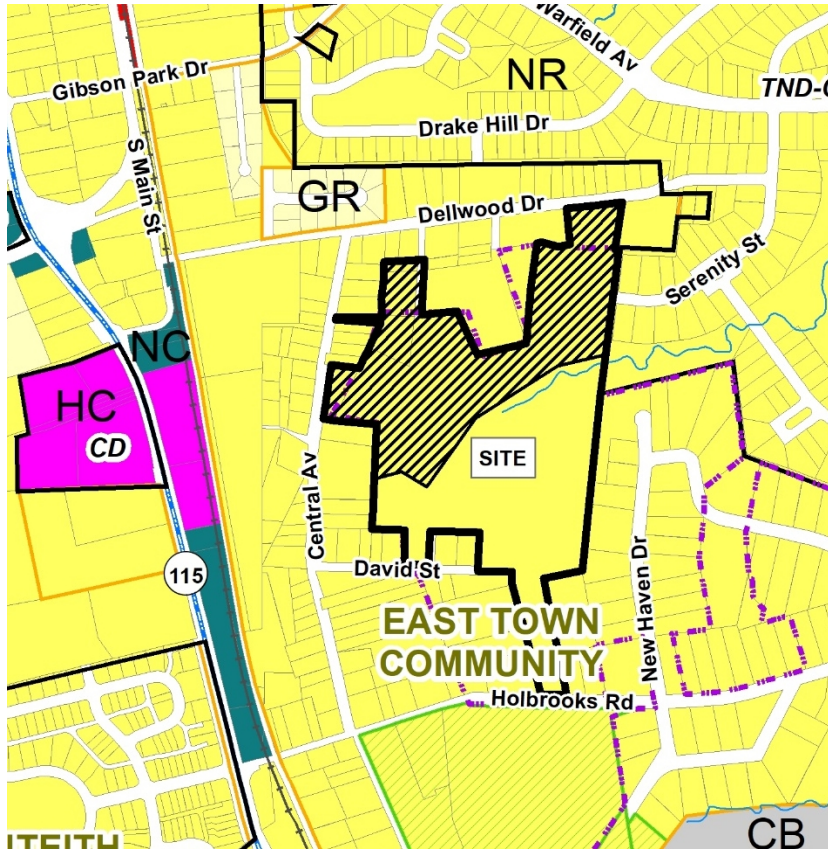
N/A

ATTACHMENTS:

1. Valea Village Staff Report-BOC July 18 - Copy
2. Attachment A- Valea_Subdivision_General_Application
3. Attachment B- Valea Subdivision Sketch Plan
4. Attachment C- Valea Neighborhood Meeting
5. Attachment D- CMS
6. March 2022 Minutes Update

Valea Subdivision Sketch Plan

PART 1: PROJECT SUMMARY



Applicant: Valea Bowman, LLC.

Property Owner(s): Valea Village, LLC.

Property Address: 14215 Holbrooks Road.

Project Size: (+/-) 31.387 acres.

Parcel Number(s): 01908108, 01908109, 01908118, 01908136, 01908137.

Current Zoning: Neighborhood Residential (NR).

Current Land Use: Vacant /wooded.

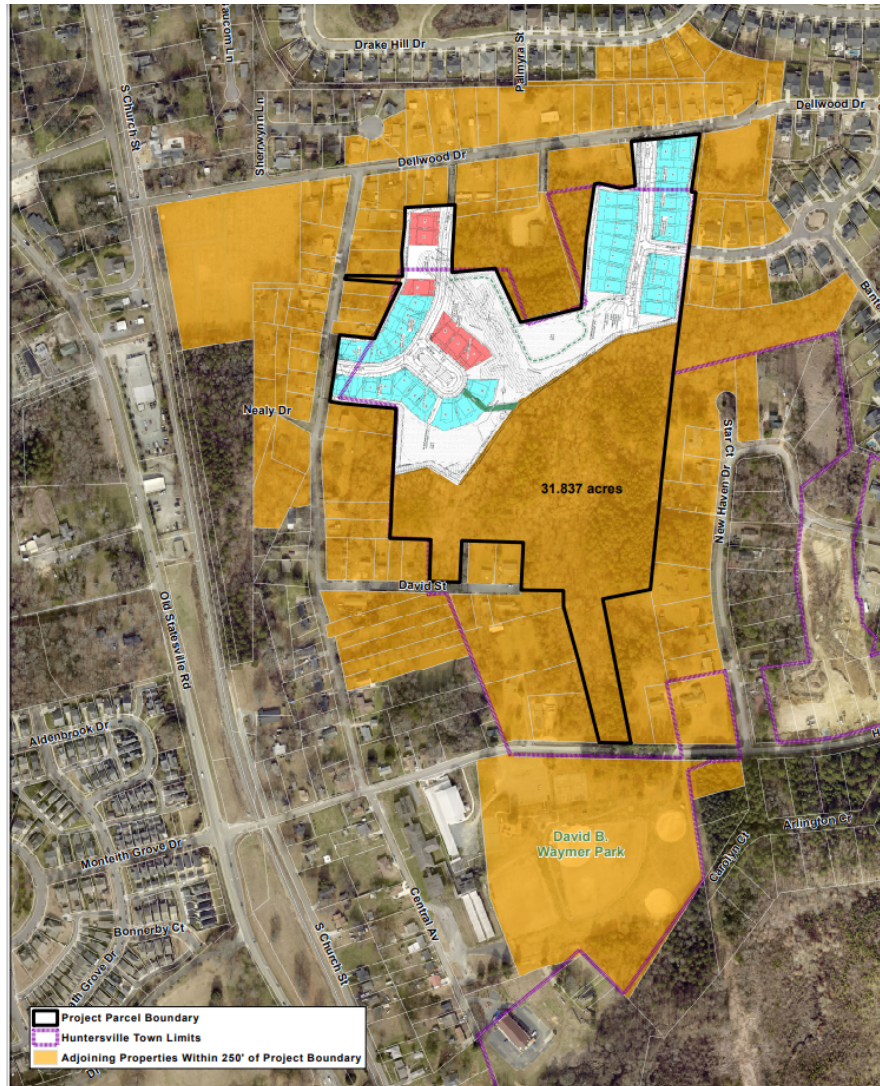
Proposed Land Use:

36 single-family homes. 1.15 Dwelling Units Per Acre, DUA with 31.837 acres. 2.17 DUA with 16.62 acres. See # 1 below.

PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Purpose: To subdivide 31.387-acres of land located east of Central Avenue, south of Dellwood Drive, and north of Holbrooks Road (shown as "site" above) into 36 single-family lots.

NOTE: The parent parcel is 31.837 acres. The proposed subdivision covers 16.62 acres of the parent parcel. The remaining 14.767 acres will have road frontage along David Street & Holbrooks Road and could be later subdivided-but would require a separate Town review process. However, there are no current plans to develop the remaining acreage. Please see map found on the following page.



2. Adjoining Zoning and Land Uses:

North: Neighborhood Residential (NR) – Single Family homes along Dellwood Drive, St. Phillip Missionary Baptist Church, and the Torrence Lytle Community Center (designated historic landmark: Huntersville School #2/Rosenwald School-see below photo)



South: Neighborhood Residential (NR) – Single-family homes along David Street & Holbrooks Road.

East: Neighborhood Residential (NR) – Single-family homes along New Haven Dr. and Serenity St. (Vermillion).

West: Neighborhood Residential (NR) – Single-family homes along Central Avenue.

3. A neighborhood meeting was held on December 15, 2021. The complete meeting summary is provided in Attachment C.
4. The proposed subdivision has 36 single-family homes and lots sizes average approximately 7,886 sq. ft. with a minimum width of 60.1 feet.
5. There are 40 specimen trees on the site. In the NR zoning district, 10 percent (4 trees) of the specimen trees are required to be saved and the developer proposes to save 8 specimen trees (20%). There are no known heritage trees on the site. Approximately 16.62 acres of the parent tract (31.837 acres) will be developed with the proposed 36-lot subdivision. 99.57% of the area to be developed, or approximately 16.55 acres, is covered by tree canopy and the developer proposes to save 3.69-acres (22%) of the canopy (10% required in NR).
6. The subdivision will be developed in one phase.
7. The developer submitted a construction traffic route map which will direct traffic via Dellwood Drive. The map was reviewed by the Public Works Director and was found to be acceptable as it is the most direct route.
8. Town staff reached out to the Historic Landmarks Commission of Charlotte-Mecklenburg regarding the proposed subdivision. The Commission's staff stated that the proposed plan does not pose any significant negative impact to the historic character of homes in the area.

Paul

Thank you for bringing this to our attention.

410 Delwood Dr. is the Historic Alexander House and has been found to be eligible for the National Register.

318 Delwood Dr. is a ca. 1915 home that was like an original part of the Pottstown neighborhood and may merit recognition and protection.

The plan shown below does not pose any significant negative impact to the historic character of the houses.

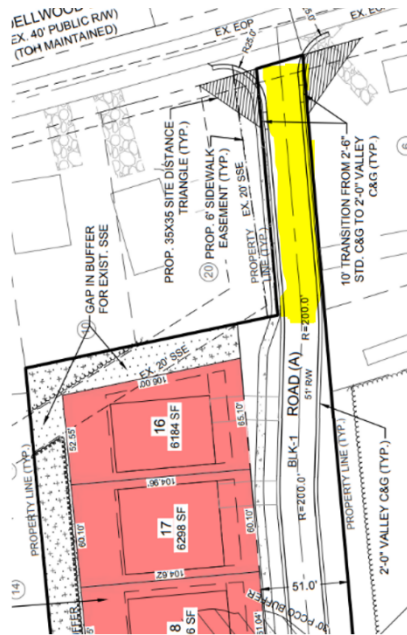
Glad to discuss.



9. The water quality concept plan has been approved.
10. A willingness to serve letter has not been provided at this time by the applicant due to Charlotte Water's capacity issues. Please note, no building permits will be issued without the availability of water and sewer.
11. Required Urban Open Space is provided via— a 4,791 sf square, and a 1,275 ft long greenway. Additionally, there will be 3.20 Acres of Common Open Space associated with the proposed development.
 - a. Staff has requested designs of the Urban Open Space to ensure compliance and high-quality design.

Note Right of Way Modification Approved By Staff: The applicant is requesting a reduced right of way width along a 147 ft section of Road A (below). The developer is proposing a 27-foot right of way in this section-which will include two-nine-foot travel lanes, 1.5' of curb & gutter sections on each side of the road, and one-five-foot-wide sidewalk. The Planning Director & the Engineering Director have reviewed the proposed alteration per the provisions of Engineering Manual and find it in keeping with those standards. Connectivity is improved via an additional connection between Central Avenue & Dellwood Drive-as well as the addition of new sidewalk along Road A & Dellwood Drive. The Directors also recognize the physical constraints associated with the proposed site. The existing cart path, which has no deed or plat references, is approximately 27 feet wide. A picture of the existing right of way/cart path is provided below right. If this modification is not permitted, the additional connection from Central Avenue & Dellwood Drive would be eliminated. Obtaining the additional right of way (ROW) needed to construct a typical 51-foot-wide road would impact the adjacent homes at 318 and 410 Dellwood Drive. Please note that both homes have historical significance (see page 3, # 8 reference from the Historic Landmarks Commission staff.

Proposed Design:



Current Conditions:

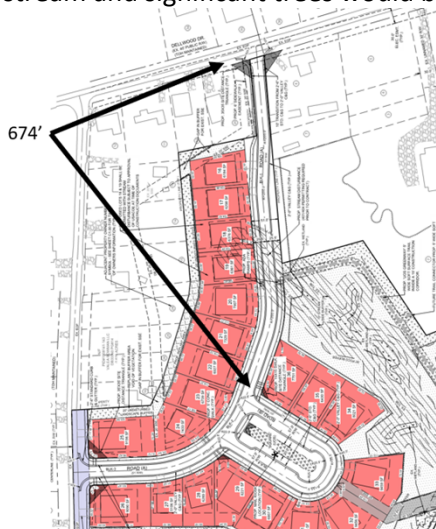


PART 3: TRANSPORTATION ISSUES/TRAFFIC IMPACT ANALYSIS (TIA)

Traffic Impact Analysis (TIA)

A TIA was not required for the development as the trip generation projected was below the Town's thresholds for requiring study.

The applicant is asking for authorization to exceed the 500' maximum block length for urban conditions because a stream and significant trees would be impacted. Staff supports this modification.

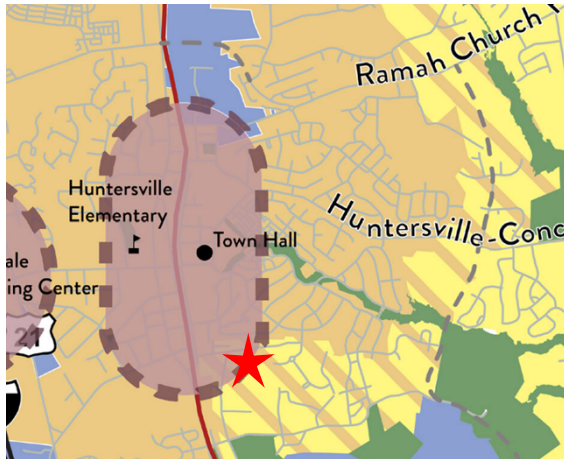


The block pattern should continue to establish the development pattern at the project edge. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in an arrangement of street connections, lots and public space more consistent with this Article and Article 7 of these regulations, the Town Board may authorize greater block lengths at the time of subdivision sketch plan review and approval.

PART 4: PLANNING STAFF ANALYSIS

Section 6.200 of the Subdivision Ordinance outlines the "general requirements and policies to be used in the design, review, and approval" of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board's consideration of the Valea Subdivision Sketch Plan.

1. Consistency with adopted public plans and policies.



Mixed-Use Centers

Mixed-Use Centers contain vertical mixed-use along key frontages. New development includes wide sidewalks, buildings are close to the street with high levels of transparency, and parking is located in the rear. A mix of housing is allowed, including urban options throughout (apartments, townhomes, cottage homes, etc.). Downtown has specific requirements for streetscape and development intensity, including a maximum first floor footprint.



Moderate Density

This area is meant to accommodate a mix of conventional residential subdivisions with larger lots and traditional neighborhood development with a mix of lot sizes, including smaller unit types and occasional attached housing. Average gross density is generally 1-3 units per acre. It may have some smaller-scale commercial or nonresidential activity at key intersections. Exact density of future development should vary based on context and site constraints including potential conflicts with adjacent development, access, and the presence of natural and/or cultural resources.

The following sections of the 2040 Huntersville Community Plan **support** this subdivision:

- The proposed Valea Subdivision lies within the “Mixed Use Center and “Moderate Density” Future Land Use Character Area of the 2040 Community Plan. The project’s overall density of 2.07 DUA would comply with the standard associated with moderate density development.
- **EOS 5.3: Encourage Low Impact Development (LID).** Comment: The plan will include two stormwater control devices to handle the stormwater from the site.
- **Policy EOS 8.3: Continue to require locational standards for open space in new developments. Urban Open Space should be located within walking distance of homes in new subdivisions that are not located in rural areas. Open space should be located in undivided preserves, where possible, and should be accessible to the largest number of lots with the development.** Comment: Two urban open space improvements, a square & a greenway, will be provided with this plan as well as 3.20 acres of common open space.



- **EOS 10: Improve bicycle and pedestrian facilities throughout Town.** Comment: The Valea subdivision will add over 1,500 ft of new sidewalk to Town. Also, new street connections will be constructed which will benefit both cyclists & pedestrians alike. Please note that the proposed greenway is not a part of the future Town/County greenway system.
- **LU 2.1: Higher intensity residential uses will be focused generally within two miles of the I-77/ NC-115 corridor and future activity centers in the eastern and western areas of Huntersville’s zoning jurisdiction.** Comment: The proposed development is found within the core of the Town and is within two miles of the I-77/NC 115 corridor.
- **LU 7.1: Require all new development to adhere to the following design principles:**
 - In Mixed-Use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:

- All buildings shall front a public street or open space.
- Streets should be connected, have short blocks and sidewalks on both sides of streets.
- Improve connectivity, particularly for pedestrians and vehicles.

Comment: All lots front on new public streets and over three acres of open space will be provided. The proposed development will improve connectivity in the area by providing additional connections & new sidewalk routes for residents and is generally provided throughout the development. While it is unusual for sections of a subdivision to not be connected directly with internal streets, there is a creek buffer and existing significant trees that will not be impacted by such a connection (red dotted line below). Further, when the remaining 14.77 acres of the land is developed, a connection can be made between Dellwood Road and Holbrooks Road (black arrow below).



- **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.** Comment: The homes proposed on Dellwood and Central Avenue will be facing those streets like existing homes (red arrows above) and will have a similar lot width. The new development will provide the Town with approximately 1,500 ft of additional sidewalk improvements.
- **Policy T 3.1: Continue to enhance street connectivity by requiring connections among different uses. Continue to require street connectivity among residential uses. Context-sensitive street design should be applied.** Comment: The plan, if approved, will provide another connection from Central Avenue to Dellwood Dr.
- **T 5.1: Design Street improvements with considerations for the surrounding context and various users.** Comment: The new streets found in the proposed development will be developed with both street trees & sidewalks. Street A will be narrowed-down in width to minimize impacts on 318 and 410 Dellwood Drive.

The following section of the East Huntersville Area Development Plan **support** this subdivision:

- **Pottstown Neighborhood.** Comment: The plan calls for sidewalks to be installed, and street improvements to be made. This plan will develop new street networks & over 1,500 ft of sidewalks to be established in the Pottstown neighborhood within the development.

EAST HUNTERSVILLE AREA DEVELOPMENT PLAN: HUNTERSVILLE, NORTH CAROLINA | APRIL 16, 2007



DESIGN PROPOSAL The Area Plan for west Pottstown focuses on a preservation district, proposing street improvements and renovation to existing homes. Undeveloped land presents an opportunity for possible senior housing or additional residential homes of the same scale as the context neighborhood and better connections to surrounding areas.

The following sections of the 2040 Huntersville Community Plan **do not support** this subdivision:

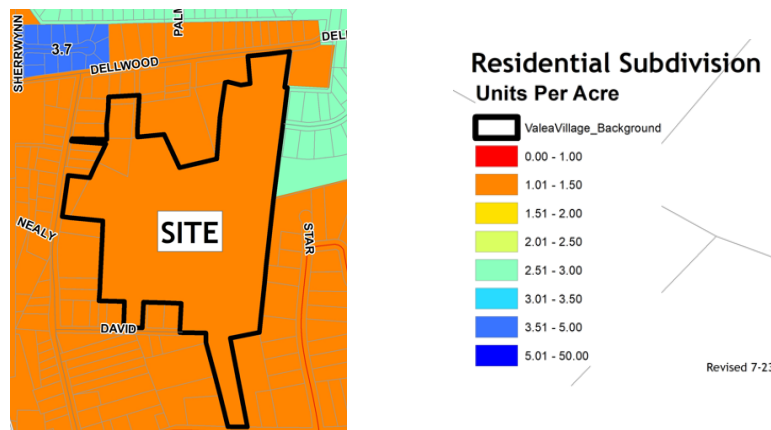
- **LU 10.1: Align housing options with resident needs and promote attainable housing options-with a mix of housing options & types.** Comment: This subdivision request does not meet this goal as it only provides one lot type, which will only support the development of single family detached homes.
- **LU 10.2: Continue to encourage a mix of lot sizes in new developments.** Comment: This subdivision request does not meet this goal as it only provides one lot size-though Valea is a smaller subdivision & thus has less opportunity for variation among lot sizes & home types.

2. Conformity.

The proposed development is in keeping with the density found in other adjacent major subdivisions including- Vermillion (2.55 DUA) and Whispering Pines (3.7DUA). The density of the proposed subdivision is 2.17 DUA (36 lots over approximately 16.62 acres) which is highlighted on the map on the next page. The parent tract that is associated with this development is 31.387 acres. Using the acreage of the parent tract, the overall density of the development is 1.15 DUA. The developer/applicant currently owns the parent parcel of approximately 31.837 acres.

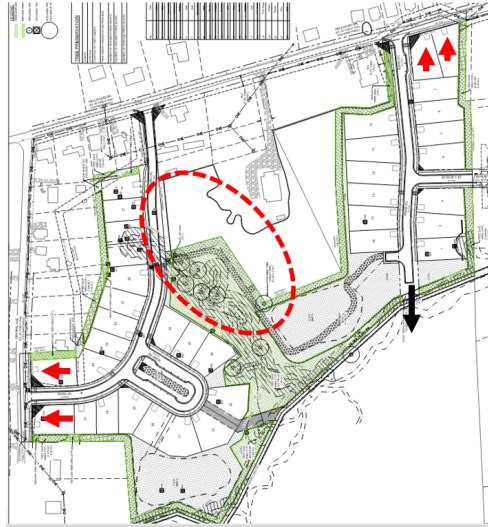
The development is showing a 20' vegetative buffer on the perimeter of the development. Additional landscaping will be provided on the exterior of the development to help blend in with the surrounding area as needed.

Density Map:



3. Access between Adjoining Properties.

The subdivision provides a connection between Central Avenue & Dellwood and connects with Serenity Street. Further, there is the potential to connect Dellwood Drive to Holbrooks Road if/when the remaining acreages is developed (black arrow below).



4. Relation to topography.

The street network and lot layout have been designed to respect the general topography of the site by working around the stream that is located at the site. The road network has also been laid out to provide additional tree save area.

5. Mature trees and natural vegetation.

The proposed project is required to save 10 percent of the tree canopy, 10 percent of the specimen trees and 100% of the heritage trees. All three of these requirements are being satisfied, as outlined in Part 2, Item 5 of this report.

6. Access to parks, schools, etc.

The Torrence Lytle Community Center is located directly adjacent to the proposed subdivision. The David B Waymer Park is located about 0.4 miles from the site. Lake Norman Charter School is 0.8 miles from the site, Huntersville Elementary School is approximately 1 mile. North Mecklenburg High School Legette Blythe Elementary and JM Alexander Middle School are located approximately 2 miles from the subdivision.

7. Discourage through traffic.

All streets are appropriately designed to discourage through traffic.

8. Relationship to railroad rights-of-way.

Not Applicable.

9. Half streets.

Not Applicable.

10. Parallel streets along thoroughfares.

Not Applicable.

11. Public School and Public Park Sites

The parcels associated with Valea Subdivision Sketch Plan have not been identified for a school or park site.

12. Public Facilities

The parcels associated with the Valea Subdivision Sketch Plan have not been identified for a public facility.

13. Proposed street names

The street names for Valea Subdivision Sketch Plan will be provided with Preliminary (Construction) Plan submission (if Sketch Plan is approved).

14. Easements.

Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments for review.

15. Proposed water and sewerage system.

The developer indicated the intention to use Charlotte Water for water and sewer connections. A willingness to serve letter has not been provided at this time by the applicant due to Charlotte Water's sewer capacity issues. Please note, no building permits will be issued without the availability of water and sewer.

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

Streams are located on the site. However, none of the site is in a designated flood zone.

17. Open Space

Two types of Urban Open Space are proposed (Square & a Greenway) as well as 3.20 acres of Common Open Space, as outlined in Part 2, Item 11 of this report.

18. Impact of Development on Public Facilities

There is no indication the proposed subdivision will adversely impact public facilities. While this section of the Ordinance does not call for the specific consideration of impact to public schools (CMS), staff contacts Charlotte-Mecklenburg Schools (CMS) for an enrollment evaluation for all major subdivision requests. According to CMS, the development will generate 17 new students who will attend local schools. Two of the school are currently facing overcrowding issues. A section of CMS's report is provided below. See Attachment D: CMS Report.

<u>Schools Affected</u>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-gc)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
LEGETTE BLYTHE ELEMENTARY	53	50	871	822	106%	7	106%
JM ALEXANDER MIDDLE	48	54	938	1055	89%	4	89%
NORTH MECKLENBURG HIGH	116.5	108	2146	1989	108%	6	108%

PART 5: STAFF RECOMMENDATION

COMPLETENESS OF APPLICATION

Town Staff has reviewed the proposed Subdivision Sketch Plan and finds the application complete.

COMPLIANCE WITH APPLICABLE REQUIREMENTS

Valea Subdivision Sketch Plan complies with all applicable requirements and is supported by findings of fact outlined in Parts 2-4 of this report, with the following conditions:

- The 500' long block length modification is approved to eliminate impacts of a stream & significant trees.
- Urban open space designs are added to the plans to ensure compliance.
- Stormwater plan approval.
- Secure a financial guarantee from the developer to fund the future extension of Road C to the lot line.
- All other plan comments are addressed.

There are several Subdivision Sketch Plan issues that staff makes **RECOMMENDATION** on:

- Collaborate with Huntersville Parks & Recreation staff to identify potential pedestrian connections to the Torrence Lytle Community Center
- Consider annexing the portions of the development not within the corporate Town limits of Huntersville.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board reviewed the subdivision on Tuesday, March 22, 2022.

Motion: G. Baber made an Amended Motion to Approve the Valea Subdivision as the Planning Board finds the application complete. We find the application applies with all applicable requirements of Section 6.2, the Town of Huntersville Subdivision Ordinance. These findings of compliance are supported by policies EOS8.3, EOS10, LU2.1, LU7.1, LU11.1, T3.1, and T5.1 of the Huntersville 2040 Community Plan. Further, we also find the application to be in compliance with the directives of the East Huntersville Area Development Plan. This compliance is contingent upon the following items: 1) urban space designs are added to the plans to ensure compliance; 2) stormwater plan approval; 3) secure financial guarantee from developer to insure the future development of road C to the lot line. The Planning Board recommends approval of the sketch plan application with the following recommendations also: 1) collaborate with Huntersville Parks and Recreation staff to identify potential pedestrian connections to the Torrance-Lytle Community Center; 2) consider annexing the additional portions of the development; 3) applicant completes and provides an enhanced title search to ascertain the validity of the claim being disputed. S. Hensley seconded the motion.

Vote: The motion passed (8-1) with F. Gammon opposed.

PART 7: TOWN BOARD FINAL ACTION

The Town Board is tentatively scheduled to consider this request on Monday, April 18, 2022.

PART 8: ATTACHMENTS AND ENCLOSURES

- A Subdivision Sketch Plan Application
- B Valea Subdivision Sketch Plan
- C Neighborhood Meeting Report
- D CMS Report
- E March Planning Board Minutes

PART 9: DECISION STATEMENTS

Please refer to Part 5 of this report for recommendation.

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in [Section 6.320.5](#) of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*

- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.



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 _____

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 10/08/2021

Name of Project Valea Subdivision Phase # (if subdivision) _____

Project Address 14215 Holbrooks Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01908108, 01908109, 019808118, 01908136, 01908137A, 01908137B,

Current Zoning District NR Proposed District (for rezoning only) _____

Property Size (acres) 16.41 Street Frontage (feet) _____

Current Land Use Vacant, wooded

Proposed Land Use(s) Single Family Residential

Is the project within Huntersville's corporate limits?
Yes _____ No X If no, does the applicant intend to voluntarily annex? Yes

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.
To subdivide the subject property in to single family residential lots with associated land
development improvements in accordance with the Town of Huntersville's zoning ordinance.

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 Valea Bowman, LLC Phone (704) 875-9704
☐ 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: Robert Bowman

Title MANAGER Email natebowman15@gmail.com

Address of Applicant 13815 Cinnabar Place, Huntersville, NC 28078

7. Property Owner (if different than applicant)

*Printed Name *See attached Phone _____
☐ 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 _____

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 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

R. Joe Harris & Associates, Inc. Doug Timbrell (803) 578-9629 dtimbrell@rjoeharris.com
Development Firm Name of Contact Phone Email

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



General Application
Owner/Applicant Signature Addendum

Application Information

Date of Application 10/07/2021 Application Number _____
Name of Project Valea Subdivision Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Valea Village, LLC Gary D. Waldman Phone Number _____
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 X Gary D. Waldman Parcel ID(s): 01908118, 01908137A, 01908137B

Title Manager Email waldmanga@gmail.com

Address of Property Owner/Applicant 3708 Arcadia Street, Skokie, IL 60076 630 DUNDIGE ROAD, # 120
NORTH BRIDGE, IL 60062

* ^ Printed Name _____ Phone Number _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

* ^ Printed Name _____ Phone Number _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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)

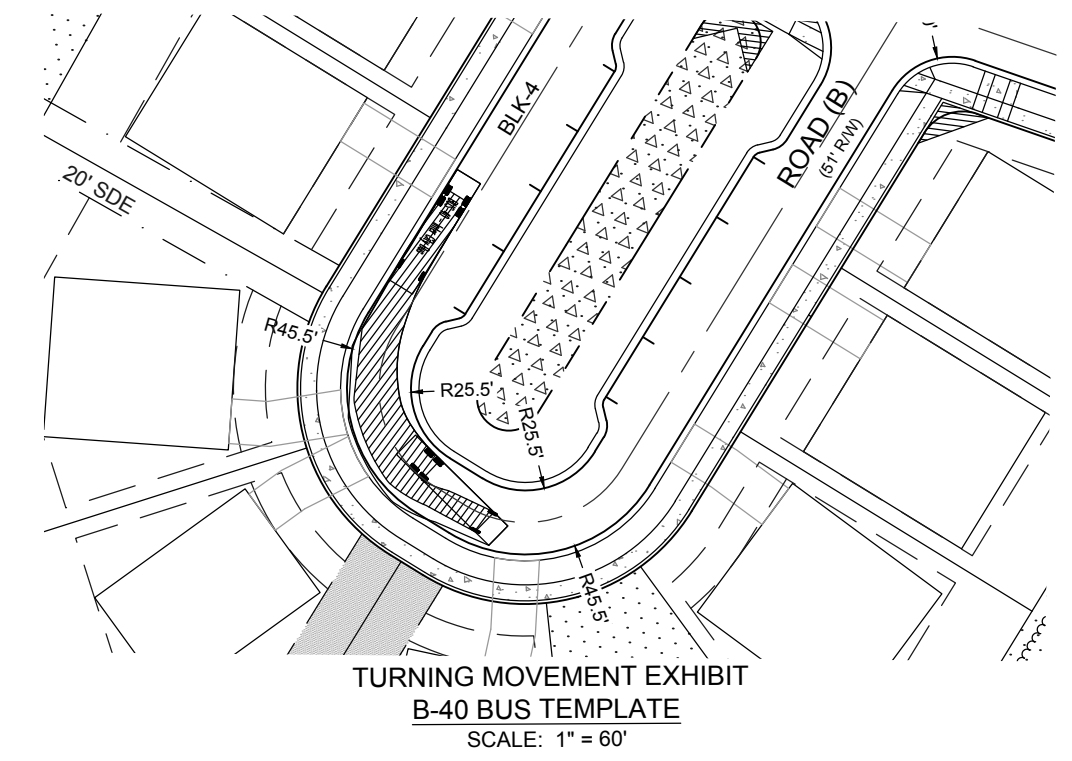
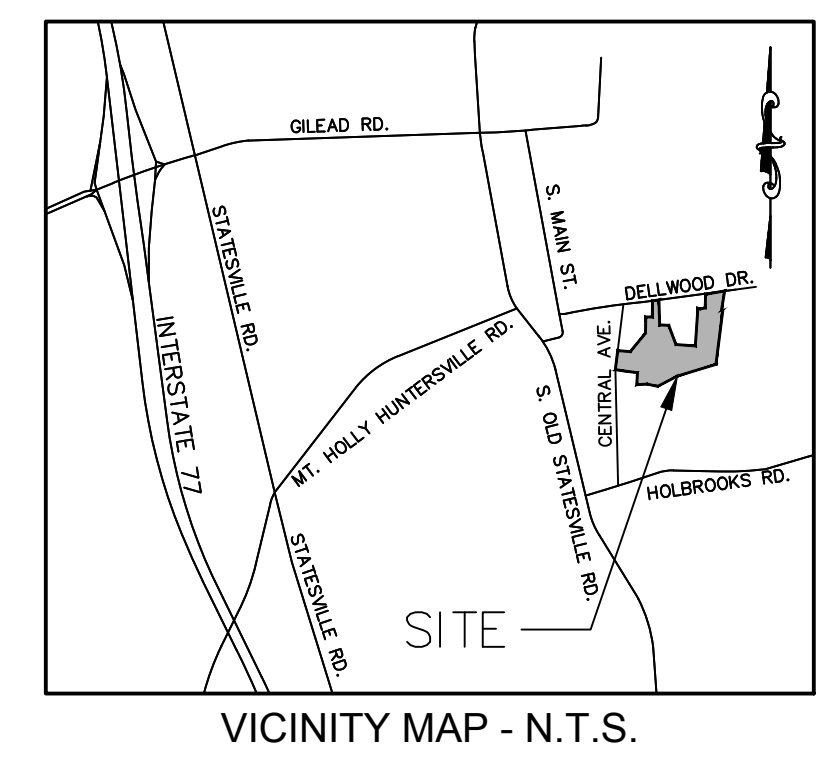
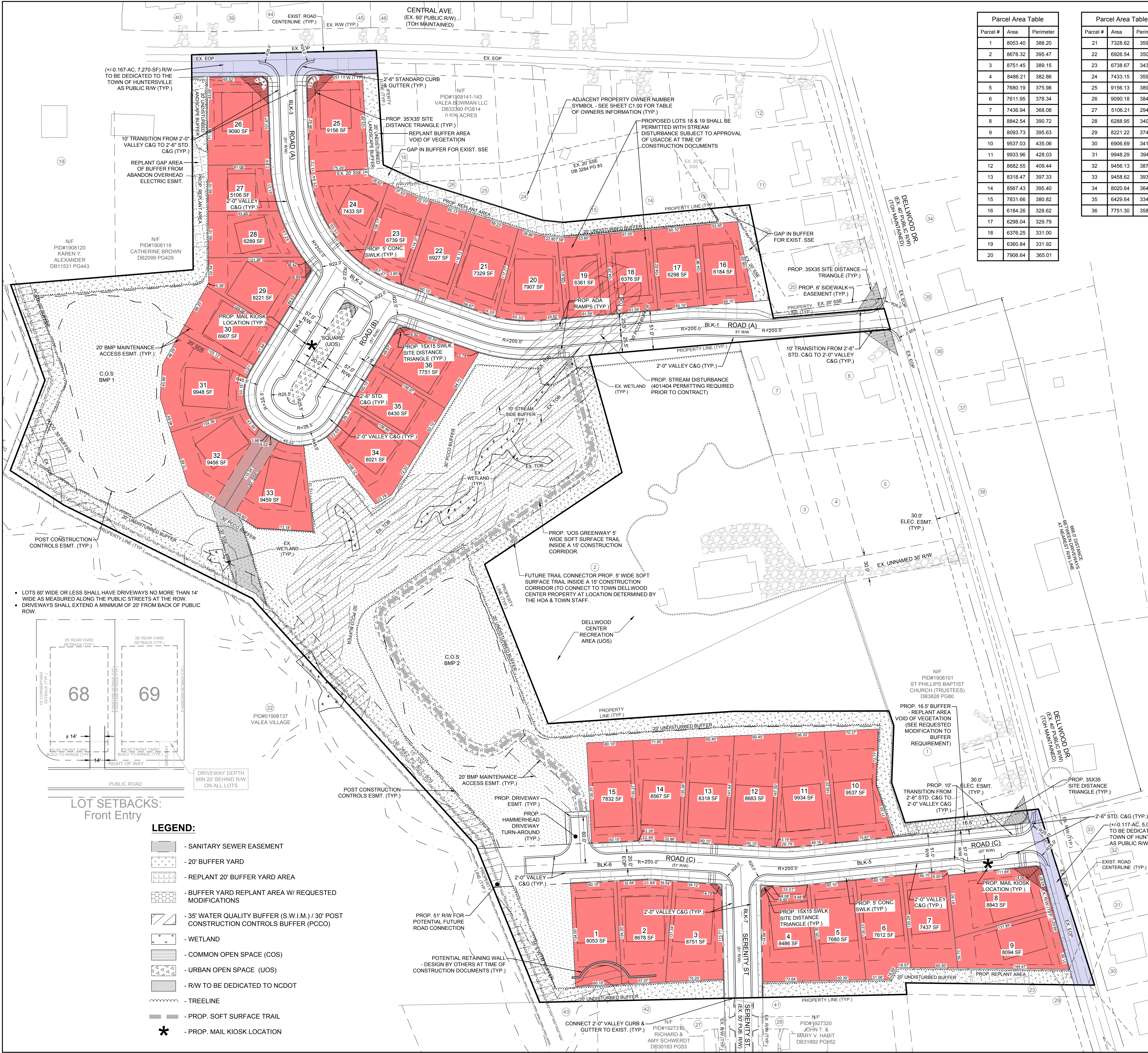
Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

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



REQUESTED MODIFICATIONS:

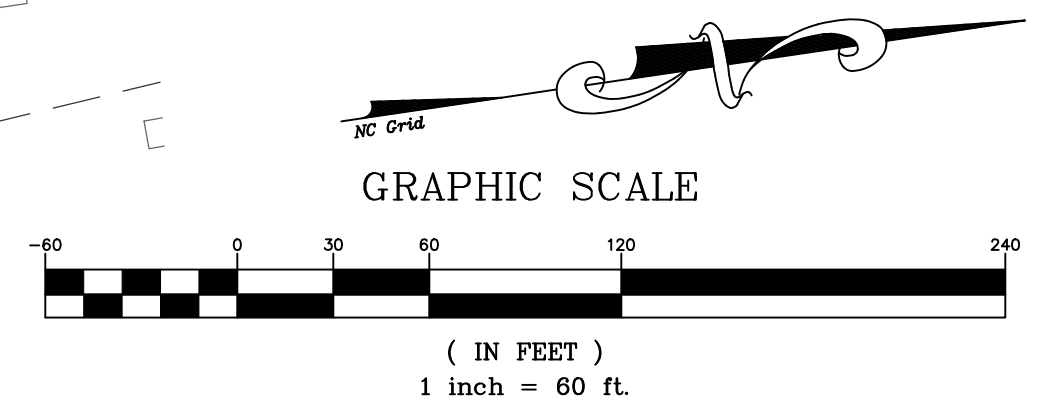
- REQUEST FOR A 16.5' WIDE BUFFER YARD. MODIFICATION REQUESTED FOR REQUIRED 20' BUFFER YARD ALONG WESTERN BOUNDARY WITH ADJOINING LOT #8. THE 16.5' BUFFER WILL BE PLANTED TO THE STANDARD OF THE TYPICAL 20' WIDE BUFFER.

IMPERVIOUS COVERAGE:	AREA (ft²)
BUILDINGS:	110,859
ASPHALT:	60,729
SIDEWALK:	19,279
TOTAL IMPERVIOUS:	190,867 (27.2% OF NET AREA)

ROAD NAME:	BLOCK LENGTHS:
ROAD A:	BL1: 674-LF; BL2: 83-LF; BL3: 296-LF
ROAD B:	BL4: 465-LF;
ROAD C:	BL5: 403-LF; BL6: 281-LF
SERENITY STREET	BL7: 173-LF

IN MAJOR SUBDIVISIONS THE DIMENSION OF BLOCKS MAY NOT EXCEED 500 LINEAR FEET BETWEEN CROSS STREETS.

DEVELOPMENT INFORMATION:	
PID #s:	01908108, 01908109, 01908118, 01908136
ZONING:	NR - NEIGHBORHOOD RESIDENTIAL
ADJACENT ZONING:	NR, NR (TND-O)
SITE AREA:	±16.62-AC, 714,610-SF
R/W TO BE DEDICATED:	±0.284-AC, 12,370-SF
NET AREA:	±16.336-AC, 702,240-SF
COMMON OPEN SPACE (COS):	±6.92-AC (41%) OF NET AREA
URBAN OPEN SPACE (UOS):	±0.18-AC (2.6%) OF COS
SQUARE:	±0.07-AC
TRAIL:	±0.11-AC
DWELLING UNIT (DU) TYPE:	SINGLE FAMILY DETACHED RESIDENCE
NUMBER OF LOTS & DENSITY:	36 (2.2 DU/AC)
SETBACKS & BUILD TO LINE (BTL):	FRONT: 20-FT FRONT (BTL): 10-FT SIDE: 5-FT CORNER: 10-FT REAR: 25-FT
MIN. LOT WIDTH AT R/W:	60.1-FT
LOT WIDTH RANGE:	(60.1-FT) TO (> 60.1-FT) = (36 LOTS)
LOT SIZE RANGE:	(5,106-SF TO 9,948-SF); (7,886-SF AVERAGE) = (36 LOTS)



DATE

ISSUED FOR

REV

10/26/2021

Initial Submittal to Town of Huntersville

0

01/13/2022

Second Submittal to Town of Huntersville

1

03/01/2022

Third Submittal to Town of Huntersville

2

Engineer:

R. Joe Harris & Associates, Inc.

Engineering • Land Surveying • Planning Management

1186 Somercrest Blvd., Tega Cay, SC 29708 P: (803) 802-1799

www.rjoharris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

Project Manager

Drawn

D. Gates

J. Vavrina

Department Manager

Checked

P. Murphy

D. Gates

Print/Plot Date

March 1, 2022

Asbuilt Drawn

Asbuilt Date

-

-

Client

Bowman Development Group

13815 CINNABAR PLACE

HUNTERSVILLE, NORTH CAROLINA 28078

P: (704)875-9704

Project:

Valea Subdivision

Sketch Plan

Drawing Title:

Site Plan

Project No.

Drawing No.

4676

DWG File Name:

C2.01

4676 - Site Plan

Wednesday, December 15, 2021

Valea Village Neighborhood Meeting

Meeting was held in person at the Arts Center and streamed on Zoom

- Bee Jay Caldwell
 - Q - What does a by right plan mean
 - A - David Peete - It means that what is proposed is allowed based on the current zoning
- David Doctor
 - Q - What does the developer have to do for approval?
 - A - David Peete - Should meet all the requirements in the zoning category but they can ask for a modification. Modifications are up to the town board to decide if they will grant or not. A by right plan is a quasi-judicial process.
- Jennifer Morell
 - Q - What is the plan for the southern portion of the property?
 - A - We are only purchasing the to the north of the main creek running through the property. We currently have no plans to develop the southern property because there are access issues. We would imagine that the property owner will still want to sell this in the future and that eventually it will probably be developed but we have no plans at this point.
- Varona Wynn
 - Q - Do we own any of the property yet?
 - A - We own a small portion of the property and will buy the remaining once we have approvals. We did a land swap with the town giving the town more area around the Dellwood Center and getting a couple odd pieces from the town
 - Q - Isn't the property you got from the town in the swap historical
 - A - The town looked into this and we were told they were not historic
- Wanda Swanger
 - Q - What size houses will be built?
 - A - The lots are all 60' and the houses will be similar to what has been built in Vermillion
- Janelle Harris
 - Q - Will there be any low income housing?
 - A - We are not providing any low income housing but there is a section of road that the town has property fronting. There is room there for the town to utilize the road we are building and subdivide up to 4 lots that could be low income.
- Agusin Hinojosa

- Q - What does quasi-judicial mean
 - A - David Peete explained the process again
- Reg Miller
 - Q - How will this development affect the neighborhood? Worried we will force people out.
 - A - We have not forced anyone out anywhere we have previously connected Vermillion to the surrounding Neighborhoods. We have previously connected to both Gibson Park Dr and Dellwood Dr and have not forced anyone out.
 - Q - How will this affect property taxes?
 - We can't answer that because we have no control of that. Jack Simenau did a quick study on the property taxes after we connected to Gibson Pack Dr and it appeared that the property taxes increase at a similar rate of Huntersville and did not have a drastic increase because of the connection to Vermillion.
- Varona Wynn
 - Q - How is the creek and watershed protected from the increase runoff?
 - Q - Huntersville has a storm water ordinance that we have to follow that requires us to capture and treat rain runoff before it is discharged to the creek.
- Kathy Miller
 - Q - Will this be part of Vermillion and the HOA?
 - A - Yes this will be part of Vermillion and its HOA.
- Sherri Kempf
 - Q - What is the approval and construction timeline?
 - A - The earliest we would break ground is around a year and another 6-9 months before the first houses begin construction so roughly 2 years from now before the first houses are complete.
- Corine Mack
 - Q - Have you considered a community benefits agenda?
 - A - Have not heard of that but we are open to having a discussion
 - Q - Concerned about development of property that is historically black owned.
 - A - We are buying the property from the entity that originally purchased the land for development in 2007 from the Wynn family who sold it knowing the intent was for it to be developed.
 - Q - Is there any mix of affordable or low income housing?
 - A - Not on what we are developing but the town will have property fronting one of our new streets that they could use to create 4-5 lots for affordable or low income housing.
- Bob Salinas
 - Q - Where will construction traffic access the site?
 - A - The only 2 directions to access the site are on Central Ave coming from Holbrooks Rd which is the most direct or through Vermillion and up to Dellwood Dr. We will talk to the town to see if they have a preference as these are town street we will be using to access the site.

- Bee Jay Caldwell
 - Q - Concerned about impact of construction traffic to the neighborhood and is there not another route?
 - A - The previous plan we were going to access the site directly off Holbrook Rd which would have been a lower impact but that portion of the property is not part of the plan so we are limited to access off Central Ave and Dellwood. There is just no other access point to the site.
- Lesley Brown
 - Q - Concerned about the 2 connection to Dellwood Dr. Concerned about speeding on Dellwood. Can Dellwood get speed bumps and sidewalk.
 - A - The town requires connectivity. It is a way to disperse traffic. The 2 additional connections should influence drivers to slow down as there is a chance of a car turning onto or off the road. The town has a process to request speed study before it will consider installing them you should talk to the town. Sidewalk would be a great addition to Dellwood and Central but the problem is the town acquiring ROW from all the owners.
- Agustin Hinojosa
 - Q - Also concerned about speeding on Dellwood
 - A - This was answered to the previous question
- Varona Wynn
 - Q - Why can't you just walk away from the area and not develop in the neighborhood.
 - A - The land owner that you and your family sold the land to is stuck with the land at this point and wants to sell it so we are trying to help him get out of the situation he is in which involves developing this property.
- Perry Brown
 - Q - Can you look at bringing construction traffic in on Serenity St.
 - A - Again yes we will look at all options with the town staff to determine where our construction traffic will enter
- Corine Mack
 - Q - You need to make sure you are listening to the people and understand how this development will affect their houses, their life, and push people out of their houses.
 - A - We are listening and have been since the original Vermillion rezoning back in 1999. The neighborhood invited an organization called HELP to give their opinion on what we were doing and they said connecting Vermillion and not turning our back to the neighborhood was the best thing.
- Kellie Williams
 - Q - The price point in Vermillion is higher than the neighborhood. Who are you marketing to? Seems like people from outside the neighborhood and there is a need for affordable housing.
- Lesley Brown
 - Q - With the previous plan you said you would walk away but you are bringing the property back now. Why?
 - A - This is a different plan and we are now staying off the property around the Dellwood Center. There is still a land owner stuck with this property and has been trying to sell so we have made major adjustments to the plan to try and find something that works.
- Emmanuel Allen

- Q - Swap is confusing because GIS shows that the town paid you for the land it acquired in the swap.
 - A - That is an error on GIS. We punched the piece of land from the current land owner and did an even swap with the town. The town did not purchase it from us.
- Kathy Miller
 - Q - Concerned about water drainage.
 - A - We have to capture and treat the water before it leaves our site. If there is a specific area you can come by our office and we can look at it.
- Dora Dubose
 - Q - At the town board for the previous plan you said if the community does not want this you would walk away. Must protect the historic neighborhood. Will follow up with Nate
- Brandon Nelson
 - Q - Are the existing 3 lots on Central Ave part of this project?
 - A - They are not part of this project but houses would be built at a similar time and would be part of Vermillion.
- Aleta Dunn
 - Q - What would the pricing on housing be?
 - A - with how the real estate market has gone the last 2 years its hard to say but would probably start in the 400k range
- Bee Jay Caldwell
 - Q - How does annexation affect existing adjacent owners?
 - A - There is no forced annexation. Any owner has the option to voluntarily annex into Huntersville.
- Jennifer Morell
 - Q - What is the status of sewer capacity?
 - A - This area drains to WASACC which has plans for 2 plan expansions and CLT water is working on a pump station to divert some of the flow. Its at least 2 years from now for capacity to free up.
- Wanda Swanger
 - Q - Houses will be bigger than the existing neighborhood and Dellwood is tight and has trouble backing out of driveway.
- Janelle Harris
 - Q - Heard you want to move everyone out of the neighborhood.
 - A - We don't ever want to move anyone out of the neighborhood
- David Doctor
 - Q - Where are driveways and how do the homes park?
 - A - Same as Vermillion with front loaded garages. No alleys
- Brown

- Q - Can you look at bringing construction traffic in on Serenity St.
 - A - Again yes we will look at all options with the town staff to determine where our construction traffic will enter
- Varona
 - Q - Construction traffic needs to come in from Serenity
- Corine Mack
 - Q - The neighbors are the victims
- Bevelyn Sherril
 - Q - There is a lot of emotion and hope that feelings are listened to. Would like some residents included in discussion with town of the construction traffic.
- Allen
 - Q - Central Ave has substandard paving and worried that it can't handle the construction traffic

NEIGHBORHOOD MEETING

SIGN IN SHEET

NAME	ADDRESS	PHONE #	EMAIL ADDRESS
Bachel Z	Central Ave	4127586511	
Pauline Caldwell	1425 New Waver Dr	704-875-6811	
BRANDON NIXSON	14000 DAVID ST.	704-628-6762	665nebo@gmail.com
Amey Hallman	100 Cambridge Rd	704-458-3735	hallmans@
Joe Hallman	Huntersville	704-840-2790	roadrunner.com
Nanda Swanger	605 Dellwood	704-619-7886	
Cindy Lezard	613 Dellwood	980-273-0489	cindylezard@aol.com
Agustin Hinojosa	613 Dellwood	980-293-0353	agustin@aol.com
Taylor Hutto	127 Holbrook St.	704-557-5670	taylor.brock93@yahoo.com
Karin Sawhill	18534 Oakhurst Blv	704-576-4246	karin.sawhill@gmail.com
John Maas	13925 David St	704-681-1717	johnmaas@gmail.com
Beverly Sturill	13117 Central Ave 28078		bgsnabsw@hotmail.com
Lindsay Krone	10416 Drake Hill Dr. 28078	704-351-7032	lindsay.krone@gmail.com
Oralia Kears	9235 Feldman Dr. 28216	704-200-9357	iretak@gmail.com
Altanna White	13311 Central Ave	(704) 600-5120	altannawhite@yahoo.com
VINCENT FLOWERS	12605 Forrester Ave	(678) 914-7995	vinny/vinny468@yahoo.com
Digne Means		704) 737-6450	
Anna Gerwinck	25121 Serenity Street	704-995-7401	
Marcus Miller	7819 New Market Ln.	803-807-0043	
Emmanuel Allee	13228 Central Ave	704-574-5889	emmanuelallee@gmail.com
Odys Whitley	12944 S Church St Huntersville NC	980-522-1386	whitley012441@gmail.com

NEIGHBORHOOD MEETING

SIGN IN SHEET

NAME	ADDRESS	PHONE #	EMAIL ADDRESS
David Peete	TOTT	704-766-2216	dpeete@huntsville.org
HELEA DUNN	14201 HOLBROOKS ROAD	949 929 7559	BLUEIZDUNNS8@GMAIL.COM
Paul Lowe	T O H		plowe@huntsville.org
Paul Miller	13514 Serenity St	614-679-2640	p.k.miller1@gmail.com
Kathy Miller	" "	614-506-0878	" "
Pat Miller			
Older James	301 Dellwood Dr	704-977-5941	mslivers@ycba.com
Lesly Brown	301 Dellwood Dr	704 949-5577	lbrown442@yahoo.com
Helen Rivers	301 Dellwood DR	704 977-5942	Rivershelen4@gmail.com
Berlany Caldwell	14521 New Haven Dr.	704-875-0367	
Reginald Miller	202 Sherrilyn Ln	704-875-6076	RstinsonM@hotmail.com
Perry Brown	301 Dellwood Dr	704 598-8157	
Virginia Wynn	P.O. Box 2692 / 13219 New Haven Dr	704-948-6867	
John Habit	13528 Serenity St	540-226-1782	habitj@intl.com
Jennifer Morell	9723 ANDRES DRANUDRIAL	510-825-8074	jennmorell@yahoo.com
NICK WALSH	10320 Drake Hill Drive	704-577-0379	NICK.WALSH.F@LIVE.COM
BOB SZINTZ	13411 Serenity St	407-234-1112	BOB@LUC1961@GMAIL.COM
Sherril Kempf	13515 SERENITY ST	512-944-7028	sherril@3iinc.com
David Dachtel	13515 SERENITY ST	704-661-8131	david@3iinc.com
Janet Webb	109 Joyce Ave	704-977-2784	
Janette Harris	14111 Holbrooks Rd	254 661-4960	patsturnbaul@ycba.com

SIGN IN SHEET

[illegible]

SIGN IN SHEET **ONLINE ATTENDEES**

[illegible]

Town of Huntersville: Valea Subdivision Sketch Plan Revised

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: 34 single family detached dwellings under NR zoning.

CMS Planning Area: North

Average Student Yield per Unit: 0.5118

This development may add 17 students to the schools in this area.

The following data is as of 20th Day of the 2020-21 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
LEGETTE BLYTHE ELEMENTARY	53	50	871	822	106%	7	106%
JM ALEXANDER MIDDLE	48	54	938	1055	89%	4	89%
NORTH MECKLENBURG HIGH	116.5	108	2146	1989	108%	6	108%

The total estimated capital cost of providing the additional school capacity for this new development is \$502,000; calculated as follows:

Elementary School: **7**x \$34,000 = \$238,000

High School: **6**x \$44,000 = \$264,000

RECOMMENDATION

Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, March 22, 2022.

Call to Order/Roll Call

Chairman Swanick called the virtual meeting to order at 6:30 pm.

Present: S. Swanick, J. Snyder, S. Hensley, G. Baber, C. Boyd, T. Loomis, J. Wright, F. Gammon, and J. Henson

Approval of Minutes

Item 2A. Consider approval of the February 22, 2022, Regular Meeting Minutes

Motion: J. Wright made a Motion to Approve the February 22, 2022, minutes. J. Snyder seconded the motion.

Vote: The motion passed unanimously (9-0).

Prior to hearing Public Comments, Chairman Stephen Swanick requested that Staff review with the Board their role regarding subdivision reviews. Jack Simoneau, Planning Director indicated that two items on the agenda are subdivision sketch plans which when they get to the Town Board will be heard as quasijudicial items. The Planning Board role is to base your decision on if the application is designed to meet the standards of the ordinance or not and should be based upon the facts. As a reminder all motions from the Planning Board should indicate if it is reasonable and in the public interest and if it complies with the long-range plan.

Public Comments

David Doctor, resident, 13515 Serenity Street stated, “we’re within 250 feet of the proposed Valea subdivision development. We have submitted written comments and I will be brief. We bring two items to the Board’s attention, one of which you can do nothing about, it is simply to raise your awareness. It has to do with the mandatory requirement of retention basins for stormwater runoff that’s required by Mecklenburg County. We can’t do anything about it, you can’t do anything about it, but there is increasing awareness. The US Forestry Department, the Environmental Protection Agency, many forward looking states, many forward looking cities are increasingly using forestation to deal with stormwater runoff. So, the alternative that you are faced with as a result of Mecklenburg County rules is that the developer is going to have to strip all of the lovely forestry that is there now and create a pit that stormwater runs into. So again, we just raise that for heightened awareness. The other matter has to do with the connection of Serenity Street during the construction phase to the proposed development. What we request, and we have visited with Mr. Bowman many times, he is sensitive to the request. What we request is that Serenity Street not be opened to the development until such time as the development is ready for final paving. The purpose there is to keep the heavy construction traffic off of a Huntersville residential street. It is final improved with curbs, gutters, sidewalk, landscaping, etc. We witnessed when the development in our area on Banter was under construction and Serenity Street was final paved, that there was considerable damage to the street, to the roundabout that exists in that area. I think if you check your records with Public

Works, I think you will find that there were several amounts of reconstruction that was necessary after Banter was done. Serenity Street was under city maintenance at the time. So, we simply ask that Serenity Street not be opened until such time as the small development area off of Dellwood, which is 15 homes, be ready for final paving. That's all we have to say."

Dewayne Turner, 8416 Union Circle stated, "I am not in the community, but I am here representing the community. I am licensed realtor and commercial broker as well as a Chair for Fair and Affordable Housing Advisory Group. I wanted to make my presence here today to speak on behalf of the residents of Pottstown. There was some questioning regarding the new development that has been in place as well as proposed. The one thing that we are trying to be sensitive of in the community is, one of the reasons being is the tax hikes given that people in the community are typically of an income level that is not increasing as well as with the tax rates in the neighborhood. It's a matter of, I feel, involvement and inclusion and the Town's exclusion. The residents of the community are looking at alternative measures to increase the value in the properties around the community; however, there is a development already in place. There has been bucking against the development because it doesn't represent the interests of the community. I feel that with the proper voice they can be helped to articulate these things and maybe have some reconsideration regarding the development. I personally am not a person that is against redevelopment. I am personally, also, very mindful of including the people who are in that development. I am from another city where I have seen this happen before and I am looking to, if we could, create a way for everyone involved to be satisfied with the development. The tax rates have been changed in 2019 assessment, building has been going with Vermillion for many years prior to that so again, tax rates with the current populace of the community, it is changing. The values are changing; however, I feel it is going to get to a point where they are going to be priced out of the community based upon trends of development here in Charlotte. We have obtainable housing problem here and Pottstown is one of the remaining communities that is very historic and historically African American. There's a lot of integrity and history that they are looking to preserve. There have been people who have been there for five generations. I think what we are asking for on behalf of Pottstown is inclusion and having a voice to be more of a driver to what is happening in that development as opposed to having the voice mauled."

Mark McClanahan, 6731 Constitution Lane, Charlotte stated, "I am a commercial real estate broker with SV & Blackstream on behalf of my client, Ronnie Henson with North Mecklenburg Properties. I have three listings for his properties, one of which is on Church Street. The other is on North Old Statesville Road and Holbrook Road. I'm attending on a fact-finding mission and to meet the members of the community."

Veronna Wynn, 13219 New Haven Drive stated, "My property adjoins Valea Village, and I am a member of North Mecklenburg Communities United and I'm also here for that organizations representation of Pottstown. There are many reasons why I oppose the building of Valea Village. #1: The parcels that include Valea Village has at least one parcel without clear title that came from the Town of Huntersville. I have researched this thoroughly to determine through North Carolina One Geospatial Computer Mapping and the Counties Geospatial Computer

Mapping and an online time search firm has indicated that they could not find any other titles attached to property 01908108 which is attached to the Rosenwald School property. The search says that this property was sold by Hannah Holbrook in 1899 to what was then known as Huntersville Missionary Baptist Church and is now known as St Phillip Baptist Church. The deed book for this particular property is found at 140 on pages 126-128. #2: I oppose the development because of the adverse economic impact that it will have on my community, Pottstown. I sold Mr. Bowman some of that property, 27 acres but I did not know then how involved the Town was in fostering high-level development, high property homes in adjacent properties to ours. We thought that others would be able to develop that property for low-income persons living in Pottstown or elsewhere. What we know now is that the tax map, #63 shows Vermillion with over a thousand homes, Monteith Development is included in their tax map, and they are a little bitty community of 150 homes at most now. We dwindled down from 300 (homes) in the 80's to 150 (homes). The Town of Huntersville promised in their annexation papers when Sarah McAulay was Mayor that we would organize with extended utilities that the Town has not provided since that time. No new sidewalks, no new curb, we have water drainage and places holding water for after the rains have come. We know that as the gentleman earlier said, we get priced out of our current homes. Most of the people are over 65 who live there. Can they afford the new taxes? No. You should take that into consideration. That may not be legal, but it will be moral to hold off not sanctioning his development because he wants to come further, he wants to keep coming on and surrounding our development and squeezing out the neighborhood persons who have low income. If they are going to live there, it might be feasible in their minds to say move but to try to move to a neighborhood/income that they can afford. That might be hard. We know that the tax map shows we encroached and a few weeks ago when the Town Board was looking at the rescue plan dollars, the Assistant Plan Manager said that because the tax bracket and income level with the whole tax map #63 we wouldn't get any extra or any specific dollars from the Town of Huntersville for what is now the basic part of Pottstown. Another point I would like to make is that the trees in Valea Village are older than I am, older than 70 years. They haven't been touched for over 70 years. When Randy Quillen was Mayor, he approached my mom to get that land to make it a greenway which means he told her that there were a lot of hardwood trees and he told her that it would be a perfect place for Huntersville greenway to connect Main Street side through to Holbrook side, the communities. Mr. Bowman decimates trees. I have pictures going down Holbrook that shows how big bulldozers are making it all red clay. I can end up with the idea that this is also historic property. It surrounds the Rosenwald School and St Phillips Baptist Church, very historic African American properties in the Town that should not be overwhelmed by more development. Vermillion contains over a thousand homes. Thank you."

Agenda Change

Motion: G. Baber made a Motion to Amend the agenda and hear Item 4E as Item 4C. S. Hensley seconded the motion.

Vote: The motion passed unanimously (9-0).

Action Agenda

Item 4A: Consider Recommendation for Valea Subdivision, a request by Valea Bowman, LLC to subdivide 29.217-acres located south of Dellwood Drive and east of Central Avenue at 14215 Holbrooks Road into 36 single-family lots.

J. Simoneau, Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff provided a summary of the request to subdivide 16.62 acres of an overall 31.837-acre tract, to develop 36 single family lots for a proposed density of 2.1 units/acre. All lots are 60' wide or greater therefore no on street parking is required. The proposed lot sizes are 5,106 – 9,948 square feet which on average is 7,886 square feet.

The previous modification request to reduce the buffer along St Phillips Baptist Church has been withdrawn and the applicant will have a full 20' buffer in place.

Staff reviewed the comments provided by Stewart Gray, Historic Resources Program Manager with Mecklenburg County which indicated that 410 Dellwood is the Historic Alexander House and eligible for the National Register, and 318 Dellwood Drive is a circa 1915 home that was likely an original part of the Pottstown neighborhood and may merit recognition and protection. The plan shown does not pose any significant impact to the historic character of the houses. The goal of Planning and Engineering staff is to not negatively impact those properties. The proposed road will be made up of two 9' travel lanes, 1.5' of curb and gutter on each side, 4' sidewalk on one side of the street that could potentially increase in width if there is additional width available with no grass strip or street tree requirement.

F. Gammon asked why there is no 20' buffer requirement or modification for the proposed road to the existing residential. Staff responded that similar to Holbrook Road at Hillcrest Road this can be administratively determined based on the right of way being narrow.

Staff reviewed the block length waiver request to create a 674' long block. Staff supports this request because the options for adjusting this would be limited by a creek, significant trees, the historic Rosenwald school and the existing development.

Additionally, the two parcels facing Central Avenue will have the homes oriented to face the existing streets. Staff identified the trees that are going to be saved and shared that the property falls between Mixed-Use Center and Moderate Density area and the proposed project is in keeping with that use. Staff reviewed the outstanding requirements and modification request including a connection to the historic Torrence Lytle Community Center which will be a conversation between Parks and Recreation and the Community to collaborate and identify a potential pedestrian pathway.

S. Swanick followed up on the public comment referencing parcel ID 01908108 which according to Polaris has a deed issued on August 19, 2021 and asked if staff was aware of any issues with deed, title or ownership. Staff reviewed the tax map and asked Ms. Wynn to confirm which parcel was in question. Staff identified the two parcels and stated that there was a land swap between the Town and Mr. Bowman of like sized lots as shown. Jacob Glass, Staff Attorney

stated that the records on file show that the Town owned the parcel and as part of the land swap a full title search was not done as there was proof of ownership. J. Sny asked if there are records to show how the Town obtained the land. J. Glass responded he would need to research the files but yes, according to the records available at the time of the land swap staff was comfortable that the Town had clear ownership of the parcel in question. S. Swanick stated that it is highly encouraged that this issue be investigated further.

S. Swanick asked how infrastructure is handled when a new development adjoins a neighborhood that is likely not up to current road widths and sidewalks. Staff stated that the Town has lists of neighborhoods that have requested sidewalks and they prioritize and tries to retrofit which requires willing property owners to dedicate right-of-way. The East Huntersville small area plan recommended sidewalks in the Pottstown community and with the additional traffic changing what was once dead-end roads this neighborhood really needs the Town's attention to provide a safe walking environment. It is a function of getting on the list and then the Town Board funding that. S. Swanick followed up and asked what the economics are of this process; if this is voluntary, eminent domain, or if there is compensation. Staff responded that in a similar situation the Town got a grant and is working with each individual property owner on that to convert the ditch to underground stormwater and curb and gutter. If there is no consensus then the Town Board would have to decide how to proceed and find compromise.

J. Sny asked if there has been any previous efforts to address infrastructure given it was recommended in the East Huntersville Small Area Plan. Staff stated that three years ago there was informal discussion with the community about what would be needed but it did not proceed further from there. J. Sny followed up and asked if a block grant approach has been attempted or considered, similar to Huntington Green so that the residents of Pottstown are not negatively affected by the tax map as were the residents of Huntington Green as it relates to infrastructure improvements. Staff responded that census tract boundaries are used for grants not tax maps and the qualifications are based on averages based on that information.

F. Gammon asked if the land needed for the sidewalks would either be donated private property or the Town would have to purchase it. Staff confirmed that construction easements would at least have to be granted and the map shows that there is some right-of-way but if it would fall on private property then yes, there would be some negotiation of easement or right-of-way as needed. F. Gammon followed up with the statement that even if grants were obtained it would still require the willing participation of the community and therefore is not a Town issue and has no bearing on the application submitted.

T. Loomis asked why the Town has not already had dialogue with the current residents regarding the concerns expressed about the potential tax bracket changes. Staff responded that a more proactive dialogue by the Town Board is what is necessary to create the dialogue and it seems to be their desire to do so. The community and North Meck Communities United has been around for a number of years so the infrastructure is there for the dialogue.

F. Gammon commented that at least one former Commissioner discussed sidewalks with the community directly and it did not come to fruition.

G. Baber

Motion: G. Baber made an Amended Motion to Approve the Valea Subdivision as the Planning Board finds the application complete. We find the application applies with all applicable requirements of Section 6.2, the Town of Huntersville Subdivision Ordinance. These findings of compliance are supported by policies EOS8.3, EOS10, LU2.1, LU7.1, LU11.1, T3.1, and T5.1 of the Huntersville 2040 Community Plan. Further, we also find the application to be in compliance with the directives of the East Huntersville Area Development Plan. This compliance is contingent upon the following items: 1) urban space designs are added to the plans to ensure compliance; 2) stormwater plan approval; 3) secure financial guarantee from developer to insure the future development of road C to the lot line. The Planning Board recommends approval of the sketch plan application with the following recommendations also: 1) collaborate with Huntersville Parks and Recreation staff to identify potential pedestrian connections to the Torrance-Lytle Community Center; 2) consider annexing the additional portions of the development; 3) applicant completes and provides an enhanced title search to ascertain the validity of the claim being disputed. S. Hensley seconded the motion.

Vote: The motion passed (8-1) with F. Gammon opposed.

Motion: C. Boyd made a Motion to Recuse Jay Henson from the discussion of Item 4B. J. Snyder seconded the motion. The motion passed (8-0).

Item 4B: Consider Recommendation on Petition #R21-17, 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)

B. Richards, Assistant Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff provided a summary of the rezoning request. The proposed use includes up to 19,000 square feet of commercial and 29 townhomes at a density of 7.6 units per acre.

The tree survey has been revised with a report from an arborist indicating that many of the trees are in poor health. Following that revision 2 specimen trees will be saved, 3 are required so the applicant will consider mitigation via on site planning ad fee in lieu based on what will be most appropriate.

The applicant is requesting four modifications. The first is for buffer yard reduction from 20' to 10' along the east and north property lines as well as small reduction on the west property line where there is an existing HVAC system. Staff is in support of this request and notes that the applicant is offering a higher percentage of evergreen plantings and a 6' privacy fence along the east property line to mitigate visual impact.

The second modification is for a rear setback of 14' versus the required 20-25' to allow for urban open space to be maximized. Staff is in support of this request and notes that the applicant is offering a well-designed pedestrian passageway for the interior townhomes to front.

The third modification is for a height of 33' for the townhomes that front Gilead Road where the maximum height allowed is 30' to break up the building facades and allow for the integration of vertical relief and varying architectural features. Staff is in support of this request as it is in keeping with the intent to have some architectural interest.

The fourth modification is for internal landscaping. One front and one rear yard canopy tree are required. The applicant is requesting this be waved due to small lots and the inability for canopy trees to survive and flourish. Staff is working with the applicant on this request to identify where trees can be planted on site and would consider mitigation if the full requirement could not be met on site.

The proposed site falls within the Town Core and Downtown – Tier 2. The proposed uses are supported by the Huntersville 2040 Community Plan. The 2006 Downtown Master Plan which is currently being updated indicated right-of-way improvements. The applicant is offering 80' of right-of-way and Engineering is requesting 100' of right-of-way per the unfunded STIP project U-5807. Gilead Road is designated a minor thoroughfare and as such our current ordinance requires only 70' of right-of-way.

The applicants Jay Henson and Brian Hines, 121 Gilead Road explained that the townhomes are oriented to face Gilead Road with the Cottage style townhomes with a lower profile and elevation that front a large open green area. The commercial space along Gilead Road is a 2-story flex space. The yellow house and garage will remain that will turn into some sort of commercial space. The applicants have been working to achieve an access easement to the greenway from the project and will reserve a right-of-way to accomplish this if approved by CMS, Mecklenburg County and the Town of Huntersville. The applicant explained that they are exploring an alternate underground stormwater system utilizing pervious pavers with no catch basins or pipes which will make the parking lot and the alley.

S. Swanick asked how this will compare to a traditional asphalt parking lot. J. Henson responded it will be an interlocking paver with small stones that immediately accepts water.

Abe Lehman, 6020 Stephens Road Huntersville NC is the builder for the Townhomes and stated that this similar paver system is being used currently on a project in Davidson. It has worked fantastically and through construction there has been no issue. There is no curb or gutter, and it gives a very pretty finish.

Motion: F. Gammon made a Motion to Approve R21-17, Gilead Road Mixed Use, from Neighborhood Residential (NR) to Traditional Neighborhood Development Urban Conditional

District (TND-U-CD). The Planning Board finds that the rezoning is consistent with Huntersville Zoning Ordinance Articles 11.4.7(d), 11.4.7(e), and Huntersville 2040 Community Plan policies LU2.1, LU5.1, LU5.3, LU6.2, LU6.3, LU7.1, LU8.1, LU8.2, EV2.3, DT1.3, and DT11.1. It is reasonable and in the public interest to amend the zoning ordinance because the rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan and 2006 Downtown Master Plan. The Planning Board further recommends approval of 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. Although the Planning Board is inclined to recommend approval of modification #4 (front and rear yard trees) the Planning Board supports staff's request to continue discussions to explore options or mitigation. Further, this recommendation for approval is contingent upon the applicant addressing all outstanding Staff comments. J. Snyder seconded the motion.

F. Gammon stated that he attended the neighborhood meeting to listen to what the locals had to say, and the feedback was positive regarding what is proposed.

J. Snyder agreed that the project is a welcome mix use. The applicants have demonstrated their desire to restore through their offices and now with incorporating 208 into this project is another good example of growth and keeping what we can from the old as well.

T. Loomis commented that she loves the concept and the pavers, and she thinks that incorporating some rooftop accessory use may be another good option to consider relative to the text amendment that will be discussed later.

S. Hensley commented that the two different housing types and mixed-use development is a refreshing take.

S. Swanick commented that it is a great project.

Vote: The motion passed unanimously (8-0) with J. Henson recused.

Motion: F. Gammon made a Motion to Reinstate J. Henson. J. Snyder seconded the motion. The motion passed (8-0).

Item 4C: Consider recommendation on Petition #TA22-01, 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)

K. Mielenz, Planner I entered her staff report into the record, a copy of which is attached hereto as Exhibit D and incorporated herein by reference. Staff provided a summary of the request to update the ordinance to come into compliance with state statute 160D.

F. Gammon asked if the definition and time lapse were sufficient. Staff commented that the portion identified has not proven to be an issue and has been written as stated since 1996.

S. Hensley asked for confirmation that the change from our current three years to the proposed two years is directly due to state statute 160D. Staff confirmed this is directly due to compliance with the state statute.

Motion: C. Boyd made a Motion to Approve TA22-01, the Planning Board recommends approval based on the amendment being consistent with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with state legislature, it is reasonable and in the public interest to amend the zoning ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with state legislature. S. Hensley seconded the motion.

Vote: The motion passed unanimously (9-0).

Item 4D: Consider a recommendation on Petition #TA21-15, a request by the Town of Huntersville Planning Department to amend Zoning Ordinance Articles 8.7, 12.2.1, 4, 7.10, and 7.11 to allow and place standards for Rooftop Amenity Spaces to exceed the maximum building height. (Jack Simoneau)

K. Mielenz, Planner I entered her staff report into the record, a copy of which is attached hereto as Exhibit E and incorporated herein by reference. Staff provided a summary of the request to allow and place standards for rooftop amenities that exceed the maximum building height, not for buildings that do not exceed maximum building height. The proposed amendment would affect shopfront mixed-use buildings and apartment type buildings only.

North State Development would like to add a 750 sq foot amenity space on top of a mixed-use building that is already proposed to meet the maximum building height. Currently this would not be permitted. The approved rezoning height is 52.5 feet. An illustration was shared demonstrating the current proposed structure and a revised structure that would be submitted with a rooftop pergola in the event this amendment is passed.

Staff reviewed area communities for research on access, building height, locations, size, and setbacks. The proposed amendment allows for the rooftop space to count towards 1,500 square feet of urban open space if the space is accessible to all residents.

The Ordinance Advisory Board did not recommend approval. The public hearing yielded one public speaker that was not in favor the amendment due to their concerns for adequate protection of surrounding properties. Several commissioners made comments that they had concerns with the potential impacts to neighboring properties and its association with the North State project. Planning Staff recommends approval.

G. Baber asked if the maximum size permitted is 1,500 square feet. Staff responded that is the maximum space allowed for buildings that exceed the maximum building height. If a rooftop amenity was within the allowed building height it could be much larger but similarly would only count 1,500 square feet towards urban open space.

C. Boyd asked relative to the comment from the public hearing if the concern was someone throwing something off of the building or what was expressed and if these same issues are addressed with buildings that do not exceed the maximum height. Staff stated that there have been some comments relative to safety and privacy as well as noise and light pollution which is why those are addressed specifically in the proposed amendment. If the rooftop amenity did not exceed the maximum allowed building height, then the additional restrictions to amplified sound and exterior lighting being off by 11:00 p.m. would not apply. There are no additional safety measures when the building does not exceed the maximum allowed building height.

T. Loomis asked if this would apply to any other projects in Town and if there would be landscape requirements or if this could simply be concrete and chairs. Staff confirmed there are no other projects submitted requesting this accessory use at this time and the proposed ordinance states that the area shall have landscaping materials. An applicant would then have to show the proposed layout and staff would identify if it met the spirit of the ordinance or would deny it and the applicant could appeal the decision to the Board.

G. Baber asked if there is a difference in requirements of urban open space and green space. Staff identified pages 6-13 of the subdivision ordinance outline the requirements which include the landscaping.

J. Henson asked if staff could show where this is being proposed relative to the North State development. Staff identified that it is proposed at the corner of Gilead and Street A which is the road that currently buffers the existing Town building on the Northwest side.

S. Swanick asked F. Gammon, Planning Board member on the Ordinance Advisory Board to provide some comments as to the split vote. He stated that his understanding was that the vote was split because not enough was offered, it was too specific for one project and should offer even more.

F. Gammon asked staff for confirmation that this accessory use could be built with this amendment but would only be eligible to count towards open space if it is accessible by all residents. Staff confirmed that is correct.

S. Hensley asked if the open space consideration is currently allowed when a building does not exceed the maximum height and if the concept of urban open space is meant to serve only the community it is within or the community whether you live there or not. Staff responded that a rooftop amenity as open space has never been requested and therefore never considered but this amendment would make that possible. Urban open space is meant to serve the community it is within and typically the maintenance is funded through that community's homeowner's association. It can additionally be open to the public.

J. Sny asked staff to share the rationale behind limiting the amplified music due to exceeding the height versus no limitation to amplified sound for a building at a lower height, and why a

rooftop amenity amendment is not being proposed regardless of building height that addresses all of these issues. Staff responded that these limitations were taken directly from neighboring municipality ordinances where it appears the goal is to regulate what may be a concern due to the exceeded height. All developments would be subject to noise and light ordinances regardless of building height. An overall amendment will likely be needed in the future for more building types, but this will be a learning experience.

C. Boyd commented that he agrees with the statement that if it needs to be regulated it should be for all rooftop amenities and not just if the building exceeds the height allowed.

G. Baber commented that to avoid another text amendment he has concerns that a building regardless of size is allowed the same 1,500 square foot limitation. Staff responded that a future rooftop amenity amendment will likely be needed but that was not the goal with this amendment.

F. Gammon made a comment that this is the first and only four-story building in Downtown. Huntersville is going to have to quickly identify what they want to be and look like and this will be a feature that will need to be included in that discussion.

Motion: S. Hensley made a Motion to Approve TA21-15, the Planning Board recommends approval based on the amendment being consistent with policies LU8, LU8.2, LU11, LU11.1, DT1.1, DT1.4, and DT11.4 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest because as the Town continues to grow it will take on more urbanized form and we expect to see greater desire for more rooftop amenities. S. Swanick seconded the motion.

S. Hensley commented that the proposed amendment could serve to enhance what is allowed and there seems to be a consensus that an urban open space is an amenity to a building and there does not seem to be a reason to penalize a pending project that has the ability and desire to incorporate this now just because we believe it could be written and done better in the future.

S. Swanick commented that this is often how new ideas are shaped. A developer may ask for something that has not been considered previously and the amendment should be crafted to make this a viable option for anyone even if the idea stems from a singular project. It has also been our practice to go back and amend further as needed to create additional improvements.

F. Gammon asked if an amendment could be made to include citing policy LU 7.2 in the motion which is stated in the staff report. **S. Hensley accepted the amendment. S. Swanick accepted the amendment.**

G. Baber stated that he is still split in his decision on this, and he does not want this to penalize the developer, but he is also torn between possibly kicking this back to staff to improve the wording and regulations. He is in support of rooftop amenities but the limitation of 1,500 feet is still a concern that he would like to get right.

S. Hensley commented that he agrees we want to get it right, but he will go back to what staff stated that this is intended to be an accessory use, given typical building sizes for these building types 1,500 square feet actually feels right and, in the future, if a large building is proposed then an amendment may be necessary.

J. Snyder commented that it is a use and option that he would like to see available, he has a better understanding of what staff's intention is, and he would be fine with this as a starting point. Regardless of that he will not be voting for it due to his conflict that the applicant proposing this is the Town of Huntersville instead of North State Development and the language feels very crafted to their specific circumstances. Staff responded that when the applicant presented the accessory use that staff felt it would be a good addition for the whole town, but the amendment needed to be thoroughly researched and compared to area municipalities. As this applies to North State Development this amendment is much more than what they were proposing of 750 square feet and no need for Urban Open Space.

Vote: The motion passed (7-2) with J. Snyder and T. Loomis opposed.

Item 4E: Consider Recommendation for Hill Street Subdivision-Phase 3, a request by Hill Street Bowman, LLC to subdivide 0.401-acres located at the intersection of Hill Street & Huntersville-Concord Road at 13895 Hill Street, Parcel # 01905211, into 6 town home lots.

D. Peete, Principal Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff provided a summary of the request to develop six townhome lots with a private alley access drive. Staff identified that the townhomes on the Southwest side will front an urban open space that will either be the future greenway or a park. The applicant would prefer to have the coordination with Mecklenburg County and the greenway completed but either option will be acceptable to staff.

Staff finds the application complete. There are three additional comments that include that the urban open space greenway is coordinated with Mecklenburg County, stormwater concept plan is approved by Town Engineering, and all outstanding redline comments are addressed.

C. Boyd asked what the view along Huntersville-Concord will be like with the development and/or the greenway. N. Bowman, 205 South Church Street stated that the buildings are partially below grade, and they will wait for Mecklenburg County to identify what they want for the greenway access and then they will landscape around that.

G. Baber noted that the Willingness to Serve is outstanding. Staff commented that they do not have it, but the notes already indicate that issuing of permits is contingent on this being obtained.

Motion: J. Wright made a Motion to Approve the Hill Street Phase 3 Sketch Plan as the Planning Board finds that the application is complete. The Hill Street Subdivision Phase 3 Sketch Plan complies with all applicable requirements and is supported by the Findings of Fact outlined in

parts 2-4 of the Staff Report. The Planning Board recommends approval of the proposed subdivision sketch plan with the condition: 1) urban open space greenway is coordinated with Mecklenburg County; 2) Stormwater plan is approved with engineering at the preliminary plan state; 3) that all other minor site plan/redline comments are addressed. J. Snyder seconded the motion.

Vote: The motion passed unanimously (9-0).

Item 4F: Consider recommendation on Petition #TA 22-02, 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 & 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)

J. Simoneau, Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit F and incorporated herein by reference. Staff provided a summary of the request to remove the ability to develop greater than 30% attached housing within ¼ mile of designated rail stations. Staff stated that the Town Board has requested that this amendment be proposed because the transit rail is not coming any time soon.

Staff reviewed a summary of the current zones and how they would be affected by this amendment. There are additional zoning districts that would allow for greater density if an applicant chose a lot within that zoning or to request rezoning to one of those designations.

S. Swanick asked for confirmation that the by-right greater than 30% attached housing will be going away and if it can still be achieved through rezoning. Staff confirmed that is correct within the ¼ mile of proposed transit rail stations and it is absolutely an option in other zoning districts, likely on parcels adjacent to zoning that currently allows that density and not as a spot zone.

J. Snyder asked for clarification related to future development of 100% townhomes versus condominiums. Staff responded that 100% townhomes would likely be a major subdivision that would require stormwater which likely would not be approved. Staff stated that the only way to achieve 100% townhomes would be to strike out apartment building and mixed-use buildings and not strike out townhomes in the proposed amendment.

S. Swanick asked if parcels adjacent to Town Center zoning could seek rezoning to Town Center. Staff confirmed they could, but this amendment would remove the attached housing option from Town Center zoning as well. Staff stated that there is currently a Downtown Plan underway that will review the need for residences in proximity to businesses to achieve future growth. This Plan could potentially bring about code change that will affect this or similar zoning based on future Downtown growth but not based on future transit.

J. Henson stated that he has researched this and commented that he is not under contract with any clients that are pursuing this type of zoning, nor does it relate to the project discussed earlier this evening. He continued that he has looked at three existing sites to determine what exactly the problem is with this current ordinance. The lots yielded the same number of apartment units as they would attach housing which would become the only available option following this amendment. He stated he is not sure that the win is to only allow apartments and he struggles with taking away home ownership when the density is the same.

F. Gammon commented that the allowance of density in the Downtown area has never been the issue for him, it has been how it has been allowed. We have allowed unlimited by-right density based on the fact that they will exist within ¼ of a mile of a non-existent rail station based on a commuter rail that is not even proposed to happen. It is his understanding that the removal of basing these decisions on non-existent transit stations will allow for discussion on the correct way to allow for density under existing zoning options and possible future options that will be introduced.

J. Henson suggested that possibly the Steering Committee should be making a recommendation for the Downtown as this seems to be trying to address two different issues that should be separated, Downtown and transit rail stations.

S. Swanick replied that it is his understanding that the issue is with the boundaries being created by non-existent rail stations and the goal is to change what factors the decision for possibly density. In his opinion the error in the proposed amendment is to include Town Center zoning in this amendment. Staff responded that the amendment before the Board does not accomplish this because it is based on the request by Town Board and it would not surprise staff if changes will be proposed through the Downtown Plan Steering Committee which will look at the land uses, transportation uses and more.

Motion: F. Gammon made a Motion to Approve TA22-02, Allowed Density Near Rail-Transit Stations, as written. The proposed amendment is consistent with Huntersville 2040 Community Plan policies LU2.1, LU5.1, LU10.1, LU11.1, DT1.1, DT1.2, DT1.3, DT2, DT11.1, and DT11.2. It is reasonable and in the public interest to amend the zoning ordinance because: 1) TA22-02 removes any reference of allowed density based upon the proposed locations of rail-transit stations; 2) A variety of residential building types and rezoning options are still allowed by the zoning ordinance. S. Swanick seconded the motion.

F. Gammon commented that he is in agreement with the Town Board on this one that decisions should not be made on something that does not exist and does not appear will exist in our future. It will be the Town Boards responsibility in conjunction with the public on how they want to replace this or address this in the future and the public will be sure to let them know what they want as well.

S. Swanick commented that he seconded the motion because despite his questions and concerns he does support removing the non-existent transit station from the decision making. Any other problem solving goes beyond that.

C. Boyd asked if the motion needs to include anything regarding the problem solving or if we should simply let it play out and take however long it takes.

S. Swanick commented that he is the Planning Board representative to the Downtown Plan Steering Committee, and he would be happy to take comments to that group regarding this.

Substitute Motion: J. Snyder offered a Substitute Motion to Defer this item until the public hearing is closed. S. Swanick seconded the motion for discussion.

J. Snyder commented that the public hearing was extended due to one of the sponsors or co-sponsors not being present for the public hearing. It was extended until April 4, 2022. He stated that while he is not opposed to removing it, he is not a fan of repeal and not replace. We hope the replacement is coming and he would be the most open to waiting for that replacement.

F. Gammon commented that he sees no reason to hold up as the sponsor was dealing with a family matter and this request fits what he was requesting. J. Snyder commented that he does not disagree, but the Town Board felt it necessary to hold the Public Hearing open which is his rationale to also not making a decision on this at this time. F. Gammon responded that there was a public hearing, and the amendment is what the sponsor requested so he sees no need in keeping this open. With a decision from the Planning Board, it would be possible for the Town Board to open the Public Hearing on April 4, 2022, and make a decision on the same evening and without the Planning Board recommendation it would be delayed to May. Staff confirmed that without the Planning Board recommendation it would be necessary for the Town Board to take action on April 4, 2022.

Substitute Motion Vote: The motion to defer failed (2-6-1) with C. Boyd, G. Baber, T. Loomis, S. Swanick, J. Wright and F. Gammon opposed and S. Hensley abstaining.

G. Baber commented that while the intent may have been to slow density he will still vote for this motion because the relation to the transit rail station being removed is something he supports as it now seems arbitrary.

T. Loomis commented that she agrees that the imaginary line from the transit station seems arbitrary and because of this she is okay removing it regardless of the end goal.

J. Snyder agreed that the line does now seem arbitrary, but the density does still belong in Downtown, and he is not a fan of repealing this and not replacing this which he would be in support of doing all at once.

Original Motion Vote: The motion passed (7-2-) with J. Sny and J. Henson opposed (C. Boyd abstaining and was counted as a yes vote).

Other Business

No other business.

Adjourn

Motion: J. Sny made a Motion to Adjourn. C. Boyd seconded the motion.

Vote: The motion passed unanimously (9-0).

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Jack Simoneau, Planning Director

Date: July 18, 2022

Subject: Petition #TA 22-05

EXPLAIN REQUEST:

Consider a decision 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) including miscellaneous ordinance clean-up adjustments.

ACTION RECOMMENDED:

Take action.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. TA22-05 BOC Action Staff Report 7-18-22
2. Subdivision Ordinance with Administrative Approval Process Action
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. April 7, 2022 Minutes
8. May 2022 HOAB Minutes
9. June 2022 Minutes
10. TA 22-05 Amendments Excluding Quasi-Judicial Change

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 consider changing the subdivision sketch plans process from a quasi-judicial decision to an administrative decision. In addition, the proposed ordinance amendments also contain minor grammatical/formatting/citation/consistency adjustments that are not substantive in nature.

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/consistency adjustments that are not substantive in nature (see Attachment 8).

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

Per details outlined in Part 9 below, staff recommends approval of TA 22-05 making subdivision sketch plan approval an administrative process in addition to minor grammatical/formatting/citation/consistency adjustments that are not substantive in nature.

In the event to Town Board does not approve changing subdivision sketch plan approval from a quasi-judicial process to an administrative process, staff still recommends the minor grammatical/formatting/citation/consistency adjustments that are art of TA 22-05 as found in Attachment 8.

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 (Attachment 6). On Wednesday, June 1, 2022, the HOAB reviewed the text (see Attachment 7).

PART 6: PUBLIC HEARING

May 2, 2022, and June 6, 2022

PART 7: PLANNING BOARD RECOMMENDATION

June 28, 2022, 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
7. Huntersville Ordinances Advisory Board June 1, 2022, Minutes
8. TA 22-05 Minor Grammatical/Formatting/Citation/Consistency Adjustments

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 of TA22-05 <u>clean up language amendments listed in Attachment 8</u> to the Zoning and Subdivision Ordinance <u>and to disapprove changing</u> the subdivision approval process from quasi-judicial to administrative as this is not in keeping with policy LU 11 of the Huntersville 2040 Community Plan. Motion made by S. Swanick and seconded by F. Gammon. The motion passed unanimously (9-0).	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 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.

441. 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/or 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~~ **shall** show in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It ~~should~~ **shall** 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 ~~initial~~ 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 those 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, the final plat for the 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-Upon 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)

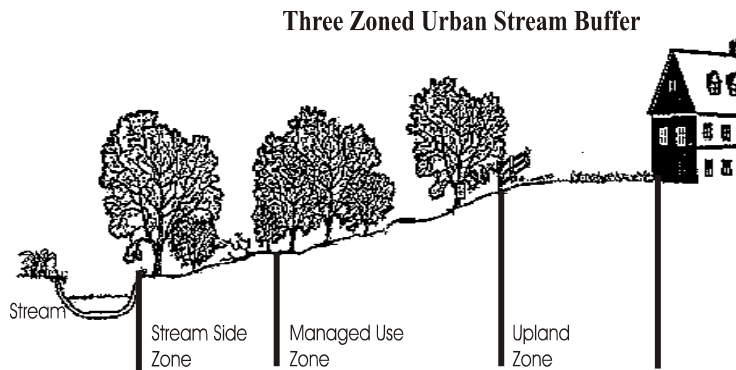
A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

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. Standard curb and gutter are required on all streets except for residential local streets, alleys, and rural ditch type streets. Residential local streets, except where formal parking is used, may utilize valley gutter or ditch type streets per standards in the Town Engineering Standards and Procedures Manual. Standard curb and gutter is required on residential local streets where formal parking is adjacent. Alleys may utilize valley gutter or ribbon curb per standards in the Town Engineering Standards and Procedures Manual.~~

Commented [JS36]: Consistent with current practice

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. Such street has been accepted as a public street by the State of North Carolina; or
- ~~4.~~ 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:

<u>Thoroughfare Classification</u>	<u>Feet</u>
Freeway or Expressway	250-350
Boulevard	<u>100-200</u>
Other Major Thoroughfare	100- 150 <u>120</u>
<u>Minor Thoroughfare</u>	<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, April 7, 2022.

Call to Order/Roll Call

Chairman Jones called the virtual meeting to order at 3:30 pm.

Present: M. Jones, T. Taylor, F. Gammon, A. Hallman, K. Jones, B. Skelly, T. Finlay (arrived at 3:39 p.m.), and H. Whittaker (arrived at 3:54 p.m.)

Non-Voting Members Present: Commissioner Munger, Emily Sloop, Jack Simoneau, Tracy Barron

Absent: J. Kluttz

Approval of Minutes

Item B1. Consider approval of the March 3, 2022, Regular Meeting Minutes

Motion: K. Jones made a Motion to Approve the March 3, 2022, minutes. A. Hallman seconded the motion.

Vote: The motion passed (7-0).

Public Comments

No comments

Action Agenda

Item D1: Consider a recommendation on Petition #TA22-03, a request by the Town of Huntersville Town Staff to amend Zoning Ordinance Articles 8.9.1 and Article 12.2.2 to update language regarding sight distance measurements in order to comply with State House Bill 489 (Attachment 2, 3)

N. Farber, Planner I provided a summary of the request to update the language regarding sight distance measurements to comply with State House Bill 489. Staff noted that this does not change how the Town measures sight distances, but it does change the wording to comply.

F. Gammon asked how often the easement changes and who is responsible for that. S. Trott, Town Engineer commented that the Engineering Department looks at each sight triangle on a case-by-case basis. Typically, this applies to Land Development and used to identify the necessary easement based on the existing speed and distances.

F. Gammon followed up and asked what changes when a road is widened. Staff confirmed that it is reevaluated when changes are made.

Motion: M. Jones made a Motion to Approve TA22-03, with the changes suggested by staff to comply with House Bill 489. T. Taylor seconded the motion.

Vote: The motion passed unanimously (7-0).

Item D2: Consideration of TA 22-05, a request by the Huntersville Town Board to remove the 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 and rewording of provisions that are not substantive in nature. (Attachment 4, 5, 6, 7)

J. Simoneau, Planning Director provided a summary of the request from the Town Board based on the goal they set last year to reduce the number of quasi-judicial decisions that they have. Subsequently minor subdivision amendments became administrative decisions, a proposal has been submitted to remove solar panels from the special use permit process, and now we are considering changing subdivision approval to an administrative process. This amendment would apply to subdivision of property that is not being rezoned and that is proposing uses within the allowed density and open space requirements.

Staff reviewed the UNC School of Governments opinion regarding decision categories that may be considered. Administrative decisions based on clear objective standards (lot size, open space allocation, technical road specifications, etc.). If additional standards are applied that require judgment and discretion, then the decision must follow the quasi-judicial standards.

Staff shared a 2018 survey published by UNC School of Government which reported that 72% only use objective standards or an administrative process and 28% use discretionary standards or a quasi-judicial process for subdivision approval of the 275 jurisdictions reported.

In Huntersville there are currently three processes in subdivision approval. A sketch plan, preliminary plat, and final plat. The sketch plan is general in nature for the entire development with roads, lot layouts, concept plan for stormwater, etc. and this is the level that is considered quasi-judicial and decided by the Town Board. Once this is approved the remaining two levels are administratively approved unless there is a significant change.

Currently there are some subjective standards in our Subdivision Ordinance, so the process is quasi-judicial. An applicant submits a sketch plan application, holds a neighborhood meeting, the Planning Board makes a recommendation, and the Town Board holds a quasi-judicial hearing.

The proposed amendment is to modify the Subdivision Ordinance to contain all objective standards and follow an administrative process. An applicant submits a sketch plan application and staff is recommending that we will require the applicant to hold a neighborhood meeting. This informs the neighbors of what is coming. All further decisions will be based on objective standards and would be an administrative approval.

F. Gammon asked if the questions about the quasi-judicial could be separated from the questions about the Subdivision Ordinance and the primary factors to be considered in the discussion. Staff confirmed that the copies of the Ordinances provided with the agenda contain the existing language and the proposed amended stricken language.

Staff reviewed the proposed Subdivision Ordinance amendments and comments provided by M. Jones. Section 3.000 Decision Making and Administrative Bodies is where numerous changes begin because this is where the proposed change to objective standards and administrative decisions begin. The Planning Board is removed from making the recommendation and the Town Board would no longer approve subdivision sketch plans.

Staff agreed that Section 5.000 Amendments should include reference to the Huntersville Ordinance Advisory Board as a Board that can request amendments.

Section 6.200 General Guidelines and Requirements is the section that subjective items become a guide and objective items become a requirement.

Staff stated that Section 7.14 Easements is internally related to the development, for example, if Charlotte Water needs to extend a water line to your new development. That is a private property matter that is part of the applicant's responsibility and then the easement requirements apply.

M. Jones commented that if a development has an approval condition required from a third-party for something such as a right-of-way acquisition, a sight triangle on someone's property, easement, stormwater drainage or your development stops and the Town does not give another mitigation option such as fee in lieu, we will condemn the easement for you, then that creates a problem with due process and under general authority statute we are required to have our Ordinances comply with the NC and the United States Constitution. It goes against due process and is referenced in several cases.

E. Sloop responded that she emailed out the specific statute that deals with utility easements in subdivisions and as brought out this section of the Subdivision Ordinance is specific to utility easements, not easements for roads. Secondly the Town cannot condemn for private development it can only be for public purpose. E. Sloop then offered to send Board members the FAQs that were created for the Town Board that explains the difference between exactions related to subdivision approval specifically as they fall under 160D-804 and our separate grant of authority under 160D-701 for adequate public authorities. These are separate grants of authority along with Section 8.1 of the Town Charter which also allows for permissive mitigation as it relates to transportation network infrastructure.

M. Jones followed up that when this was reviewed in the TIA Subcommittee process it gave the last Town Attorney nervous related to this specific issue so he would like to make sure it is being looked at and considered because he believes it creates a risk to our Ordinances, Town and citizens.

Relative to Open Space and Recreation Areas, E. Sloop commented that the first sentence specifies that this is relative to the open space and/or recreation area that would otherwise be required by Article 7. The formula that is used is the same as the cities of Concord and Durham. The language here is related to the predevelopment property tax value of the actual subdivision

site not the pretax value only of the open area that would have been dedicated. If wordsmithing the language to make the meaning more clear needs to happen that can be adjusted.

M. Jones gave an example to state that the way it is written seems to imply that the fee is generated from the total site acreage versus the open space acreage. E. Sloop responded that the statutory language states the formula in 160D-804(D) that all funds received pursuant to this subsection shall be used for the development of the park, recreation, etc... and then it goes on and talks about being based on the tax value of the development, the actual subdivision. This is something that we can return to and improve the language.

F. Gammon asked what the basis is for determining the percentage of the tax value in the formula. E. Sloop responded that they consulted with the Town's Parks and Recreation Director, and a comparison of neighboring Town's to determine a percentage for Huntersville. While many Town's did not have the information readily available, this is what was found in the research conducted thus far and additional research can be conducted. Ultimately per the statute the formula must be based off of the value of the development or subdivision. F. Gammon stated that still leaves him with the question on whether the proposed 300% is the right number for our Town since there is no supporting information to demonstrate if that is high enough, too high or just right.

Staff reviewed Mature Trees and Vegetation. M. Jones asked what authority we are relying on to enforce this ordinance. Staff responded that 160D gives us the authority to preserve trees. Over the years legislators have proposed language to change the language to state that you cannot regulate the trees unless there is specific local legislation but those bills have been defeated so far. E. Sloop concurred that the general and specific authority to have those types of regulations and the email forwarded to the Board outlines that. M. Jones stated that he would follow up offline with E. Sloop relative to this one because there may be some other considerations based on UNC School of Government and general and specific authority case law.

Relative to Section 6.850 Traffic Impact Analysis, M. Jones asked what enabling authority was being used and if we have authority for exactions for by right plans other than fee in lieu. Staff responded that 160D and the Huntersville Charter are what make this possible. E. Sloop responded that she will forward to the Board the document that discusses this more in detail and outlines the difference between exactions specifically related to subdivision under 160D-804(D) and is it relates to our authority in Charter at Section 8.1 and also 160D-701. In short the exactions are mandatory, they are specific subdivision streets for the most part, recreation areas, utilities, etc. The TIA stems from 160D-701 which deals with adequate public infrastructure and it is more of a way for a developer not to have their development denied or delayed to a future date because a town does not have current infrastructure in place at the time of the proposed development. It is an avenue for developers to propose voluntarily to mitigate by bringing the traffic network infrastructure up to par with preestablished service levels. It is tricky to get through the nuances with this but the document may be helpful. Staff

commented that the in 2007 the Town of Huntersville adopted an Adequate Facility Ordinance and Traffic Impact Analysis ordinance and at the same time changed the state charter for the Town to state specifically we can do those things. It was somewhat implied in the statutes, but it was decided to include it in the state charter and that is the Huntersville Charter that is being referenced.

Commissioner Munger asked for clarification on the comment that TIA is voluntary versus mandatory. E. Sloop stated that in Article 14 an applicant is required to do a traffic impact analysis to determine whether with the addition of the proposed development we would have sufficient infrastructure in place. If the traffic impact analysis comes back and states the infrastructure is insufficient, that is when the developer can permissively choose whether or not they will be carrying out those changes or delaying or declining to move forward with their development. Developments are predominantly conditional rezonings which is a separate third grant of authority which allows for the Town to negotiate with developers to certain conditions that are mutually agreed upon.

M. Jones commented that the exactions proposed under these scenarios have to still stay within constitutional limits, i.e. rationally related, relatively proportional, and if conditions related do not meet those standards then merely proposing those can create a problem for the Town. Commissioner Munger responded that the proposals are run by the Town Attorney who is going to make sure we are within our rights. M. Jones responded that most TIA's are not conducted with those limits in mind which is what creates a problem. You conduct a TIA and it says to, for example, put in a turn lane a quarter-mile away and pay 100% of that, that crosses the line. Further discussion on this can be continued off-line.

Staff reviewed the summary of changes to the subdivision process and highlighted that we would be removing the subjective standards for objective standards. Staff is recommending that a neighborhood meeting still be held but for the purpose of letting the neighbors know what is being developed near them and to ask staff any questions that they may have. It would not be a point to negotiate things. If the subdivision meets the standards, then they are issued the permit but at least the meeting is occurring to notify the neighbors in advance.

F. Gammon asked if public notice procedures would remain the same since the neighborhood meeting would continue. Staff stated that the residents within the same distance of the proposed project would receive the notice of the neighborhood meeting but would no longer receive a notice of a Planning Board or Town Board meeting.

H. Whittaker asked this could lead to a situation where a neighbor finds out about a project and goes to a Commissioner to find out and then the Commissioner puts it on the Planning Department. Commissioner Munger responded that it's a complex situation and the goal of the Town Board is to not have their decisions limited to quasi-judicial with its very strict and limiting standards.

Commissioner Munger asked if there is anyway that the Town Board can continue to have subjective authority over approving a subdivision without it being quasi-judicial even if it was deferred to Planning Board. E. Sloop responded that the ordinance language must either be subjective which is quasi-judicial or objective which is administrative. It is her recommendation that if the standards become objective then it is not heard by the Town Board because they cannot deny the application if all standards are met and there is no need to add on the lengthy processing time.

Commissioner Munger commented that the quasi-judicial process is frustrating and the opportunity to negotiate by the Town Board could be improved upon to try to get better results. Staff showed an example of a proposed development that due to the ordinances being subjective, the approved development exceeded the minimum requirements. Commissioner Munger stated he is not sure if we should be doing away with quasi-judicial for this reason.

A. Hallman asked what 'standards that require judgment and discretion' can entail. Staff responded that the Subdivision Ordinance General Requirements, Conformity states 'shall' and has some leeway. Essentially if a development meets the basic requirements then there may be some adjustments to meet what are now requirements.

A. Hallman asked if the quasi-judicial process goes away then essentially the Town Board would not know or be involved in the process at all unless it was a rezoning or a special use permit. Staff confirmed that the Planning Board and Town Board members would receive the Neighborhood Meeting notice but otherwise that is correct the decision would be administrative.

F. Gammon asked if we do away with subdivision quasi-judicial proceedings if special use permits are also done away with. Staff stated it does not do away with special use permits.

Referencing the UNC School of Government quote on subdivision approval, F. Gammon asked if the question, is it in harmony with the area? Will it harm neighboring property values? Would still be considered in the administrative decision. Staff stated those are subjective questions and could not be considered administrative. The Subdivision Ordinance is calibrated to promote development that fits with the existing development and as displayed in the example on Mayes Road subdivision it doesn't always fit in.

F. Gammon asked what a neighbors recourse would be if a development harmed their property value. Staff stated there would be no recourse unless the development did not meet the objective standards. F. Gammon asked if it is still possible for someone's property value to be negatively affected. Staff responded that historically it is a person's subjective standard that it is harming their value, such as when a neighboring zoning district allows more density then their zoning district. Any perceived harm to their property value would have to be substantiated by an appraisal.

F. Gammon recommended that staff research how many civil suits have been brought against other municipalities that do not have the quasi-judicial process and what their outcomes are.

Staff responded that in their experience it is extraordinarily remote that a development approved under objective standards hurts a neighboring properties value. If there is a problem it is typically with the zoning allowing a density, lot size or use that creates an issue.

M. Jones commented that this is tricky because the Town cannot give a third-party veto power over another person's property and a Town can down zone a person's property as long as there is some practical use and value remaining. Staff confirmed that all areas currently zoned TR and R were once zoned OPS, Open Space district which allowed 2.5 units per acre and 15% open space. A 100-acre tract of land could have 250 dwelling units and 15 acres of open space. That property got zoned to Rural and was changed to .9 units per acre and 45% open space and TR to 1.5 units per acre and 40% open space. That affects the property.

M. Jones asked the Board if given the time how they would like to proceed with this item. Staff explained that the public hearing is scheduled for May 2, 2022, and the next Ordinance Advisory Board is May 5, 2022. The goal is to have the Ordinance Advisory Board recommendation prior to the Planning Board and Town Board take action.

M. Jones commented that he thinks it would be good to hear if the public comments on this discussion at the public hearing and to incorporate that into this Board's recommendation.

Motion: F. Gammon made a Motion to Defer TA 22-05 to the May 5, 2022, meeting. B. Skelly seconded the motion.

Vote: The motion passed unanimously (8-0).

Item 4C: 3. Election of Chair and Vice Chair

Nomination: B. Skelly nominated M. Jones as Chair. K. Jones seconded the nomination. The nomination passed (8-0).

Nomination: K. Jones nominated T. Taylor as Vice-Chair. F. Gammon seconded the nomination. The nomination passed (8-0).

Adjourn

Motion: A. Hallman made a Motion to Adjourn. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (8-0).

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).

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met at 3:30 p.m. on Wednesday, June 1, 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, F. Gammon, A. Hallman, K. Jones, and J. Kluttz

Voting Members Absent: B. Skelly, H. Whittaker, T. Finlay

Non-Voting Members Present: J. Simoneau, T. Barron, J. Glass

Non-Voting Members Absent: Commissioner Munger, E. Sloop

Approval of Minutes

Item 2A. Consider approval of the May 5, 2022, Regular Meeting Minutes

Motion: K. Jones made a Motion to Approve the May 5, 2022, minutes. T. Taylor seconded the motion.

Vote: The motion passed unanimously (6-0).

Public Comments

No comments.

Action Agenda

Item 4A: Continued discussion of TA 22-05, a request by the Huntersville Town Board to remove the 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 and rewording of provisions that are not substantive in nature.

J. Simoneau, Planning Director followed up on the questions posed at the May meeting and shared the Legal departments summary of the current guidelines for quasi-judicial hearings as it relates to legal standing, how to establish special damages, and the differences between witnesses and parties with standing.

The redline version of the Subdivision Ordinance section 6.200 was reviewed related to the proposed changes. Examples of previously approved subdivision sketch plans for Mayes Road, Ranson Road, and The Hills were shared to show the differences between what was initially proposed and how it was adjusted based on the neighborhood input and then later approved by the Town Board.

There are two instances when a developer would still need to go before the Town Board if the subdivision approval process becomes an administrative decision versus quasi-judicial. One is if they request a modification of traffic impact mitigation and the second is if they want a variance, appeal or interpretation from the Subdivision Ordinance.

In reviewing Subdivision Ordinance, Section 4.00; Appeals and Variances, M. Jones asked if the Town Board wants to minimize the amount of quasi-judicial hearings if it would make more sense to adjust the current process of a variance going before the Planning Board for recommendation and to the Town Board as a quasi-judicial hearing, and instead send it to the Board of Adjustments, making the applicant only have to go to one meeting. Staff confirmed that what is proposed is what staff is recommending, and the Ordinance Advisory Board can recommend removing the Planning Board recommendation or having it decided by only the Town Board or the Board of Adjustments. As the elected officials it seemed to make the most sense for the Town Board to be the board that heard the variance.

M. Jones followed up that given the driving purpose of these changes was to minimize quasi-judicial cases before the Town Board that this adjustment would seem in line with that request.

F. Gammon asked how many appeals and variances have gone before the Planning Board. Staff stated that they do not really happen. Currently a block-length modification is the most common request and if the process becomes administrative then staff would have a set standard that can be approved, or the developer would have to request a variance. It is staff's experience that if a developer is facing a 60–90-day delay to approve what is typically a 30–50-foot block-length modification that they will probably figure out how to comply.

F. Gammon followed up that this explanation to him is a pro for keeping Section 4.00 as proposed. In addition, it would give the public another opportunity to speak up at the Planning Board meeting which could potentially have an impact on the decision.

K. Jones asked how this would be affected by a buffer reduction request. Staff confirmed it would be a similar process.

A. Hallman asked if some modification decisions are currently administrative for block length or right-of-way. Staff confirmed the Engineering manual allows for administrative modification of right-of-way but the block length modification requires Town Board action.

In reviewing the Subdivision Ordinance, Section 6.200-A; General Guidelines and Requirements, Item 2. Conformity. M. Jones expressed concern about language that is subjective remaining in the Subdivision Ordinance based on the email that he forwarded to the Board related to Professor Adam Lovelady's comments and case citation of how this can be an issue. Staff confirmed that Legal has reviewed this proposed language and is comfortable with the statement, He also indicated Item 2 was a guideline and not a requirement.

M. Jones restated in his opinion the Zoning and Subdivision Ordinance terms that are vague and subjective should be clearly defined so that we do not face issues similar to Pineville. Staff confirmed that they will go back and confirm with Legal to ensure the legal liability is considered.

In reviewing Section 6.200-B; General Requirements, Item 1. Consistency with adopted public plans and policies, M. Jones asked what happens when someone wants to develop a by-right subdivision according to current zoning but it is not in compliance with the adopted Comprehensive Plan. Staff provided an example of a property in a mixed-use node that has identified a property for a potential mixed-use, this would open the door if the current zoning does not permit this use, for a rezoning. It would not however stop an approval of a by-right use under the current zoning.

A. Hallman asked how often staff looks at the public plans and may make modifications in the 20 years that it is forecasted, or is that strictly by Town Board approval. Staff responded that the Town Board consistently updates the long-range plan every 7-9 years since 1995 and then there are small-area plans that are typically updated less frequently.

In reviewing Item 4 regarding fee in lieu for open space and the proposed 300% of the pre-development property tax value. M. Jones commented that the Concord version this was drawn from has a limitation to the value of the open space land only, whereas how the proposed language is it would be a 300% fee on the total acreage which in his opinion breaches the rough proportionality test. J. Glass commented that Legal can review the statute language and confirm if any additional adjustments need to be made to the language. M. Jones confirmed that he is okay with the proposed 300% and responded that there are two issues here he suggests be reviewed, 1. Rough proportionality on the fee being limited to the open space land and 2. Can the language be enhanced to accelerate community assets and come up with an arrangement with the county.

F. Gammon commented he has no issue with the process being administrative, quasi-judicial, or changing which Board may hear a quasi-judicial hearing but he does not know how the Town Board will decide so it seems early to have a discussion related to the wording without knowing what they will decide.

Motion: F. Gammon made a Motion to Approve the changes to the Zoning and Subdivision Ordinance as written based upon the Town Board making the decision to make this an administrative decision process versus quasi-judicial. J. Kluttz seconded the motion.

Staff confirmed that the comments and concerns from the Ordinance Advisory Board will be forward to the Town Board for consideration.

A. Hallman commented that with discretionary standards that are in place now will be removed if this becomes an administrative process. As she reviews the changes to conformity, we are going from shall to should, and sometimes those developers are the same that write the community plans which is something she is still struggling with. She would like for the Boards to be able to ensure accountability of any developer as well as to the existing neighborhoods so that it is fair and across the board for everyone.

Vote: The motion passed (5-1) with A. Hallman opposed.

Item 4B: Discussion related to stormwater runoff from new development impacting adjoining property

B. Richards, Assistant Planning Director followed up on the concerns posed and current status.

K. Jones stated that the Robinette's on Second Street & Huntersville-Concord Road are still flooding, have not received the gravel for their driveway and they were told via an email that a 'hump' would be added to divert the water run-off into the drain. The issues on the Walker property have been resolved. K. Fox, Director of Public Works commented that the commitment to the stone is still in place and he will follow up with them to find out the status on the 'hump' that they agreed to install.

K. Fox also stated that the lack of crown on Second Street adds to the issue, therefore the Town is working to hire a contractor to mill and reinstall a crown on Second Street which will further assist the alley.

K. Jones stated that her concern is for more than her immediate neighborhood because this issue affects many areas of Huntersville. She believes an amendment to the minor subdivision to minimize as much as possible any negative impact to existing property owners that are in close proximity to the project. Specifically grade changes that create flooding and soil erosion and the steps required to mitigate those issues or concerns would be required and not just suggested. Whether that is through an erosion control study, grading plan, or stormwater review that should be required and existing homeowners need to be protected.

K. Fox agreed that staff would like to see that as well since homeowners who buy a home that is not done correctly ultimately end up complaining to Public Works despite the fact that the builder is the one that created the problem. K. Jones stated that the builders will not talk with the neighbors directly so the neighbors are left with no other recourse but to call Town Hall.

Staff confirmed that some additional requirements have been put on our forms above the County requirements and additional amendments are being reviewed to confirm they are within the legal rights to require which may lead to a future text amendment.

M. Jones asked if a grading plan is required on small lots. Staff stated that 1 acre or less does not require a grading plan but does require an erosion control. Staff is reviewing what administrative requirements can be required in the erosion control.

K. Jones asked what constitutes a minor subdivision. Staff responded that historically it was a farm that cut off an acre for a relative to build on. Now there are many different versions of minor subdivisions so in reviewing the standards we have to come up with something fair and equitable to all.

K. Jones asked if the minor subdivisions can be listed on the website in addition to the current development that is listed. Staff responded they will have to review if there is a way to

differentiate the minor subdivisions to identify a list of projects that staff would be able to realistically maintain.

Other Business

No other business.

Adjourn

Motion: T. Taylor made a Motion to Adjourn. J. Klutz seconded the motion.

Vote: The motion passed unanimously (6-0).

TA 22-05 (Attachment 8)

TA 22-05 was primarily intended to remove the subdivision sketch plan from a quasi-judicial process to an administrative process. In addition, TA 22-05 also included some technical clean-up of multiple provisions.

In the event the Huntersville Town Board does not approve moving subdivision sketch plans from a quasi-judicial process to an administrative process, staff recommends the technical clean-up changes be approved. **Below are the applicable Sections from the Subdivision Ordinance:**

1. Expedited Subdivision Review definition (pg. 5)
2. Planning Board definition (pg. 6)
3. Minor Thoroughfare definition (pg. 7)
4. Subdivision definition (pg. 8)
5. Subdivision Minor definition (pg. 9)
6. Section 4.100
7. Section 4.200
8. Section 4.220
9. Section 4.400
10. Section 4.600
11. Section 5.000
12. Section 6.200.11
13. Section 6.200.13
14. Section 6.200.15
15. Section 6.200.19
16. Section 6.400
17. Section 6.600
18. Section 6.850
19. Section 7.120
20. Section 7.210
21. Section 7.270
22. Section 7.290
23. Section 7.295
24. Section 7.300
25. Section 8.100
26. Section 8.110
27. Section 8.130
28. Section 8.140
29. Section 8.160
30. Section 8.200
31. Section 8.400
32. Section 8.500
33. Section 6.800
34. Section 6.810
35. Section 6.820
36. Section 8.120

Below are the applicable Sections from the Zoning Ordinance:

1. Section 3.2.3
2. Section 8.15
3. Section 14.3

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Lora Mastrofrancesco, Transportation Engineer/Project Manager

Date: July 18, 2022

Subject: Traffic Calming Measures on Greenway Drive

EXPLAIN REQUEST:

Consider decision on request for Traffic Calming Measures on Greenway Drive.

ACTION RECOMMENDED:

Adopt Traffic Calming Measures for Greenway Drive

FINANCIAL IMPLICATIONS:

Powell Bill - Street Maintenance

ATTACHMENTS:

1. Greenway Dr - Options

Greenway Drive
Approximate Speed Hump
Layout - Alternate 1

GILEAD ROAD

Future Road
Connection

Suggested
location of Speed
Humps

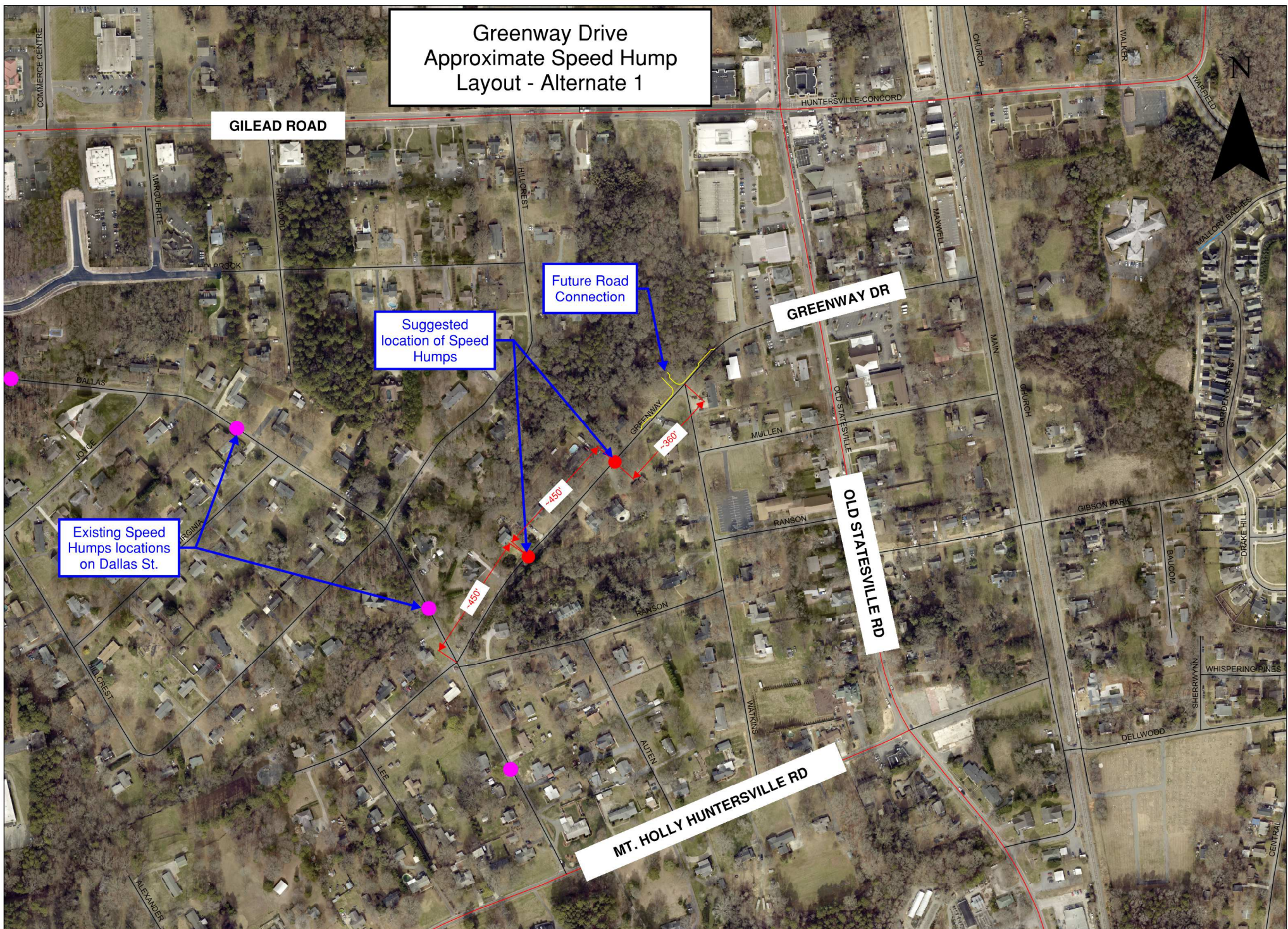
Existing Speed
Humps locations
on Dallas St.

GREENWAY DR

OLD STATESVILLE RD

MT. HOLLY HUNTERVILLE RD

N





Future Road
Connection

Suggested
location of Speed
Humps

GREENWAY DR

~360'

~450'

~450'

GREENWAY

MULLEN

OLD STATESVILLE
RD

OLD STATESVILLE RD

RANSON

RANSON

PINEWOOD

LLOCREST

Greenway Drive
Approximate Speed Hump
Layout - Alternate 2

GILEAD ROAD

Future Road
Connection

Suggested
location of Speed
Humps

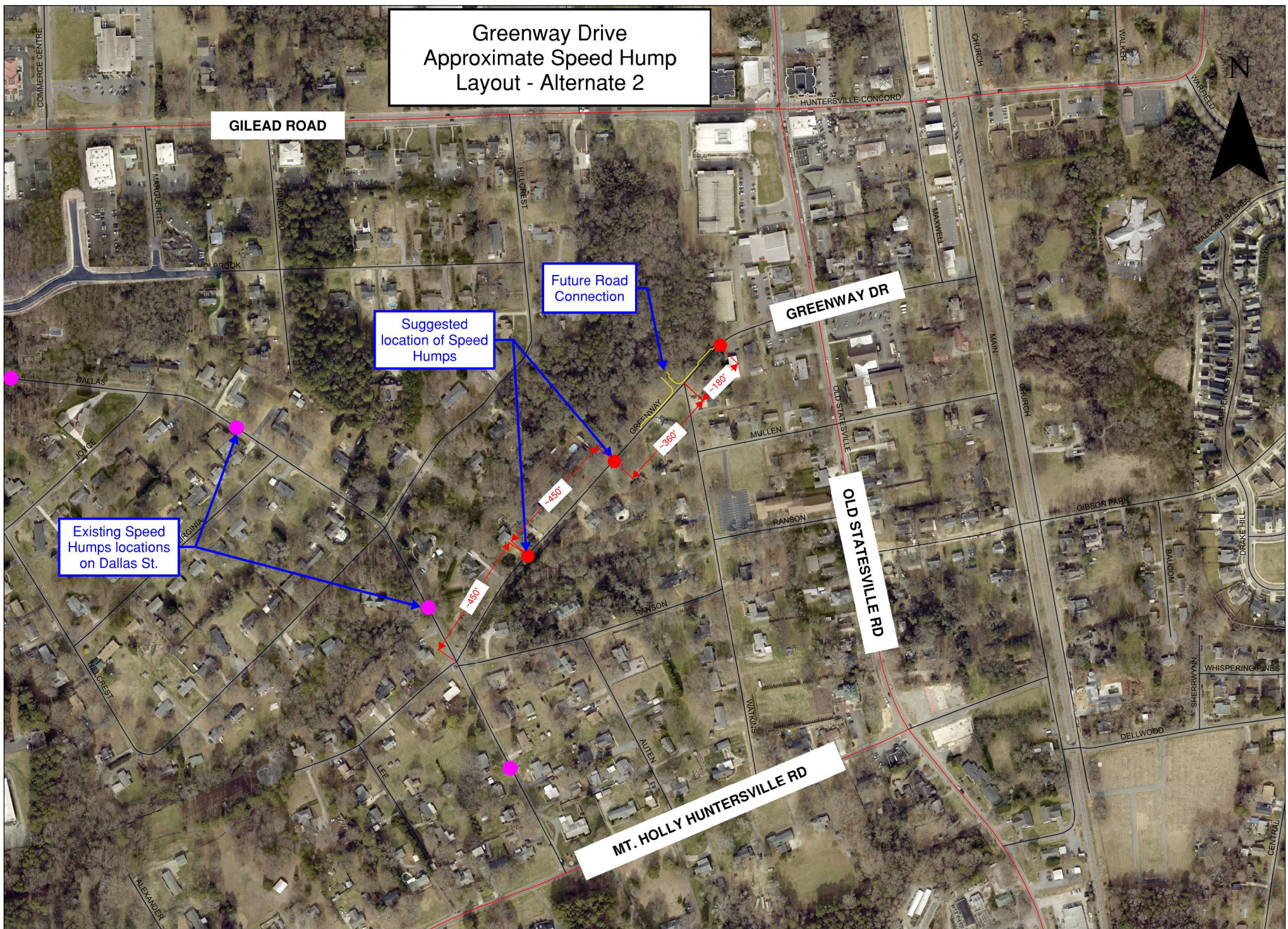
Existing Speed
Humps locations
on Dallas St.

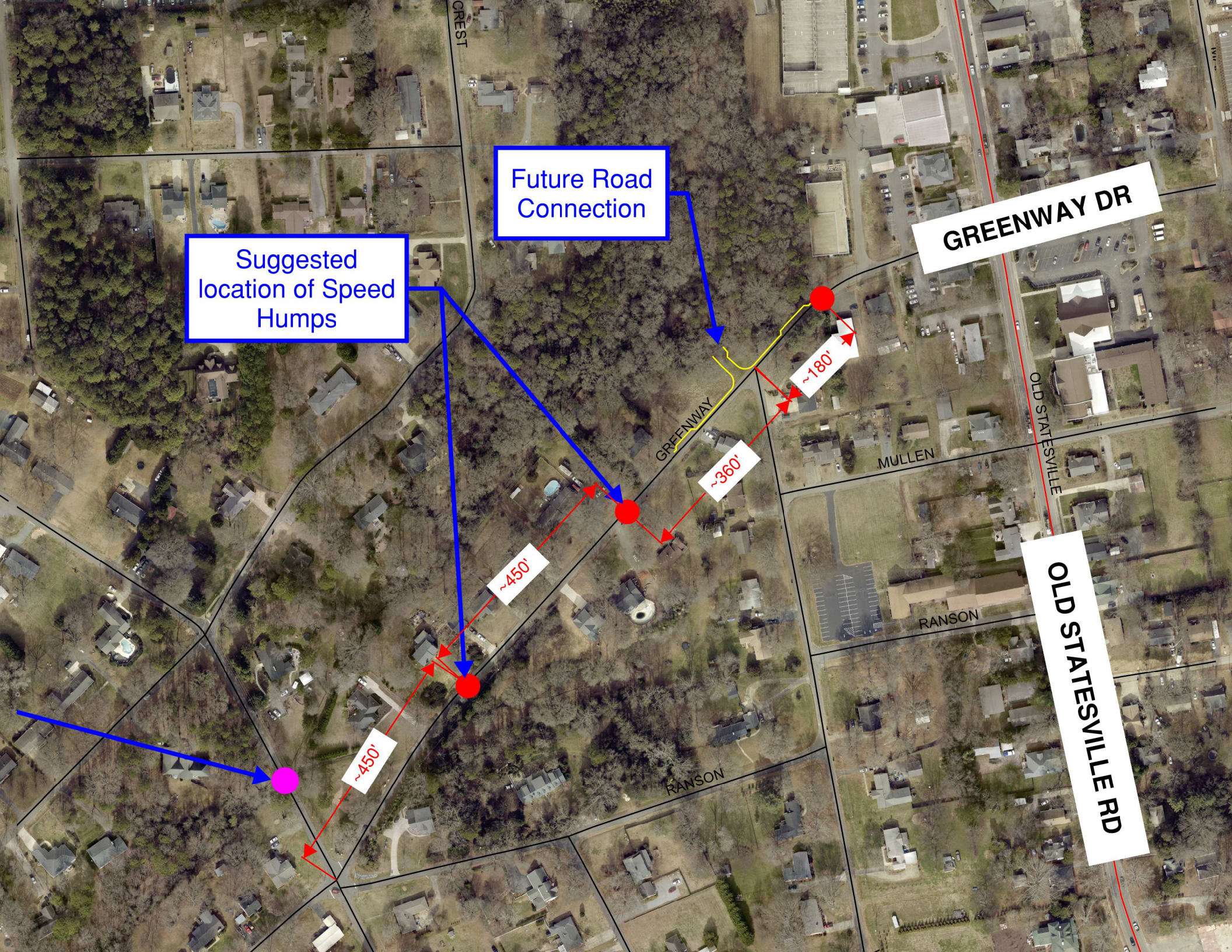
GREENWAY DR

OLD STATESVILLE RD

MT. HOLLY HUNTERVILLE RD

N





Future Road
Connection

Suggested
location of Speed
Humps

GREENWAY DR

OLD STATESVILLE RD

GREENWAY

OLD STATESVILLE

MULLEN

RANSON

RANSON

~180'

~360'

~450'

~450'

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Kim Strickland, Public Information Officer

Date: July 18, 2022

Subject: 150th Anniversary Logo

EXPLAIN REQUEST:

Consider Approval of 150th Anniversary Logo.

ACTION RECOMMENDED:

Approve the 150th Anniversary Logo.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. LOGOS



1



2



3



4



5

**Town of Huntersville
Town Board
July 18, 2022**

To: Town Board

From: Tracy Houk, Assistant Director of Parks & Recreation

Date: July 18, 2022

Subject: Appointment to the GTBC - Term ending 2023

EXPLAIN REQUEST:

One of the members of the GTBC had to step down due to a job promotion and change in schedule. Term will end December 2023.

ACTION RECOMMENDED:

Appoint a new member to carry out the term through 2023.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

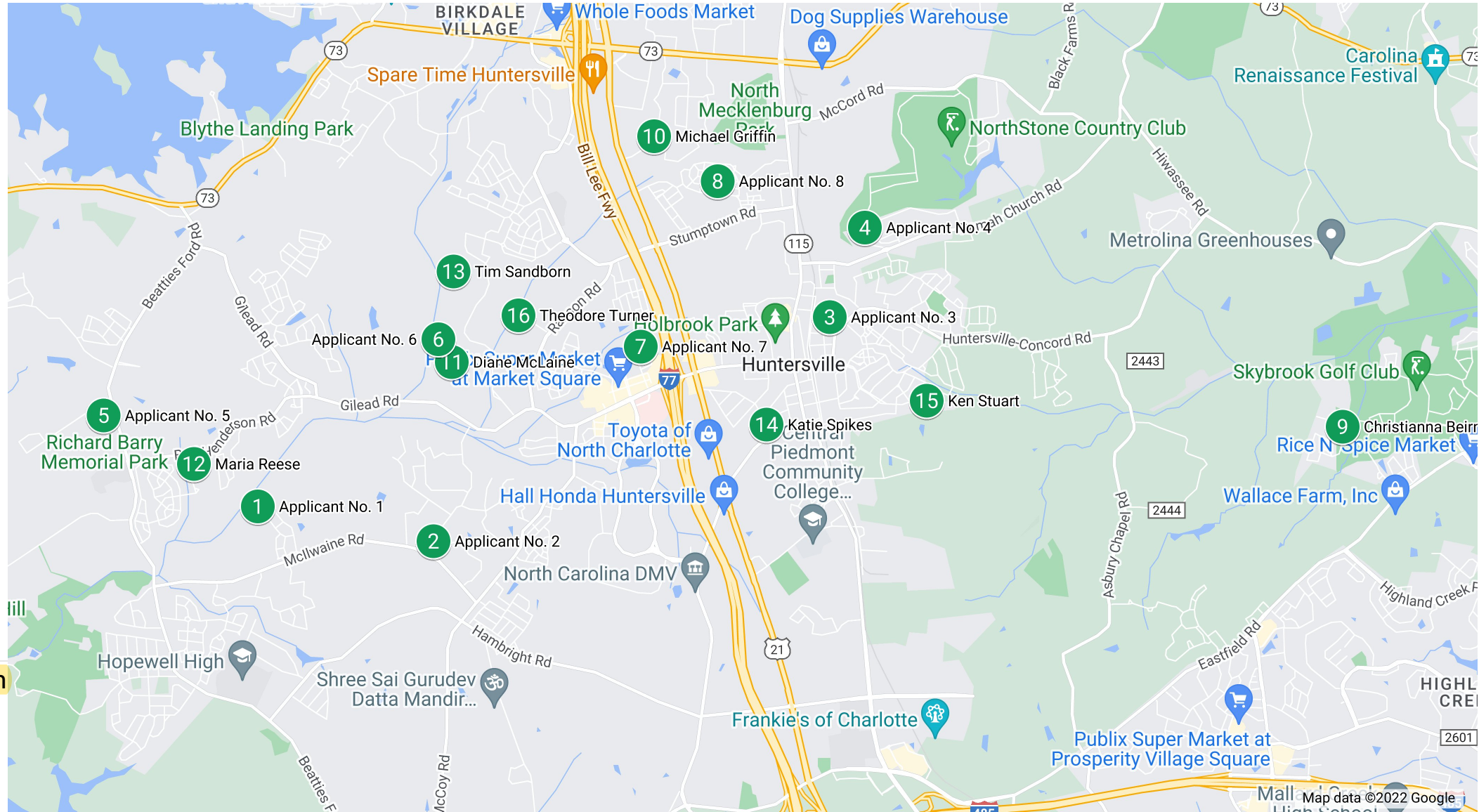
1. GTBC Map - July 2022 Opening
2. GTBC Applications - July 2022 Opening

July 2022 Greenway, Trail and Bikeway Commission & Candidates

GTBC Current Commissioners and Candidates

- 1 Applicant No. 1
- 2 Applicant No. 2
- 3 Applicant No. 3
- 4 Applicant No. 4
- 5 Applicant No. 5
- 6 Applicant No. 6
- 7 Applicant No. 7
- 8 Applicant No. 8
- 9 Christianna Beirne
- 10 Michael Griffin
- 11 Diane McLaine
- 12 Maria Reese
- 13 Tim Sandborn
- 14 Katie Spikes
- 15 Ken Stuart
- 16 Theodore Turner

New Candidates Highlighted in Yellow





Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Sunday, June 26, 2022 7:16 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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.

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City

Huntersville

State

NC

Zip Code

28078

Phone Number

Email Address

Present Occupation

Sr Mgr, HR Technology

Place of Employment

Charter Communications (Spectrum)

Approximate hours per month for
serving on Advisory Board

20 or more as needed

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On

Field not completed.

Education

MBA/HRM

Business &/or Civic Experience

20+ years in HR, managing people and processes,
advising on HR situations, writing company policies and
procedures.

Areas of Expertise and
Interests/Skills

HR, running/walking, people management and
organizational behavior, fundraising for various
organizations.



Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Wednesday, June 29, 2022 8:32 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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.

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City

Huntersville

State

NC

Zip Code

28078

Phone Number

Email Address

Present Occupation

Marketing Strategy & Sales

Place of Employment

Bobit Business Media

Approximate hours per month for serving on Advisory Board

As needed

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On

Currently not serving on any.

Education

M.S. in Ministry - Pepperdine University

Business &/or Civic Experience

B2B Marketing Consultant; Certified Secondary Ed. Teacher; Non-Profit Organizational Leader

Areas of Expertise and Interests/Skills

- Community Development
- Health and Wellness For Youth and Family
- Holistic Fitness
- Coaching



Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Wednesday, June 8, 2022 10:10 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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.

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State Nc

Zip Code 28078

Phone Number

Email Address

Present Occupation Sales manager

Place of Employment Siemens

**Approximate hours per month for
serving on Advisory Board** 4

**Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On** None

Education Undergrad from UGA and MBA from NC State

Business &/or Civic Experience Field not completed.

**Areas of Expertise and
Interests/Skills** Mountain biking

Electronic Signature Agreement I agree.

Electronic Signature

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Friday, June 10, 2022 8:43 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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.

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City

Huntersville

State

NC

Zip Code

28078

Phone Number

Email Address

Present Occupation

Project Manager

Place of Employment

Gaylor Electric, Inc.

Approximate hours per month for
serving on Advisory Board

4-8

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On

None

Education

Bachelors Science - Electrical Engineering Technology

Business &/or Civic Experience

Project Manager of electrical construction projects. I understand planning, financial, logistics, and cost/benefit analysis of projects.

Areas of Expertise and
Interests/Skills

Generally interested in expanding activity in the area of Huntersville. I would love to be a part of helping the process of connecting our locals greenways and trails

within Huntersville and neighboring towns. I would not consider myself an "avid" cyclist, but my wife and I often go for bike rides within our community and I feel that Huntersville could be more bike friendly for casual/family cycling groups. Moving this process forward is very important to me.

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Tuesday, June 21, 2022 12:42 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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.

Greenway, Trail, & Bikeway Commission Application

First Name	
Last Name	
Address	
City	Huntersville
State	North Carolina
Zip Code	28078
Phone Number	
Email Address	
Present Occupation	Information Risk Management
Place of Employment	MUFG
Approximate hours per month for serving on Advisory Board	20
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	Field not completed.
Education	B.A. in Computer Information Systems
Business &/or Civic Experience	Graduate of Huntersville 101 (2022)
Areas of Expertise and Interests/Skills	Avid hiker who uses the greenways and trails in Huntersville and surrounding area on a weekly basis.
Electronic Signature Agreement	I agree.
Electronic Signature	



Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Saturday, July 2, 2022 1:19 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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.

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City

Huntersville

State

NC

Zip Code

28078

Phone Number

Email Address

Present Occupation

Mechanic

Place of Employment

Hendrick Motorsports

Approximate hours per month for
serving on Advisory Board

6-10

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On

Field not completed.

Education

Associates degree

Business &/or Civic Experience

Field not completed.

Areas of Expertise and
Interests/Skills

Outdoor enthusiast, mountain biking, scuba diving,
backpacking.

Electronic Signature Agreement

I agree.

Electronic Signature

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Wednesday, July 6, 2022 1:02 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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.

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City

Huntersville

State

NC

Zip Code

28078

Phone Number

Email Address

Present Occupation

Retired RN

Place of Employment

Field not completed.

**Approximate hours per month for
serving on Advisory Board**

10

**Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On**

Field not completed.

Education

Master of Science

Business &/or Civic Experience

Past advocate for safe nurse-to-patient staffing levels in hospitals and nursing homes in NYS. Experience in testimony communication with the New York State Department of Health.

**Areas of Expertise and
Interests/Skills**

I am a member of the Citizens' Climate Lobby (Charlotte Chapter). cclusa.org.

2

I am keenly aware of the threat of global warming, and the impact which automobile emissions have on it. I would be proud to be part of a commission that facilitates greenways, trails, and bikeways within the town of Huntersville.

It seems to me that if residents have easy access to such amenities they will be less inclined to travel by car to other areas which offer such forms of recreation.

This is not even mentioning the great health benefits that walking, hiking, and cycling provide! The more opportunities for people to be outdoors enjoying what nature has to offer, the more they will be conscious of the effects of global warming.

Neighboring towns such as Mooresville and Davidson have committees that support environmental protection within their town governments.

I am thinking that perhaps my work (if accepted) on the Greenway, Trail, and Bikeway Commission will educate me about the processes of the commission and ways in which Huntersville can work to reduce greenhouse gas emissions so that walking, hiking, and cycling will continue to be viable activities which are possible in our town.

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

81

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Friday, July 8, 2022 5:48 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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.

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City

Huntersville

State

NC

Zip Code

28078

Phone Number

Email Address

Present Occupation

Proposal Manager

Place of Employment

Basware

Approximate hours per month for serving on Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On NA

Education

BA The Catholic University of America 1991

Business &/or Civic Experience

Worked on Wall St 20+ years. Experience working with and for enterprise software companies. Entrepreneur who built a thriving copywriting business.

Areas of Expertise and Interests/Skills

I am a copywriter and have sales/business skills.

I moved to Huntersville in 2003 and raised 4 kids here.



Huntersville Elementary, Bailey Middle, Hough HS. I've been to all of the parks in Huntersville and surrounding areas. I bike at N. Meck park. I've coached numerous youth sports for over 10 years while my children were growing up.

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)