



AGENDA
Ordinance Advisory Board Meeting
August 4, 2022 - 3:30 PM
TOWN HALL (101 HUNTERSVILLE-CONCORD ROAD)

Live Stream- Members of the public may view or access the meeting on Facebook Live at <https://www.facebook.com/HuntersvilleNCTownGovernment> or YouTube at <https://www.youtube.com/channel/UCgqiipdJL0ywl-LZrcN5MpQ/featured>.

Roll Call/Quorum

1. Adoption of Minutes

- 1.A. Consider adoption of the June 2, 2022 minutes of the meeting (*Tracy Barron*)

2. Public Comments

3. New Business

- 3.A. Consider a recommendation on TA 22-06, a request by the Irvin Law Group to increase the building height limits for Hotels and Commercial Uses within pedestrian-oriented developments. (*Nathan Farber*)
- 3.B. Consider a recommendation for TA22-09, a request by Ultimate Athlete, LLC to change the definition of Indoor Recreation Use to allow for accessory outdoor use. (*Jesse James*)
- 3.C. Consider a recommendation for TA22-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income. (*Kayleigh Mielenz*)
- 3.D. Consider a recommendation for TA22-10, a request by the Huntersville Planning Department to amend Article 8.2 of the Zoning Ordinance and Section 6.800 of the Subdivision Ordinance to exclude single-family detached homes from multi-building sites on one lot, with an exception for age restricted developments. (*Nathan Farber*)

4. Other Business

5. Adjourn

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).

**Town of Huntersville
Ordinance Advisory Board
August 4, 2022**

To: Ordinance Advisory Board

From: Nathan Farber, Planner I

Date: August 4, 2022

Subject:

EXPLAIN REQUEST:

Consider a recommendation on TA 22-06, a request by the Irvin Law Group to increase the building height limits for Hotels and Commercial Uses within pedestrian-oriented developments.

ACTION RECOMMENDED:

Recommendation

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA 22-06 Text Amendment Application_6.1.22_NAP executed
2. TA22-06 Revised Text Formated to Ordinance
3. Birkdale Village Office-Hotel Rezoning



Text Amendment Application

Date of Application 6/1/22

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

Description of Change

Proposed text amendment will affect the following:

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

See Attachment

Current Ordinance

See Attachment

Proposed Text

See Attachment

**Reason for Proposed
Change**

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 DDRTC Birkdale Village, LLC

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

Signature  Date June 1, 2022

Title Sr. VP Development Email mike.lant@naproperties.com

Address of Applicant 1175 Peachtree St., Suite 1650 Atlanta, GA 30361

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: _____

Staff Initials: _____

ATTACHMENT TO TEXT AMENDMENT

Ordinance: Huntersville Zoning Ordinance

Articles/Sections:

Article 4 – LOT & BUILDING TYPES, Urban Workplace, Permitted Height & Uses

Article 9 – CONDITIONS FOR CERTAIN USES, Article 9.45, Hotels & Motels

Party Proposing the Amendment: DDRTC Birkdale Village, LLC (“Owner”) is proposing this Text Amendment as the owner of the property located in the Highway Commercial District at the intersection of NC 73 and Birkdale Commons Parkway (Birkdale Village), Huntersville, North Carolina, Tax Parcel Numbers: 00537157 and 00537197

Reason for Requested Change:

1. The proposed amendment is consistent with the Purposes of the Huntersville Zoning Ordinance (the “Ordinance”) as set forth in Article 1.2 which states that the purpose of the zoning regulations is to encourage the most appropriate use of land throughout the corporate area in accordance with the Huntersville 2040 Community Plan (the “Community Plan”) and other adopted long-range plans for the Town of Huntersville.
2. The proposed amendment is consistent with the Goals of the Community Plan including the following:
 - a. **Activated Mixed-Use and Activity Centers.** Creation of vibrant, pedestrian-accessible mixed-use areas with restaurants, small businesses, and housing.
 - b. **Growth Management.** Focus growth near the central core and limit growth in less developed areas.
 - c. **Economic Development.** Balance the tax base, encourage entrepreneurship and attract target industries.
 - d. **Housing Options.** Encourage walkable housing options and address affordability. Improve link between new housing and adequate transportation facilities.
 - e. **Transportation.** Improve streets and sidewalks and expand transportation options.
3. The proposed amendment is consistent with the Land Use Policy Recommendations in the Community Plan by encouraging higher density development in the I-77/NC-115 corridor and Mixed-Use Centers.
4. The proposed amendment is consistent with the Economic Vitality Policy Recommendations in the Community Plan by balancing and expanding the local economy through several avenues, including, supporting job growth, encouraging existing economic assets, and leveraging partnerships to encourage economic development.

5. As set out below, the proposed amendment is consistent with the purpose of Strategic Economic Development Plan in “Section 1. Executive Summary, A. Project Background”

(“Huntersville’s purpose in developing a Strategic Economic Development Plan (SEDP) is to promote job creation, private investment and tax base expansion while maintaining a high quality of life, including preservation of the Town’s natural, scenic, cultural and historic assets.”):

- a. Helps to promote the economic health and stability of mixed-use and employment centers by allowing for smart and controlled expansion;
 - b. Benefits the existing businesses in Birkdale by maximizing the current inventory of non-residentially-zoned land;
 - c. Increases private investment and tax base expansion by utilizing current assets to attract new commercial uses, and provide tourism benefits to the Town.
 - d. Provides a high quality of life by offering commercial activities while maintaining the character of the development.
6. The proposed amendment does not allow an overall increase in the height of structures within the Highway Commercial District, but only allows an increase in the height of a structure located, at the time of construction, within a project that meets the requirements of Article 3.2.7 d) 4 b). To meet these requirements a development must be pedestrian-oriented with a system of streets and blocks that is anchored by retail, restaurant and entertainment uses. Additionally, at least one parking space per dwelling unit must be replaced in a parking deck located on the interior of the block, and at least 20% of the habitable first-floor area must be devoted to commercial uses.

This exception provides full-time population which animates the streets, supports businesses on a daily basis, and decreases the Project’s dependence on private vehicles. The maximum height of a structure in the Highway Commercial Zoning District will not be increased by the adoption of this amendment unless a development meets these strict requirements.

Proposed Changes to the Ordinance:

In order to accomplish this purpose, Owner proposes the following changes to the Ordinance:

1. Add an additional provision to Article 4, “Urban Workplace, Permitted Height & Uses” as follows:
 - o 5. Any structure which is located within a pedestrian-oriented development that meets the requirements of Article 3.2.7 d) 4 b), may exceed the permitted building height of the zoning district, not to exceed one hundred forty-five feet (145’), subject to a Special Use Permit, provided that:
 - a. The structure is separated by a distance of no less than three (3) times the height of the proposed structure closest to the common

lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.

- b. That all other site design requirements stated in this code are met.
- c. That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

2. Add an additional paragraph .4 to Article 9.45 as follows:

.4 Any structure in which a hotel or motel is a principal or accessory use and is located within a development that meets the requirements of Article 3.2.7 d) 4 b), may exceed the permitted building height of the zoning district, not to exceed one hundred forty-five feet (145'), subject to Special Use Permit and the requirements of Article 9.45.2.

TA 22-06: Increase hotel, motel, and commercial use structures with a special use permit in HC district.

**AN ORDINANCE AMENDING ARTICLE 3.2.7(a), 4, 9.45 AND 9.63 OF THE ZONING ORDINANCE
AMENDING THE PERMITTED BUILDING HEIGHT WITHIN PEDESTRIAN-ORIENTED DEVELOPMENT**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.7(a) Highway Commercial District “Uses permitted with special use permits” of the Zoning Ordinance be amended as follows:

- **commercial uses exceeding permitted building height, (9.63)**
- crematoriums, accessory, (9.56)
- halfway houses (9.55)
- hotels spaced less than 250’ from residential or mixed-use zones, (9.45)
- hotels exceeding permitted building height, (9.45)
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility, rooftop, minor non-residential that is noticeable on a roof slope facing a street, (9.54)
- solar energy facility, minor residential as follows: located on the façade elevation facing public street or common access; or located on the roof slope above the façade of the structure facing public street or common access, (9.54)
- wind energy facility minor, accessory, (9.53)

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4 be amended as follows:

4. Building Type / Urban Workplace

Permitted Height and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above, and are further controlled by zoning district standards.
5. **Hotels and Commercial uses in a urban workplace building type and associated parking decks in the Highway Commercial (HC) zoning district may exceed the maximum building height, not to exceed one hundred forty-five feet (145’), subject to the provisions of Article 9.45 and 9.63 as applicable.**

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.45 be amended as follows:

TA 22-06: Increase hotel, motel, and commercial use structures with a special use permit in HC district.

.4 Any structure for which a hotel or motel is a principal or accessory use and associated parking decks are located within a pedestrian-oriented development that meets the requirements of Article 3.2.7(d)(4)(b), may exceed the permitted building height of the zoning district, not to exceed one hundred forty-five feet (145'), subject to Special Use Permit and the requirements of Article 9.45.2.

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.63 be added to Article 9, "Conditions for Certain Uses" as follows:

9.63 – Commercial uses Exceeding Permitted Building Height

Any commercial use and associated parking decks in a urban workplace building type, which is located within a pedestrian-oriented development that meets the requirements of 3.2.7(d)(4)(b), may exceed the permitted building height of the zoning district, not to exceed one hundred forty-five feet (145'), subject to a special use permit, provided that:

- a) The structure is separated by a distance of no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.**
- b) That all other site design requirements stated in this Zoning Ordinance are met.**
- c) That vehicular access to the use will be provided only by way of major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.**

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.1 "General Definitions" of the zoning ordinance be amended as follows:

Parking Deck. An attached or detached structure composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles.

Section 6. That these amendments shall become effective upon approval by the Town Board of Commissioners.

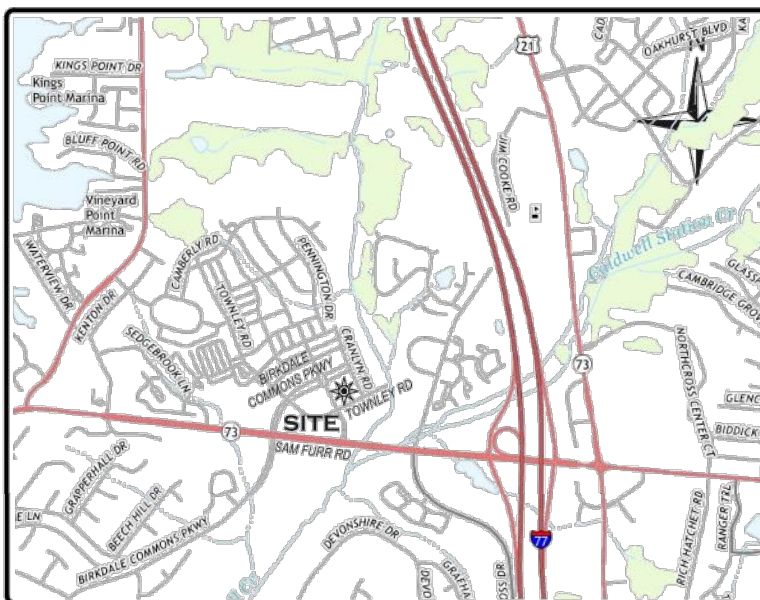
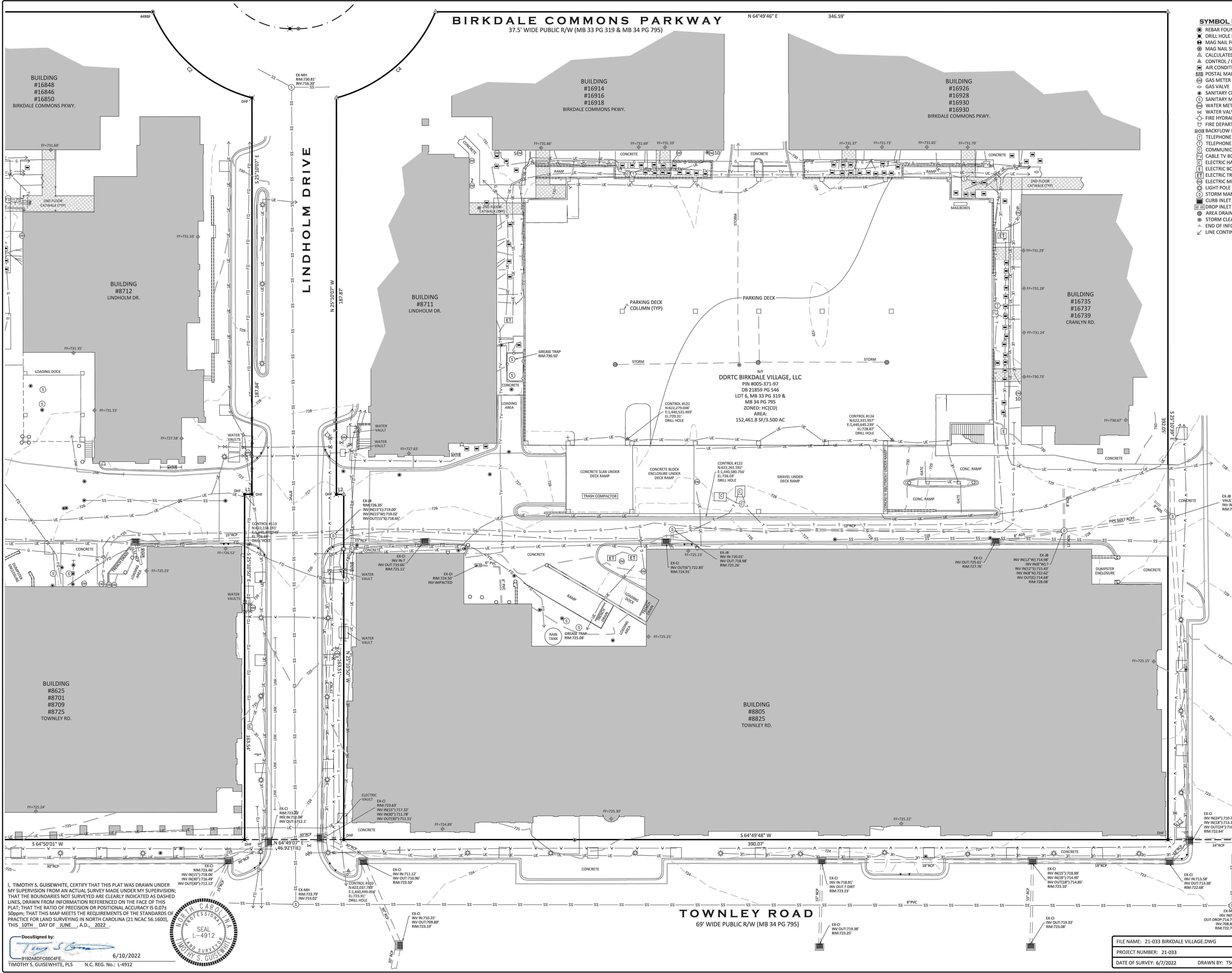
Huntersville Ordinance Advisory Board: August 4, 2022

Public Hearing Date: October 3, 2022

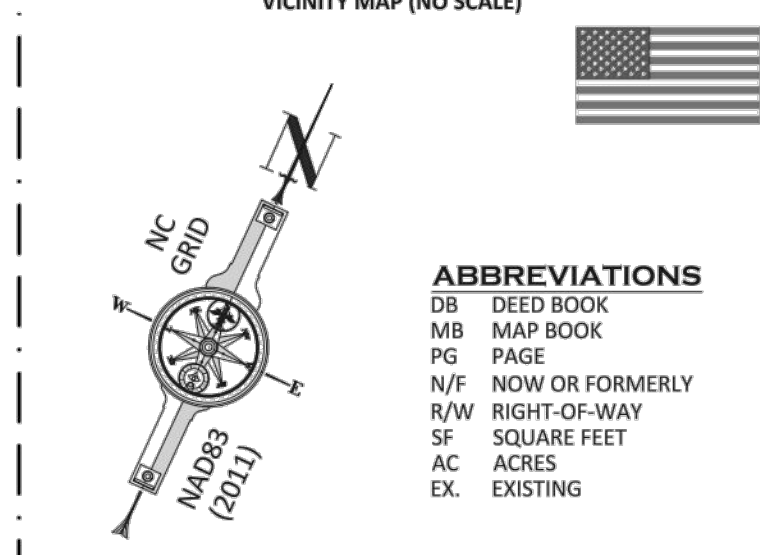
Planning Board Meeting: October 25, 2022

Town Board Meeting: November 21, 2022

TA 22-06: Increase hotel, motel, and commercial use structures with a special use permit in HC district.



- SYMBOL LEGEND**
- REBAR FOUND (RBF)
 - DRILL HOLE FOUND (DHF)
 - MAG NAIL FOUND (MNF)
 - MAG NAIL SET (MNS)
 - CALCULATED POINT (CP)
 - CONTROL / BENCHMARK
 - AIR CONDITIONER
 - POSTAL MAILBOX
 - GAS METER
 - GAS VALVE
 - SANITARY CLEAN OUT
 - SANITARY MANHOLE
 - WATER METER
 - WATER VALVE
 - FIRE HYDRANT
 - FIRE DEPARTMENT CONNECTION
 - BACKFLOW PREVENTER
 - TELEPHONE HAND HOLE
 - TELEPHONE BOX
 - COMMUNICATIONS HAND HOLE
 - CABLE TV BOX
 - ELECTRIC HAND HOLE
 - ELECTRIC BOX
 - ELECTRIC TRANSFORMER
 - ELECTRIC METER
 - LIGHT POLE
 - STORM MANHOLE
 - CURB INLET
 - STORM INLET
 - AREA DRAIN
 - STORM CLEAN OUT
 - END OF INFORMATION
 - LINE CONTINUES



ABBREVIATIONS

DB	DEED BOOK
MB	MAP BOOK
PG	PAGE
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
AC	ACRES
EX	EXISTING

LINE LEGEND

---	PROPERTY BOUNDARY
---	ADJACENT BOUNDARY (NOT SURVEYED)
---	PROPERTY BOUNDARY TIE LINE ONLY
---	RIGHT OF WAY LINE
---	EASEMENT LINE
---	CURB AND GUTTER
---	STORM DRAIN PIPE
---	HAND RAIL
---	SANITARY SEWER PIPE
---	FIBER OPTIC MARKOUT
---	TELECOMMUNICATIONS MARKOUT
---	TELEVISION MARKOUT
---	UNDERGROUND ELECTRIC MARKOUT
---	GAS MARKOUT
---	WATERLINE MARKOUT
---	UNKNOWN UTILITY

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	688.95	125.80	125.80	N 59°37'48" E
C2	70.50	64.32	62.11	S 74°17'30" E
C3	20.50	24.07	22.71	N 82°40'38" W
C4	70.50	64.30	62.09	N 23°54'55" E

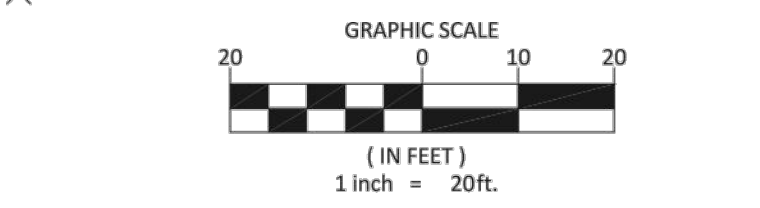
LINE TABLE

LINE	BEARING	DISTANCE
L1	S 64°45'52" W	3.49
L2	S 64°49'10" W	3.47

- NOTES:**
- THIS PLAT IS NOT INTENDED FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
 - THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. GUISEWHITE PROFESSIONAL LAND SURVEYING, PC DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
 - ALL CORNERS MONUMENTED AS SHOWN.
 - BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
 - PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
 - NO NORTH CAROLINA GEODETIC SURVEY HORIZONTAL CONTROL IS LOCATED WITHIN 200' OF THIS SITE.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SHOWN.
 - AREAS COMPUTED BY COORDINATE GEOMETRY.
 - THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. ALL UTILITIES SHOWN HEREON ARE SUBJECT TO VERIFICATION.
 - ANY ZONING & SETBACK INFORMATION SHOWN HEREON IS PER INFORMATION AVAILABLE AT THE TIME OF SURVEY AND IS SUBJECT TO VERIFICATION AND INTERPRETATION BY GOVERNING AUTHORITIES.

PLAT SHOWING A BOUNDARY & TOPOGRAPHIC SURVEY

PREPARED FOR:
DDRTC BIRKDALE VILLAGE, LLC
LOT 6, BIRKDALE VILLAGE - MAP 1
(MAP BOOK 34 PAGE 795)
TOWN OF HUNTERSVILLE
MECKLENBURG COUNTY
NORTH CAROLINA
DEED REFERENCE:
DB 21859, PG 546
TAX PARCEL ID #005-371-97



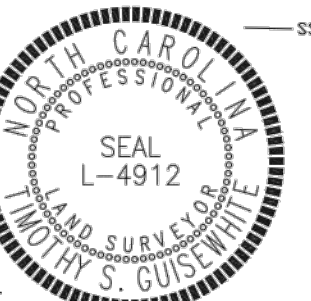
GUISEWHITE PROFESSIONAL LAND SURVEYING, PC

GPLS

P.O. BOX 680388
CHARLOTTE, NC 28216
(704) 530-1700 NC FIRM #C-4411

I, TIMOTHY S. GUISEWHITE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 0.07250ppm; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600), THIS 10TH DAY OF JUNE, A.D., 2022.

DocuSigned by:
Timothy S. Guisewhite
9182A8DFC684FE
TIMOTHY S. GUISEWHITE, PLS
N.C. REG. NO. L-4912
6/10/2022



REVISIONS:

FILE NAME:	21-033 BIRKDALE VILLAGE.DWG
PROJECT NUMBER:	21-033
DATE OF SURVEY:	6/7/2022
DRAWN BY:	TSO

CONTROL #108
N=622,187.962'
E=1,435,768.273'
EL:734.95'
MAG NAIL

TOWNLEY ROAD
69' WIDE PUBLIC R/W (MB 34 PG 795)

BIRKDALE COMMONS PARKWAY
37.5' WIDE PUBLIC R/W (MB 33 PG 319 & MB 34 PG 795)

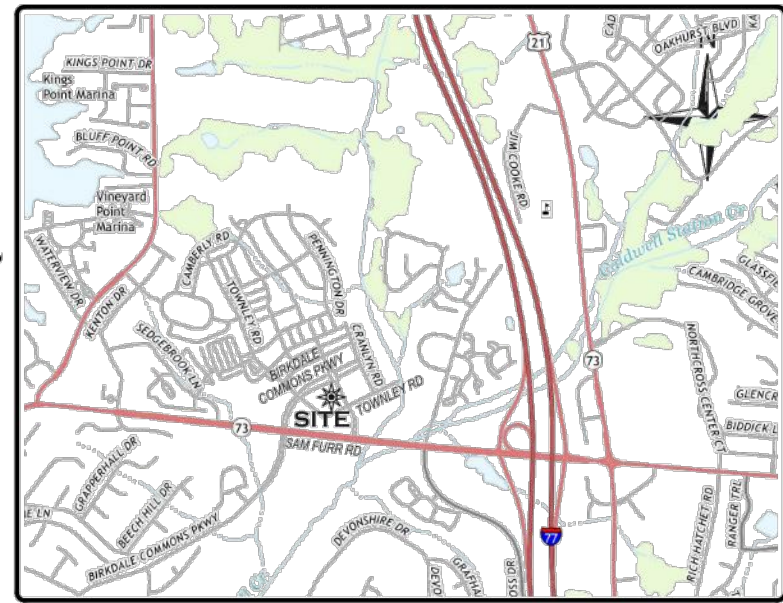
CONTROL #116
N=622,291.463'
E=1,440,090.441'
EL:731.02'
DRILL HOLE

CONTROL #119
N=622,349.426'
E=1,440,193.545'
EL:731.46'
DRILL HOLE

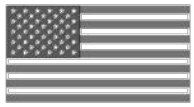
CONTROL #112
N=622,349.882'
E=1,440,301.896'
EL:731.32'
DRILL HOLE (PROPERTY CORNER)

BUILDING
#16836
#16838
#16840
#16842
BIRKDALE COMMONS PKWY.

BUILDING
#16848
#16846
#16850
BIRKDALE COMMONS PKWY.



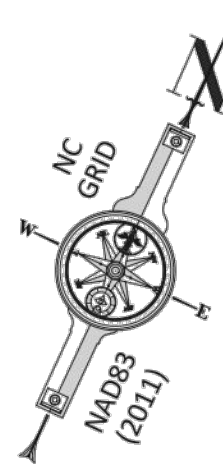
VICINITY MAP (NO SCALE)



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	688.95'	125.86'	125.68'	N 59°17'40" E
C2	70.50'	64.32'	62.11'	S 74°17'30" E
C3	20.50'	24.07'	22.71'	N 82°40'38" W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 64°45'52" W	3.49'

N/F
DDRTC BIRKDALE VILLAGE, LLC
PIN #005-371-97
DB 21859 PG 546
LOT 6, MB 33 PG 319 &
MB 34 PG 795
ZONED: HC(CD)
8711 - 8715 LINDHOLM DR.
16735 - 16739 CRANLYN RD.
8805 - 8825 TOWNLEY RD.
16916 - 16932 BIRKDALE COMMONS PKWY.



LINE LEGEND

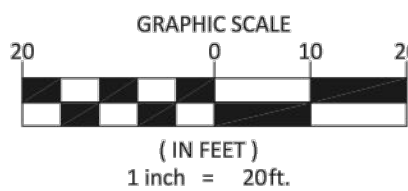
---	PROPERTY BOUNDARY
---	ADJACENT BOUNDARY (NOT SURVEYED)
---	PROPERTY BOUNDARY TIE LINE ONLY
---	RIGHT OF WAY LINE
---	EASEMENT LINE
---	CURB AND GUTTER
---	STORM DRAIN PIPE
---	HAND RAIL
---	SANITARY SEWER PIPE
---	FIBER OPTIC MARKOUT
---	TELECOMMUNICATIONS MARKOUT
---	TELEVISION MARKOUT
---	UNDERGROUND ELECTRIC MARKOUT
---	GAS MARKOUT
---	WATERLINE MARKOUT
---	UNKNOWN UTILITY

SYMBOL LEGEND

●	REBAR FOUND (RFB)
✕	DRILL HOLE FOUND (DHF)
⊙	MAG NAIL FOUND (MNF)
⊙	MAG NAIL SET (MNS)
△	CALCULATED POINT (CP)
⊙	SURVEY CONTROL POINT
⊙	AIR CONDITIONER
⊙	POSTAL MAILBOX
⊙	GAS METER
⊙	GAS VALVE
⊙	SANITARY CLEAN OUT
⊙	SANITARY MANHOLE
⊙	WATER METER
⊙	WATER VALVE
⊙	FIRE HYDRANT
⊙	FIRE DEPARTMENT CONNECTION
⊙	BACKFLOW PREVENTER
⊙	TELEPHONE HAND HOLE
⊙	TELEPHONE BOX
⊙	COMMUNICATIONS HAND HOLE
⊙	CABLE TV BOX
⊙	ELECTRIC HAND HOLE
⊙	ELECTRIC BOX
⊙	ELECTRIC TRANSFORMER
⊙	ELECTRIC METER
⊙	LIGHT POLE
⊙	STORM MANHOLE
⊙	CURB INLET
⊙	DROP INLET
⊙	AREA DRAIN
⊙	STORM CLEAN OUT
⊙	END OF INFORMATION
⊙	LINE CONTINUES

ABBREVIATIONS

DB	DEED BOOK
MB	MAP BOOK
PG	PAGE
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
AC	ACRES
EX	EXISTING



PLAT SHOWING A
BOUNDARY &
TOPOGRAPHIC SURVEY

PREPARED FOR:
DDRTC BIRKDALE VILLAGE, LLC
LOT 5, BIRKDALE VILLAGE - MAP 1
(MAP BOOK 34 PAGE 795)
TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY
NORTH CAROLINA
DEED REFERENCE: DB 21859, PG 546
TAX PARCEL ID #005-371-57

GUISEWHITE PROFESSIONAL
LAND SURVEYING, PC

GPLS

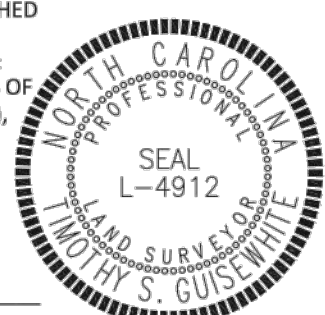
P.O. BOX 680388
CHARLOTTE, NC 28216
(704) 530-1700 NC FIRM #C-4411

NOTES:

- THIS PLAT IS NOT INTENDED FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. GUISEWHITE PROFESSIONAL LAND SURVEYING, PC DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
- ALL CORNERS MONUMENTED AS SHOWN.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
- NO NORTH CAROLINA GEODETIC SURVEY HORIZONTAL CONTROL IS LOCATED WITHIN 2000' OF THIS SITE.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SHOWN.
- AREAS COMPUTED BY COORDINATE GEOMETRY.
- THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. ALL UTILITIES SHOWN HEREON ARE SUBJECT TO VERIFICATION.
- ANY ZONING & SETBACK INFORMATION SHOWN HEREON IS PER INFORMATION AVAILABLE AT THE TIME OF SURVEY AND IS SUBJECT TO VERIFICATION AND INTERPRETATION BY GOVERNING AUTHORITIES.

I, TIMOTHY S. GUISEWHITE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 0.07250ppm; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600), THIS 28TH DAY OF FEBRUARY, A.D., 2022.

Designed by:
9102ABDFC66C4FE
TIMOTHY S. GUISEWHITE, PLS
N.C. REG. NO.: L-4912

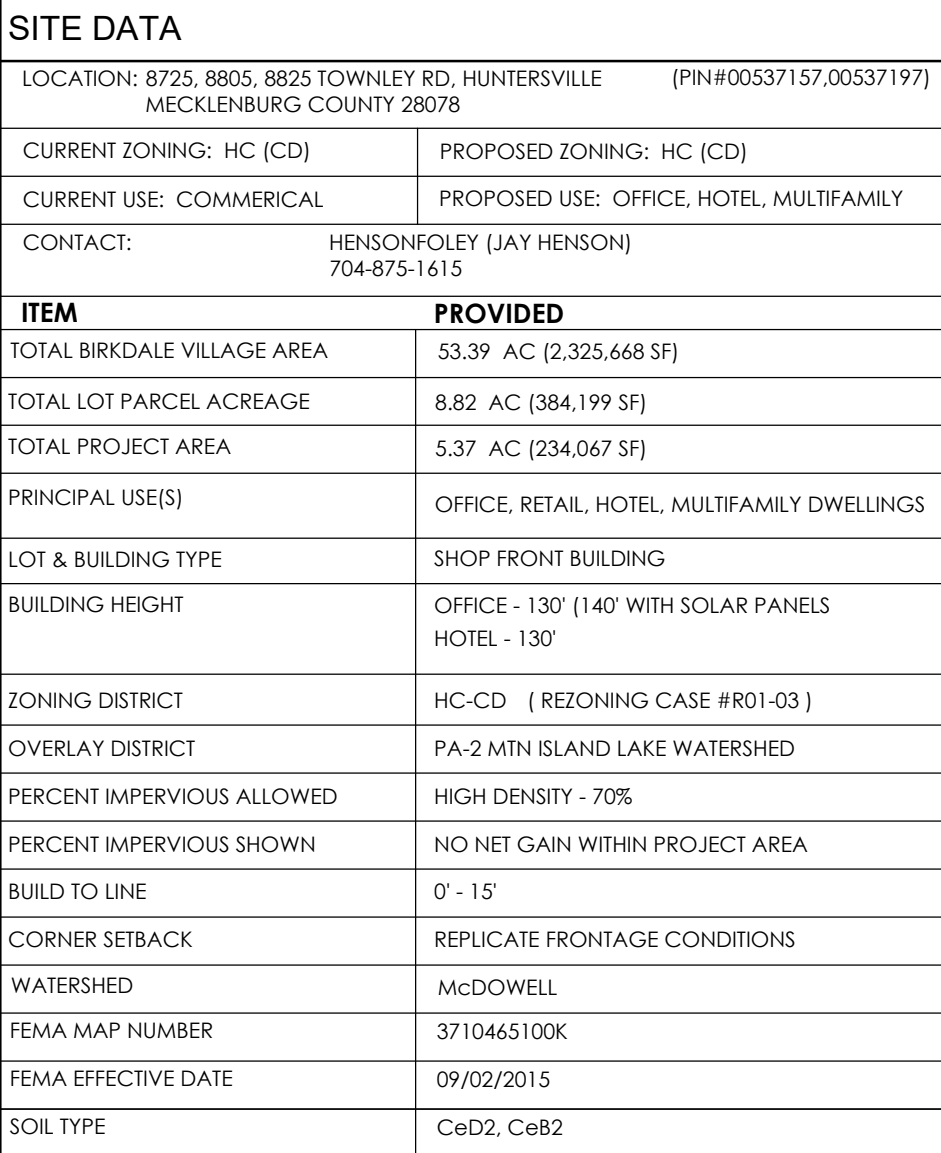


BUILDING
#8625
#8701
#8709
#8725
TOWNLEY RD.

TOWNLEY ROAD
69' WIDE PUBLIC R/W (MB 34 PG 795)

FILE NAME: 21-033 BIRKDALE VILLAGE.DWG
PROJECT NUMBER: 21-033
DATE OF SURVEY: XX/XX/2019
DRAWN BY: TSG

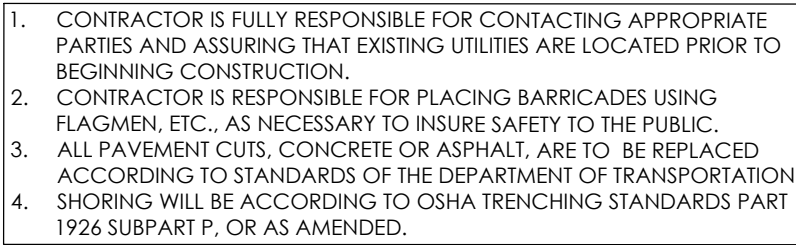
REVISIONS:



PARKING COUNT	
PROJECT SCOPE	
EXISTING PARALLEL PARKING	37
PROPOSED PARALLEL PARKING	32 (-5)
EXISTING DECK PARKING	272
PROPOSED DECK PARKING	1,003 (+731)
TOTAL PARKING TO BE ADDED	726 PARKING SPACES
TOTAL BIRKDALE VILLAGE	
EXISTING RESIDENTIAL SF (61 SPACES PER DWELLING UNIT (1 BR) 1.5 SPACES PER DWELLING UNIT (2+ BR))	164 (1 BR) X 1 = 164 SPACES 134 (2 BR) X 1.5 = 201 SPACES 22 (3 BR) X 1.5 = 33 SPACES TOTAL 398 PARKING SPACES
REQUIRED PARKING SPACES	
PROPOSED MULTI-FAMILY RESIDENTIAL SF (1.5 SPACES PER DWELLING UNIT 1.5 REQUIRED PARKING SPACES)	350 UNITS (350 X 1.5 = 525) 525 PARKING SPACES
EXISTING RETAIL/RESTAURANT SF 492 SPACES/1,000 SF	342.073 SF (342.07 x 2 = 684)
REQUIRED PARKING SPACES	684 PARKING SPACES
PROPOSED RETAIL/RESTAURANT SF 492 SPACES/1,000 SF	25,000 SF (25 x 2 = 50)
TOTAL REQUIRED PARKING SPACES	50 PARKING SPACES
EXISTING OFFICE SF 412 SPACES/1,000 SF	150,829 SF (150,829 x 2 = 302)
TOTAL REQUIRED PARKING SPACES	302 PARKING SPACES
PROPOSED OFFICE SF 492 SPACES/1,000 SF	150,000 SF (150 x 2 = 300)
TOTAL REQUIRED PARKING SPACES	300 PARKING SPACES
PROPOSED HOTEL SF 80.5 SPACES PER KEY + 1 PER 500 SF OF ANCILLARY USE	125 ROOMS (125X0.5 + 0 = 63)
TOTAL REQUIRED PARKING SPACES	63 PARKING SPACES
TOTAL REQUIRED PARKING SPACES (RESIDENTIAL + RETAIL/RESTAURANT + OFFICE/HOTEL)	2,322 PARKING SPACES
TOTAL EXISTING PARKING	1,862 PARKING SPACES
TOTAL PROVIDED PARKING (WITH NEW PARKING DECKS)	2,588 PARKING SPACES

PREVIOUSLY APPROVED GROSS AREA - MAX. ALLOWABLE DEVELOPMENT	INDOOR MOVIE THEATRE - 75,000 SF RETAIL/RESTAURANT - 275,000 SF OFFICE - 160,000 SF RESIDENTIAL - 320 UNITS
EXISTING DEVELOPMENT	INDOOR THEATRE - 53,270 SF RETAIL/RESTAURANT - 252,090 SF OFFICE - 150,829 SF RESIDENTIAL - 320 UNITS
PROPOSED DEVELOPMENT (AS A PART OF THIS REZONING)	INDOOR THEATRE - 53,270 SF RETAIL/RESTAURANT - 277,090 SF (+25,000 SF) OFFICE - 300,829 SF (+150,000 SF) RESIDENTIAL - 670 UNITS (+350 UNITS) HOTEL - 125 ROOMS

ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL SITE AREA WITHIN PROJECT LIMITS	234,067 SF	5.37 AC	N/A
EXISTING IMPERVIOUS WITHIN PROJECT LIMITS	232,887 SF	5.35 AC	99.50 %
TOTAL BUA WITHIN PROJECT LIMITS	232,887 SF	5.35 AC	99.50 %
TOTAL PROPOSED PERVIOUS	1,180 SF	0.03 AC	0.50 %
NET IMPERVIOUS GAIN WITHIN PROJECT LIMITS	0 SF		
TOTAL IMPERVIOUS (ALL OF BIRKDALE VILLAGE)	1,582,970 SF	36.34 AC	



REZONING PLAN

[illegible]

Z03

GENERAL NOTES:

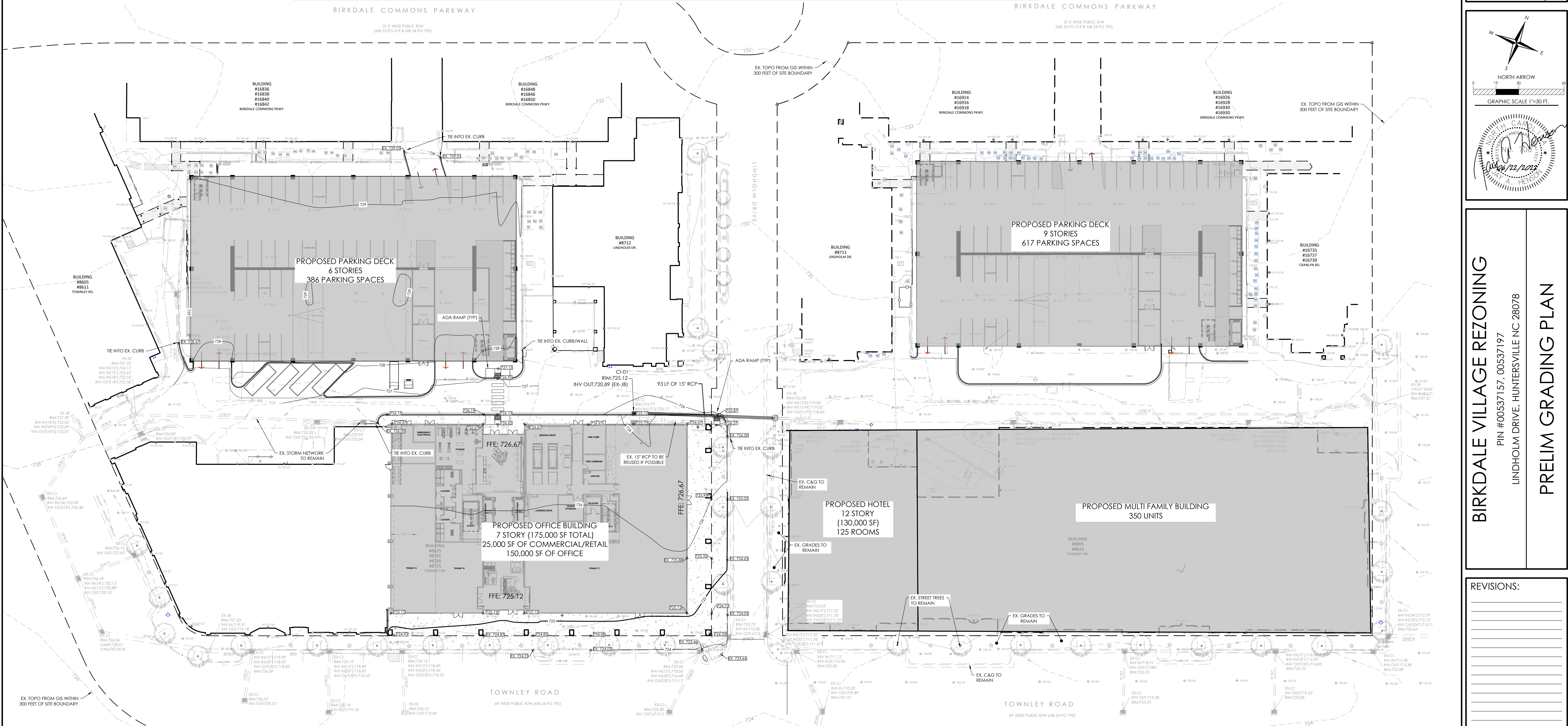
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
- THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
- COMMUNITY ENCROACHMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL GRADING IS COMPLETED.
- ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED AS FLOODWAY DISTRICT FRINGE BOUNDARY LINE OR FLOODWAY DISTRICT ENCROACHMENT BOUNDARY LINE IS SUBJECT TO THE RESTRICTIONS IMPOSED BY THE FLOODWAY REGULATIONS OF THE TOWN OF HUNTERSVILLE AND MECKLENBURG COUNTY.
- THE MECKLENBURG COUNTY ENGINEERING DEPARTMENT HAS NOT REVIEWED THE STRUCTURAL STABILITY OF ANY RETAINING WALLS ON THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.
- NON-STANDARD ITEMS (I.E.: PAVERS, IRRIGATION SYSTEMS, ETC.) IN THE RIGHT-OF-WAY REQUIRE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BEFORE INSTALLATION.
- ALL ROOF DRAINS TO CONNECT TO UNDERGROUND STORM DRAINAGE SYSTEM.

NOTE: ALL SPOT ELEVATIONS ARE TO FACE OF CURB
UNLESS OTHERWISE NOTED

GENERAL NOTES:

- ALL STORM WATER CATCH BASINS, INLETS, MANHOLES, ETC. SHALL BE PERMANENTLY LABELED AS "NO DUMPING, DRAINS TO RIVER" AND INCLUDE A FISH SYMBOL.
- SOIL FILL (GEOTECH REPORT SHALL TAKE PRECEDENCE OVER THIS SPECIFICATION IF EXISTS).
- FLOW, SCARIFY, BENCH, OR BREAK UP SLOPED SURFACES STEEPER THAN 1 VERTICAL TO 4 HORIZONTAL SO FILL MATERIAL WILL BOND WITH EXISTING MATERIAL.
- PLACE AND COMPACT FILL MATERIAL IN LAYERS TO REQUIRED ELEVATIONS AS FOLLOWS:
 - UNDER GRASS AND PLANTED AREAS, USE SATISFACTORY SOIL MATERIAL.
 - UNDER WALKS AND PAVEMENTS, USE SATISFACTORY SOIL MATERIAL.
 - UNDER STEPS AND RAMPS, USE ENGINEERED FILL.
 - UNDER BUILDING SLABS, USE ENGINEERED FILL.
 - UNDER FOOTINGS AND FOUNDATIONS, USE ENGINEERED FILL.
 - PLACE SOIL FILL ON SUBGRADES FREE OF MUD, FROST, SNOW, OR ICE.
- SOIL MOISTURE CONTROL
 - REVISE PERCENTAGES IN THIS ARTICLE ACCORDING TO GEOTECHNICAL ENGINEER'S WRITTEN RECOMMENDATIONS.
 - UNIFORMLY MOISTEN OR AERATE SUBGRADE AND EACH SUBSEQUENT FILL OR BACKFILL SOIL LAYER BEFORE COMPACTION TO WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT.
 - DO NOT PLACE BACKFILL OR FILL SOIL MATERIAL ON SURFACES THAT ARE MUDDY, FROZEN, OR CONTAIN FROST OR ICE.
 - REMOVE AND REPLACE, OR SCARIFY AND AIR DRY, OTHERWISE SATISFACTORY SOIL MATERIAL THAT EXCEEDS OPTIMUM MOISTURE CONTENT BY 2 PERCENT AND IS TOO WET TO COMPACT TO SPECIFIED DRY UNIT WEIGHT.
- COMPACTION OF SOIL BACKFILLS AND FILLS
 - PLACE BACKFILL AND FILL SOIL MATERIALS IN LAYERS NOT MORE THAN 8 INCHES (200 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT, AND NOT MORE THAN 4 INCHES (100 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HAND-OPERATED TAMPERS.
 - PLACE BACKFILL AND FILL SOIL MATERIALS EVENLY ON ALL SIDES OF STRUCTURES TO REQUIRED ELEVATIONS, AND UNIFORMLY ALONG THE FULL LENGTH OF EACH STRUCTURE.
 - COMPACT SOIL MATERIALS TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT. ACCORDING TO ASTM D 698:
 - UNDER STRUCTURES, BUILDING SLABS, STEPS, AND PAVEMENTS, SCARIFY AND RECOMPACT TOP 12 INCHES (300 MM) OF EXISTING SUBGRADE AND EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 100 PERCENT.
 - UNDER WALKWAYS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 95 PERCENT.
 - UNDER TURF OR UNPAVED AREAS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 85 PERCENT.
 - FOR UTILITY TRENCHES, COMPACT EACH LAYER OF INITIAL AND FINAL BACKFILL SOIL MATERIAL AT 95 PERCENT.

- GRADING
 - GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
 - PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
 - CUT OUT SOFT SPOTS, FILL LOW SPOTS, AND TRIM HIGH SPOTS TO COMPLY WITH REQUIRED SURFACE TOLERANCES.
 - SITE ROUGH GRADING: SLOPE GRADES TO DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT PONDING. FINISH SUBGRADES TO REQUIRED ELEVATIONS WITHIN THE FOLLOWING TOLERANCES:
 - TURF OR UNPAVED AREAS: PLUS OR MINUS 1 INCH (25 MM).
 - WALKS: PLUS OR MINUS 1/2 INCH (13 MM).
 - PAVEMENTS: PLUS OR MINUS 1/2 INCH (13 MM).
 - GRADING INSIDE BUILDING LINES: FINISH SUBGRADE TO A TOLERANCE OF 1/2 INCH (13 MM) WHEN TESTED WITH A 10-FOOT (3-M) STRAIGHTEDGE.
- FIELD QUALITY CONTROL
 - TESTING AGENCY: OWNER WILL ENGAGE A QUALIFIED GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM TESTS AND INSPECTIONS.
 - ALLOW TESTING AGENCY TO INSPECT AND TEST SUBGRADES AND EACH FILL OR BACKFILL LAYER. PROCEED WITH SUBSEQUENT EARTH MOVING ONLY AFTER TEST RESULTS FOR PREVIOUSLY COMPLETED WORK COMPLY WITH REQUIREMENTS.
 - FOOTING SUBGRADE: AT FOOTING SUBGRADES, AT LEAST ONE TEST OF EACH SOIL STRATUM WILL BE PERFORMED TO VERIFY DESIGN BEARING CAPACITIES. SUBSEQUENT VERIFICATION AND APPROVAL OF OTHER FOOTING SUBGRADES MAY BE BASED ON A VISUAL COMPARISON OF SUBGRADE WITH TESTED SUBGRADE WHEN APPROVED BY ARCHITECT.
 - TESTING AGENCY WILL TEST COMPACTION OF SOILS IN PLACE ACCORDING TO ASTM D 1556, ASTM D 2147, ASTM D 2922, AND ASTM D 2937, AS APPLICABLE. TESTS WILL BE PERFORMED AT THE FOLLOWING LOCATIONS AND FREQUENCIES:
 - PAVED AND BUILDING SLAB AREAS: AT SUBGRADE AND AT EACH COMPACTED FILL AND BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 2000 SQ. FT. (186 SQ. M) OR LESS OF PAVED AREA OR BUILDING SLAB, BUT IN NO CASE FEWER THAN THREE TESTS.
 - FOUNDATION WALL BACKFILL: AT EACH COMPACTED BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 100 FEET (30 M) OR LESS OF WALL LENGTH, BUT NO FEWER THAN TWO TESTS.
 - TRENCH BACKFILL: AT EACH COMPACTED INITIAL AND FINAL BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 150 FEET (46 M) OR LESS OF TRENCH LENGTH, BUT NO FEWER THAN TWO TESTS.
 - WHEN TESTING AGENCY REPORTS THAT SUBGRADES, FILLS, OR BACKFILLS HAVE NOT ACHIEVED DEGREE OF COMPACTION SPECIFIED, SCARIFY AND MOISTEN OR AERATE, OR REMOVE AND REPLACE SOIL MATERIALS TO DEPTH REQUIRED; RECOMPACT AND RETEST UNTIL SPECIFIED COMPACTION IS OBTAINED.



**Town of Huntersville
Ordinance Advisory Board
August 4, 2022**

To: Ordinance Advisory Board

From: Jesse James, Senior Planner

Date: August 4, 2022

Subject:

EXPLAIN REQUEST:

Consider a recommendation for TA22-09, a request by Ultimate Athlete, LLC to change the definition of Indoor Recreation Use to allow for accessory outdoor use.

ACTION RECOMMENDED:

Recommendation

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA 22-09 Text Amendment Application - Signed
2. TA 22-09 Applicant Request v.03.7-18-22 (002)



Text Amendment Application

Date of Application 7/15/22

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

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 12 Section(s): 2.1 Definitions

See attached

Current Ordinance

Proposed Text

**Reason for Proposed
Change**

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 Ultimate Athlete

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

Signature Jeremy Martin Date 7/15/2022

Title Owner & Founder Email martin@ultathlete.com

Address of Applicant 6426 Jim Kidd Road, Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name Shirley A. Keistler Trust UTD October 23, 2003 for the Trust Agreement of Shirley A. Keistler

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

Signature _____ Date _____

Title Trustee Email nv_bryan@outlook.com

Address of Property Owner PO Box 1030 Davidson, NC 28036

* 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: _____

Staff Initials: _____

ATTACHMENT TO TEXT AMENDMENT

Ordinance: Huntersville Zoning Ordinance

Articles/Sections:

Article 12 – DEFINITIONS & RULES OF CONSTRUCTION, Article 12.2.1 General Definitions

Party Proposing the Amendment: Ultimate Athlete, LLC (“Owner”) is proposing this Text Amendment as the owner of the property located in the Neighborhood Center District at 15435 NC HWY 73, Huntersville, North Carolina, Tax Parcel Number: 00182114.

Reason for Requested Change:

1. The proposed amendment is consistent with the Purposes of the Huntersville Zoning Ordinance (the “Ordinance”) as set forth in Article 1.2 which states that the purpose of the zoning regulations is to encourage the most appropriate use of land throughout the corporate area in accordance with the Huntersville 2040 Community Plan (the “Community Plan”) and other adopted long-range plans for the Town of Huntersville.
2. The proposed amendment is consistent with the Goals of the Community Plan including the following:
 - a. **Growth Management.** Grow in a less intense manner near the Eastern and Western edges of town.
 - b. **Environmental Development.** Discourage intense development in the sensitive watershed.
 - c. **Economic Development.** Balance the tax base, encourage entrepreneurship and attract target industries. Increase the proportion of residents who work in Huntersville.
 - d. **Community Appearance.** Enhance the town’s appearance to promote safety and community pride.
3. The proposed amendment is consistent with the Land Use Policy Recommendations in the Community Plan by encouraging lower intensity recreational uses in a neighborhood center.
4. The proposed amendment is consistent with the Economic Vitality Policy Recommendations in the Community Plan by balancing and expanding the local economy through several avenues, including, supporting job growth, encouraging independent businesses to support neighborhoods, and increasing the proportion of residents who work in Huntersville.
5. As set out below, the proposed amendment is consistent with the purpose of Strategic Economic Development Plan in “Section 1. Executive Summary, A. Project Background”

(“Huntersville’s purpose in developing a Strategic Economic Development Plan (SEDP) is to promote job creation, private investment and tax base expansion while maintaining a high quality of life, including preservation of the Town’s natural, scenic, cultural and historic assets.”):

- a. Helps to promote the economic health and stability of the community;
 - b. Benefits the existing commercial facility by creating a recreational use for the business that addresses the need for ancillary outdoor spaces in a post-pandemic market;
 - c. Increases private investment and tax base expansion by utilizing current assets to attract new commercial uses and repurpose old, outdated structures;
 - d. Provides a high quality of life by offering appropriate outdoor recreational activities suitable to the indoor recreational use while maintaining the character of the surrounding area.
6. The proposed amendment does not allow outdoor recreation as a permitted use in the Neighborhood Center District (NC). This amendment allows for outdoor recreation as a supportive, accessory use to indoor recreation. To meet these requirements a project’s primary use must be indoor recreation and the outdoor recreation use must be a supportive accessory use.

This exception provides indoor recreation uses the ability to extend their primary indoor use and utilize some outdoor space to extend the primary use and respond to market needs related to post-pandemic demands. The accessory use must comply with the requirements of the Huntersville Zoning Ordinance and may only be used during normal business hours. These restrictions will limit outdoor recreation in the area to smaller accessory uses that will not disrupt the neighborhood’s ordinary sensitivities.

Proposed Changes to the Ordinance:

In order to accomplish this purpose, Owner proposes the following changes to the Ordinance:

1. Add subparagraph to Article 12.2.1, “General Definitions – Indoor Recreation,” as follows:

Public or private health or exercise clubs, tennis or racquet courts, swimming pools, YMCA’s, YWCA’s or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. “Indoor recreation” structures may include accessory uses, such as snack bars, pro shops, locker rooms, and supportive recreation areas located outdoors that are an extension of the principal indoor recreational use, so long as the total area of such outdoor areas do not exceed ¼ acre, comply with the limitations described in 9.5.1 and 9.5.3 and are designed and intended primarily for the use of patrons of the principal recreational use.

**Town of Huntersville
Ordinance Advisory Board
August 4, 2022**

To: Ordinance Advisory Board

From: Kayleigh Mielenz, Planner I

Date: August 4, 2022

Subject:

EXPLAIN REQUEST:

Consider a recommendation for TA22-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

ACTION RECOMMENDED:

Recommendation

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA22-07 Application
2. TA22-07 Ordinance for Adoption_Update
3. Current GS_160D-703
4. Senate Bill 105



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

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 334 Section(s): _____

see attached

Current Ordinance

See attached

Proposed Text

Reason for Proposed
Change

To comply with Senate Bill 105 to limit harmony
requirements for affordable housing.

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 Dept

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

Signature Kayleigh Mielenz 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: KIM

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE
ARTICLE 3.2 GENERAL DISTRICTS & ARTICLE 4 LOT & BUILDING TYPES TO LIMIT
HARMONY REQUIREMENTS FOR AFFORDABLE HOUSING

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 3.2.4(d)(1), Neighborhood Residential District General Requirements, is hereby amended as follows:

d) General Requirements

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
- A single-family detached house established on a lot of one acre or more that is created according to the provisions of [Article 8.1](#), paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of [Article 4: Lot Types/Detached House](#) for placement of a building on its lot.
- Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- **This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.5(d)(1), Neighborhood Center District General Requirements, is hereby amended as follows:

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The

definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

- Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- **This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.6(d)(1), Town Center District General Requirements, is hereby amended as follows:

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
 - **This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.7(d)(1), Highway Commercial District General Requirements, is hereby amended as follows:

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

- Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- **This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.11(d)(1), Traditional Neighborhood Development District General Requirements, is hereby amended as follows:

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
- Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- **This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.13(d)(2), Transit-Oriented Development- Residential District General Requirements, is hereby amended as follows:

2) Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit Oriented Residential district.

New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings. Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.14(d), Transit-Oriented Development- Employment General Requirements, is hereby amended as follows:

d) General Requirements

1) Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit Oriented Employment district.

New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

2) On new streets, allowable building and lot types will establish the development pattern.

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, approval of the master sketch plan will be administrative.

4) A single building on an existing lot 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, but shall require zoning and building permits only.

This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

Section 8. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Architectural Standard Principles of Article 4, Urban Workplace, is hereby amended as follows:

Architectural Standards Principles

A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.

B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face. Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as canopies and their supporting structure. Decorative metal panel accents however, may not exceed 30% of any façade visible from the street.

C. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.

D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.

E Trailers (mobile units) may not be used as permanent workplace buildings.

This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

Section 9. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Architectural Standard Principles of Article 4, Shopfront Building, is hereby amended as follows:

Architectural Standards Principles

A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.

B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as column wraps, entablature, canopies, and their supporting structure. Decorative metal panel accents, however, may not exceed 30% of any façade visible from the street.

C. The front elevations facing the street, and the overall massing shall communicate emphasis on the human scale and the pedestrian environment.

D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.

E. Trailers (mobile units) may not be used as permanent shopfront buildings.

This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

Section 10. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Architectural Standard Principles of Article 4, Apartment Building, is hereby amended as follows:

Architectural Standards Principles

A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.

B. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.

C. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.

D. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.

E. Porches should form a predominant motif of house designs, and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.

F. Front loaded garages, if provided, shall meet the standards of Section 8.16.

G. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

This subsection shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

Section 11. This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: August 4, 2022

PUBLIC HEARING DATE: September 6, 2022

PLANNING BOARD MEETING: September 27, 2022

TOWN BOARD DECISION: October 17, 2022

§ 160D-703. Zoning districts.

(a) Types of Zoning Districts. – A local government may divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but are not be limited to, the following:

- (1) Conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit.
- (2) Conditional districts, in which site plans or individualized development conditions are imposed.
- (3) Form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes.
- (4) Overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts.
- (5) Districts allowed by charter.

(b) Conditional Districts. – Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. The zoning regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

(c) Uniformity Within Districts. – Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district but the regulations in one district may differ from those in other districts.

(d) Standards Applicable Regardless of District. – A zoning regulation or unified development ordinance may also include development standards that apply uniformly jurisdiction-wide rather than being applicable only in particular zoning districts. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 16, 50(b), 51(a), (b), (d).)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-180
SENATE BILL 105**

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS
OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS AND FOR OTHER
PURPOSES.

The General Assembly of North Carolina enacts:

PART I. TITLE AND INTRODUCTION

TITLE OF ACT

SECTION 1.1. This act shall be known as the "Current Operations Appropriations Act of 2021."

INTRODUCTION

SECTION 1.2. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

PART II. CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

GENERAL FUND APPROPRIATIONS

SECTION 2.1.(a) Appropriations from the General Fund for the budgets of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for each year of the 2021-2023 fiscal biennium, according to the following schedule:

Current Operations - General Fund	FY 2021-2022	FY 2022-2023
EDUCATION		
Community College System		
Requirements	1,819,143,571	1,685,373,047
Less: Receipts	502,936,159	345,149,910
Net Appropriation	1,316,207,412	1,340,223,137
Public Instruction		
Requirements	13,493,426,049	13,146,477,032
Less: Receipts	2,890,675,279	2,219,558,462
Net Appropriation	10,602,750,770	10,926,918,570

University of North Carolina
UNC at Asheville



SECTION 5.13.(b) The Committee shall consist of nine members of the Senate appointed by the President Pro Tempore of the Senate and nine members of the House of Representatives appointed by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Committee from among its membership.

SECTION 5.13.(c) The purpose of the Committee is to consider various ways in which access to health care and health insurance can be improved for North Carolinians, including those individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act.

SECTION 5.13.(d) The Committee shall meet upon the call of its cochairs. A quorum of the Committee is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1. Any expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly.

SECTION 5.13.(e) The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives and the Director of Legislative Assistants of the Senate shall assign clerical support to the Committee.

SECTION 5.13.(f) The Committee may submit proposed legislation to the members of the Senate and the House of Representatives before the sine die adjournment of the 2021 General Assembly by filing a copy of the proposed legislation with the Office of the President Pro Tempore of the Senate and the Office of the Speaker of the House of Representatives. The Committee shall terminate upon the sine die adjournment of the 2021 General Assembly.

SECTION 5.13.(g) This section is effective when it becomes law.

LIMIT HARMONY REQUIREMENTS/AFFORDABLE HOUSING

SECTION 5.16.(a) G.S. 160D-703 is amended by adding a new subsection to read:

"(b1) Limitations. – For parcels where multifamily structures are an allowable use, a local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income."

SECTION 5.16.(b) This section is effective when it becomes law and applies to permit applications submitted on or after that date.

PART VI. COMMUNITY COLLEGE SYSTEM

CC ECONOMIC IMPACTS/STUDY/GRANT FOR TARGETED PROGRAMS

SECTION 6.1.(a) Economic Impact Study. – Of the funds appropriated by this act for the 2021-2022 fiscal year to the Community Colleges System Office to be allocated to the Center for Applied Research (CFAR) at Central Piedmont Community College, CFAR shall partner with the System Office, the North Carolina Association of Community College Presidents, and the Belk Center for Community College Leadership and Research at North Carolina State University (Belk Center) to provide for studies of the overall regional economic impacts of community colleges in the State. Upon the matching funds being made available in accordance with subsection (c) of this section, CFAR shall use the sum of seven hundred fifty thousand dollars (\$750,000) in nonrecurring funds for the 2021-2022 fiscal year to contract with Economic Modeling Specialists International (EMSI), an affiliate of the Strata Education Network, to conduct the studies required by this section.

**Town of Huntersville
Ordinance Advisory Board
August 4, 2022**

To: Ordinance Advisory Board

From: Nathan Farber, Planner I

Date: August 4, 2022

Subject:

EXPLAIN REQUEST:

Consider a recommendation for TA22-10, a request by the Huntersville Planning Department to amend Article 8.2 of the Zoning Ordinance and Section 6.800 of the Subdivision Ordinance to exclude single-family detached homes from multi-building sites on one lot, with an exception for age restricted developments.

ACTION RECOMMENDED:

Recommendation

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA22-10 Application Signed
2. TA 22-10 Article 8.2 Text Amendment



Text Amendment Application

Date of Application July 1

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): Zoning Article(s): 8.2 Section(s): _____

Current Ordinance See attached

Proposed Text See attached

Reason for Proposed Change To prevent single-family detached homes from multi-building sites on one lot, except for age restricted developments.

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: _____

Signature Jack Simoneau Date July 1, 2020

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant 105 Gilead Road

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: July 1, 2022

Staff Initials: JS

**AN ORDINANCE AMENDING ARTICLE 8.2 OF THE ZONING ORDINANCE AMENDING THE USES
PERMITTED ON A MULTI BUILDING LOT**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.2 “One Principle Building on a Lot; Exceptions” of the Zoning Ordinance be amended as follows:

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by building and lot type. Requirements of Subdivision Ordinance Section 6.800 apply. **The multiple building exception shall not apply to single family homes and duplex house types that are not a part of a retirement community or congregate care facility.**

Section 2. That these amendments shall become effective upon approval by the Town Board of Commissioners.

Huntersville Ordinance Advisory Board: August 4, 2022

Public Hearing Date: September 6, 2022

Planning Board Meeting: September 27, 2022

Town Board Meeting: October 17, 2022