



AGENDA
Ordinance Advisory Board Meeting
September 1, 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>.

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of August 4, 2022 minutes of the meeting. *(Tracy Barron)*
- 3. Public Comments - Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers**
- 4. Action Agenda**
 - 4.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)*
 - 4.B. 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)*
 - 4.C. Consider a recommendation for TA22-10, a request by the Huntersville Planning Department to amend Article 8.2 of the Zoning Ordinance to exclude single-family detached homes from multi-building sites on one lot, with an exception for age restricted developments. *(Nathan Farber)*
 - 4.D. Fee In Lieu Discussion of time allows (Harrisburg? Concord? Other good examples?) *(Jack Simoneau)*

5. Other Business

6. Adjourn

**Town of Huntersville
Ordinance Advisory Board
September 1, 2022**

To: Ordinance Advisory Board

From: Tracy Barron, Executive Assistant

Date: September 1, 2022

Subject:

EXPLAIN REQUEST:

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. August 2022 Minutes

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Wednesday, August 4, 2022, at Town Hall 101 Huntersville-Concord Road.

Call to Order/Roll Call

Chairman Jones called the meeting to order at 3:30 pm.

Voting Members Present: M. Jones, T. Taylor, F. Gammon, A. Hallman, K. Jones, J. Kluttz, B. Skelly, H. Whittaker, and T. Finlay (3:33 p.m.)

Voting Members Absent: None

Non-Voting Members Present: Commissioner Munger, J. Simoneau, T. Barron,

Non-Voting Members Absent: E. Sloop and J. Glass

Approval of Minutes

Item 2A. Consider approval of the June 2, 2022, Regular Meeting Minutes

Motion: A. Hallman made a Motion to Approve the June 2, 2022, minutes. K. Jones seconded the motion.

Vote: The motion passed unanimously (9-0).

Public Comments

No comments.

Action Agenda

Item 3A: 1. 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.

N. Farber, Planner II stated that this text amendment request is in connection with rezoning R22-01 for Birkdale Village. He presented the proposed site plan offices, hotel and parking features. The goal is to allow a maximum allowed building height for commercial and hotel use within Highway Commercial Pedestrian Oriented Development to not exceed 145 feet with a Special Use Permit. Additionally, the parking lot height would correlate to the building height.

Staff does not have a recommendation on this since the architectural features of the parking deck have not yet been fully submitted though the applicant is working with Staff on this.

H. Whittaker asked what the current permitted building height is and what the tallest building is in Town. Staff responded 48 feet is the current maximum permitted building height in this zoning and that the transit-oriented zoning at Bryton allows for buildings to be a maximum of 180 feet, they simply have not built anything that tall to date.

T. Taylor asked if the fire department has been consulted and if they have the equipment to service taller structures. Staff responded that they did speak with the fire chief and the equipment we have will be able to service any building height. The ladder trucks we have are the tallest that you can get, they service up to 6 stories and building code would require the stories above that to be serviced by stand pipes.

S. Irvin, 19726 Zion Avenue Cornelius NC presented for the applicant the redesign that is currently underway at Birkdale. The applicants recently completed project at Alpharetta, GA was presented as examples of the design concepts being proposed. The proposed commercial office space building would be a total of eight stories, the first two floors would each be 20 feet tall. The hotel would be a total of 12 floors with the first floor 20 feet tall.

The parking deck wording has been updated to include the wording that it shall not exceed the lesser of the height of the hotel or motel; and 70 feet. The intent being that the parking deck would never be taller than the hotel or motel or greater than 70 feet in height. The parking deck exterior architectural façade would blend with existing structures.

F. Gammon asked if this text amendment would apply to anyone other than Birkdale Village. Staff responded that currently Birkdale Village is the only area zoned Highway Commercial - Pedestrian Oriented development. Any other parcels zoned Highway Commercial could do a pedestrian oriented development and this amendment could apply to them as well by way of Special Use Permit.

K. Jones asked if this rezoning would be possible for Downtown Huntersville. Staff responded that it is possible but at this time would not be recommended by staff as Town Center is the recommended zoning for Downtown and it is not likely that the Downtown Plan would recommend this type of development for Downtown.

H. Whittaker expressed concern about the proposed height allowance possibly being requested for other zoning and asked staff if this could be restricted to Birkdale. Staff responded that with it limited to Highway Commercial pedestrian-oriented development, the requirements to achieve that zoning, and a special use permit requirement it would essentially mean you would have to build another Birkdale to be able to take advantage of this. M. Jones commented that an overlay district on Birkdale with special restrictions could be another approach.

A. Hallman asked for confirmation on what is currently allowed for hotels with a special use permit that can exceed the current maximum building height. Staff responded that under those conditions it is still limited to a maximum of six stories.

H. Whittaker asked for clarification on the height requests. Staff confirmed there are two requests, one for the overall building height not to exceed 145 feet and the parking deck not to exceed 70 feet.

A. Hallman asked what the separation distance would be for if the greater building height is permitted. Staff directed them to the proposed text amendment language items a-c which indicates the separation between commercial and residential must not be less than three times the building height.

T. Finlay asked if the proposed parking deck will be taller than the adjacent existing buildings. Staff confirmed that is correct and that is where they are working with the applicant to address the aesthetics of the proposed structure.

A. Hallman inquired about the requirements for highway commercial zoning to be developed as pedestrian oriented to establish how likely and where more development could apply for a special use permit and greater building height. Staff reviewed the requirements in Article 3.2.7 (d)(4)(b).

K. Jones referenced a statement in the text amendment application and asked Staff to identify the location along Highway 77 and Highway 115 corridor that could be affected by this amendment. The applicant clarified that the statement is a quote from the 2040 Comprehensive Plan and is relative to overall use and development along those corridors and not a specific parcel or location. Staff responded that any land zoned Highway Commercial would have to meet all of the qualifications of pedestrian-oriented development and then they would have to go through the Special Use Permit process in order and be approved by the Town Board in order to utilize this amendment.

H. Whittaker applauded the developer and expressed his appreciation for all of the work going into Birkdale Village. He then stated he continues to have reservation about the height of the building and the potential to open the door for more development to seek the greater building height. He requested a full set of site plans be available before the next meeting. The applicant responded that the proposed hotel is a luxury urban hotel that does not currently exist in Huntersville and would be a 4 or 5 star boutique style hotel.

Commissioner Munger asked Staff to clarify that currently Bryton already has permission to build a 182 foot building. Staff confirmed that is correct. He then asked the applicant the proposed value of the project. The applicant confirmed that it would be in the neighborhood of \$100 million dollars. Commissioner Munger commented that this would be a significant project for the Town.

Chairman Jones commented on the significant construction, taxes, occupancy tax and money spent in our community from those visiting and staying at these hotels. There is an enormous benefit to development being refreshed and improved so that it does not become obsolete.

Commissioner Munger commented that the potential for convention space in this space is an additional consideration. Currently convention space only exists in Charlotte and Concord and this could provide an excellent opportunity for tourism.

F. Gammon commented he does not have a problem with the proposed height, and he is sure Birkdale has to keep reimagining itself to keep drawing consumers and he looks forward to this coming back with the text amendment wording worked out.

Item 3B: 2. 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.

At the start of the meeting, Chairman Jones informed the Board that the applicant has requested that this item be continued to the September 2022 meeting.

Motion: M. Jones made a Substitute Motion to Continue the item to the September 1, 2022 regular meeting. A. Hallman seconded the motion.

Vote: The motion passed unanimously (8-0) prior to the arrival of T. Finlay.

Item 3C: 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, Planner I reviewed the current harmony standards the Town Zoning Ordinance has which includes massing and architectural standards. Examples were presented of how the harmony standards are utilized to affect development placement. Staff reviewed the proposed language to be in compliance with Senate Bill 105.

Chairman Jones asked how the courts define harmony. Staff responded that the compatibility language is harmony as they understand the state statute. Because that is akin to the statute, we would need to modify what we are doing if there are two or more of the units are affordable per that statute. Chairman Jones stated that in the absence of a legal definition there should be recent case law for consideration to know how this is interpreted to understand how to amend the zoning ordinance accurately and legally. Staff confirmed they would follow up with the legal department regarding their interpretation of the case law.

F. Gammon stated that this is state statute, and we are legally bound to it so its simply a matter of making sure we are interpreting it correctly. He then asked staff to identify how they foresee this would impact development. Staff stated that in multi-family developments the massing and architectural requirements could not be required if two or more affordable housing units are offered. He then pointed out some areas of proposed text amendment that seem to read incorrectly and recommended staff review this prior to bringing it back to the Board. Staff confirmed they would review the wording.

Item 3D: 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.

Jack Simoneau, Planning Director reviewed the current Zoning Ordinance Article 8.2 which typically applies to shopping centers with multiple leased tenants. Just recently the Hamlet development was approved which is for rent only community. They did a multi-building site, and the homes are not on individual lots. The Town Board asked if the developer went belly up if there was a way to sell off the individual homes and the answer is no because there are no individual lots. Staff has concerns about that. While we do not want to regulate rental of homes, we can regulate density and lot widths.

Staff presented samples of recently developed communities and how they have self-transitioned to individual lots because they have found it to be beneficial.

J. Kluttz asked about how this could affect house size or lot size. Staff reviewed how this would not control that.

A. Hallman asked what the cost would be to the developer to make lot lines. Staff responded that there will be a cost but we do not know that would be.

H. Whittaker asked staff to confirm if there are lot lines would each lot be required to have parking. Staff confirmed that the number of parking spaces for the development would be the same and instead of the parking lots the parking would need to be at the lots themselves.

F. Gammon asked who would construct and maintain the roads in the development. Staff responded the process is the same regardless of this proposed amendment. The developer constructs them, the Town inspects them and if they comply with the Town standards then the Town would accept them.

F. Gammon recommended that Staff review other possible unique features to a rental only community and determine if a zoning district or overlay for rental only communities be considered.

Chairman Jones asked if there is a net benefit to the Town to require individual lots versus when the developer would prefer not to have individual lots. Staff provided an example of Rosedale Shopping Center where the complex is broken up into smaller individual lots allowing the owner to sell off smaller portions versus being locked to one large development that must be anchored by a large retailer to stay viable. The smaller lots essentially give the owner options in the future that they would not otherwise have. Birkdale Village is another great example of this.

Chairman Jones expressed additional concern about singling out this one type of development. Staff responded that it would be more in keeping with all other subdivisions.

Other Business

No other business.

Adjourn

Motion: F. Gammon made a Motion to Adjourn. A. Hallman seconded the motion.

Vote: The motion passed unanimously (9-0).

Approved this ____ day of _____ 2022.

Chairman or Vice Chairman

Board Secretary

**Town of Huntersville
Ordinance Advisory Board
September 1, 2022**

To: Ordinance Advisory Board

From: Nathan Farber, Planner I

Date: September 1, 2022

Subject:

EXPLAIN REQUEST:

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. Text Amendment Application
2. TA22-06 Updated Applicant Text
3. Distance from Single Family
4. Architectural_Elevation_Images-3D_Vantage_Points
5. Birkdale_Village_Rezoning_Civil_Set



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 an urban workplace building type 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. The height of any associated parking deck shall not exceed the lesser of (i) the height of the hotel or motel; and (ii) 70’; and the architectural materials utilized on the portion of the parking deck exterior to the extent visible from any public street shall be compatible with the materials utilized for the exterior of the hotel or motel.**

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

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

Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

1. Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed-use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential and mixed-use zoning districts.
2. Any structure in which a hotel or motel is the principal or accessory use is spaced less than established in 1 above shall require a special use permit subject to the following standards as well as all other standards applicable for special use permits:
 - a. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance 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 the proposed use will not endanger the public health and safety, not substantially reduce the value of nearby property.
 - d. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area.
 - e. 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.
3. Any structure in which a hotel or motel is the principal or accessory use may exceed the permitted building height of the zoning district, not to exceed six (6) stories, subject to a Special Use Permit, and the requirements of Article 9.45.2
4. **Any structure for which a hotel or motel is a principal or accessory use 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 Special Use Permit and the requirements of Article 9.45.2. The height of any associated parking deck shall not exceed the lesser of (i) the height of the hotel or motel; and (ii) 70'; and the architectural materials utilized on the portion of the parking deck exterior to the extent visible from any public street shall be compatible with the materials utilized for the exterior of the hotel or motel.**

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 in an 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

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

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.**

The height of any associated parking deck shall not exceed the lesser of (i) the height of the hotel or motel; and (ii) 70'; and the architectural materials utilized on the portion of the parking deck exterior to the extent visible from any public street shall be compatible with the materials utilized for the exterior of the hotel or motel.

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 primarily for the parking or storage of motor vehicles.

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

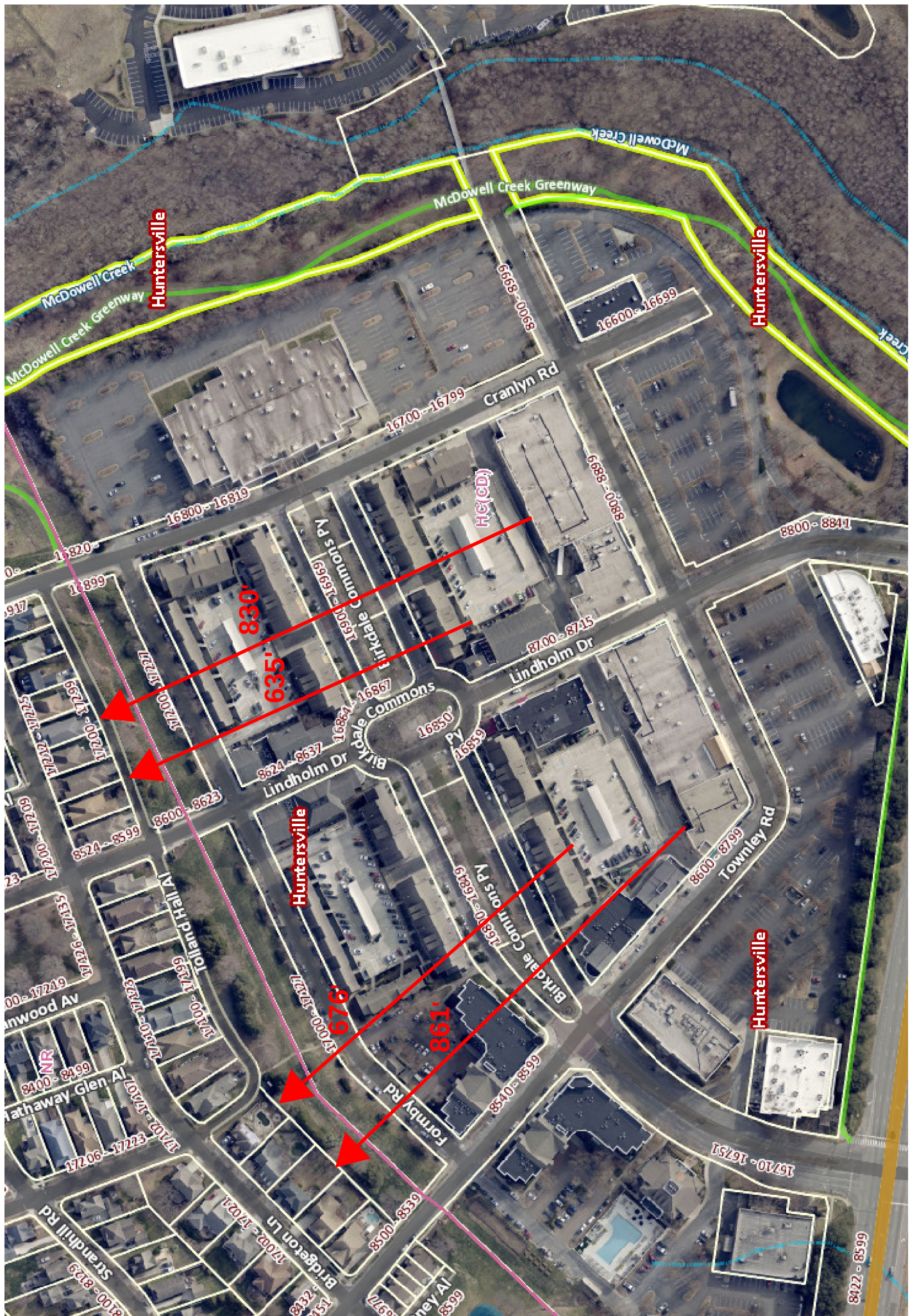
Huntersville Ordinance Advisory Board: August 4, 2022

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.



BIRKDALE VILLAGE REZONING

ARCHITECTURAL 3D IMAGES

Narrative

These images were created by combining 3D modeling, geolocation and Google Street View Images. Vantage points were provided by the Town of Huntersville Planning Department. The building height and location are accurately represented per the associated rezoning plan. Each image has a transparency overlay so you are able to clearly see where these building are visible and where they are hidden by existing buildings or trees.

Aerial Vantage Points



Point 1















Birds Eye View Image



Sheet List Table	
Sheet Number	Sheet Title
Z01	COVER
Z02	SURVEY-EXISTING FEATURES
Z02A	SURVEY-EXISTING FEATURES
Z03	REZONING PLAN
Z04	PRELIM GRADING PLAN
Z05	PRELIM LANDSCAPE PLAN

REZONING PLAN PACKAGE

PROPOSED

BIRKDALE VILLAGE OFFICE / HOTEL

HUNTERSVILLE, MECKLENBURG COUNTY, NC

EPM#439459

R22-01

OWNER/DEVELOPER:

DDRTC BIRKDALE VILLAGE, LLC

C/O NORTH AMERICAN PROPERTIES

8712 LINDHOLM DR SUITE 206

HUNTERSVILLE, NC 28078

PH: (404) 946-0939



VICINITY MAP
SCALE: N.T.S.



BIRKDALE VILLAGE REZONING

PIN #00537157 / 00537197
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

COVER

REVISIONS:

2022-08-23 1ST REZONING COMMENTS

Z01 - COVER.DWG	
PROJECT NUMBER:	222020
DATE: 06/21/2022	DRAWN BY: TSF
SHEET	OF

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



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)

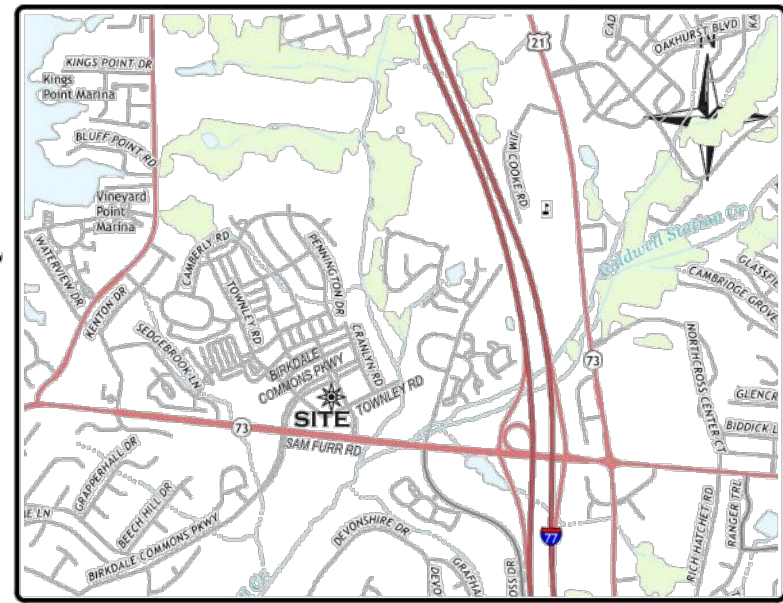
CONTROL #116
N=622,291.463'
E=1,440,090.441'
EL:731.02'
DRILL HOLE

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

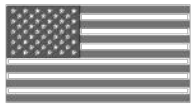
CONTROL #112
N=622,349.882'
E=1,440,301.896'
EL:731.32'
DRILL HOLE (PROPERTY CORNER)

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

BUILDING
#16848
#16846
#16850
BIRKDALE COMMONS PKWY.



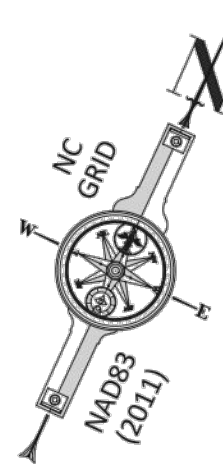
VICINITY MAP (NO SCALE)



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

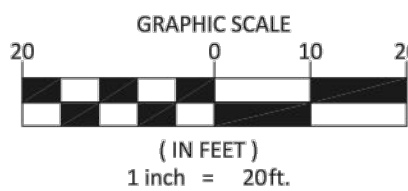
---	PROPERTY BOUNDARY
---	ADJACENT BOUNDARY (NOT SURVEYED)
---	PROPERTY BOUNDARY TIE LINE ONLY
---	RIGHT OF WAY LINE
---	EASEMENT LINE
---	CURB AND GUTTER
---	STORM DRAIN PIPE
---	HAND RAIL
---	SANITARY SEWER PIPE
---	FIBER OPTIC MARKOUT
---	TELECOMMUNICATIONS MARKOUT
---	TELEVISION MARKOUT
---	UNDERGROUND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

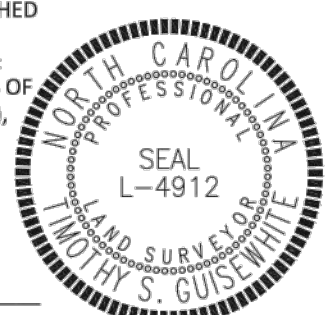
P.O. BOX 680388
CHARLOTTE, NC 28216
(704) 530-1700 NC FIRM #C-4411

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:
9102ABDFC66CAF...
TIMOTHY S. GUISEWHITE, PLS
N.C. REG. NO.: L-4912

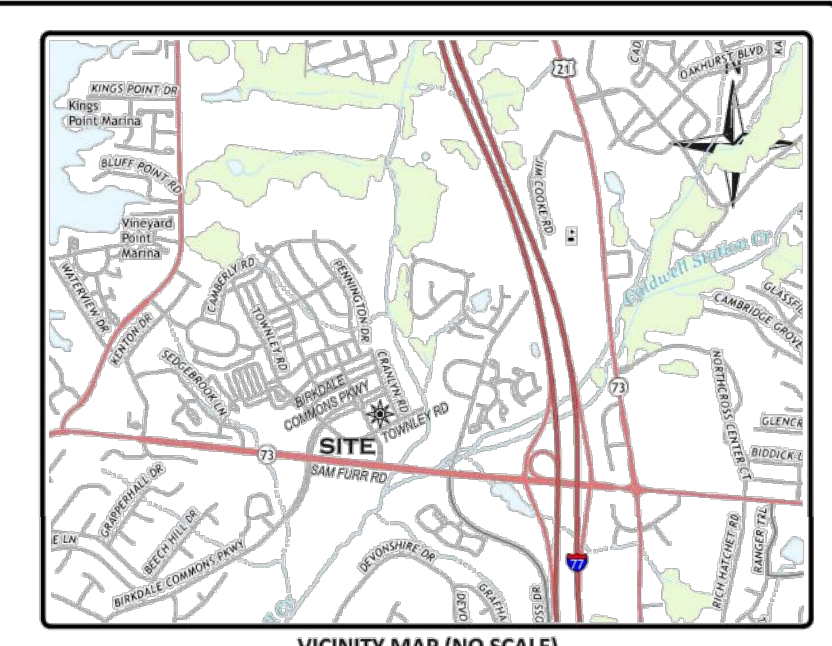
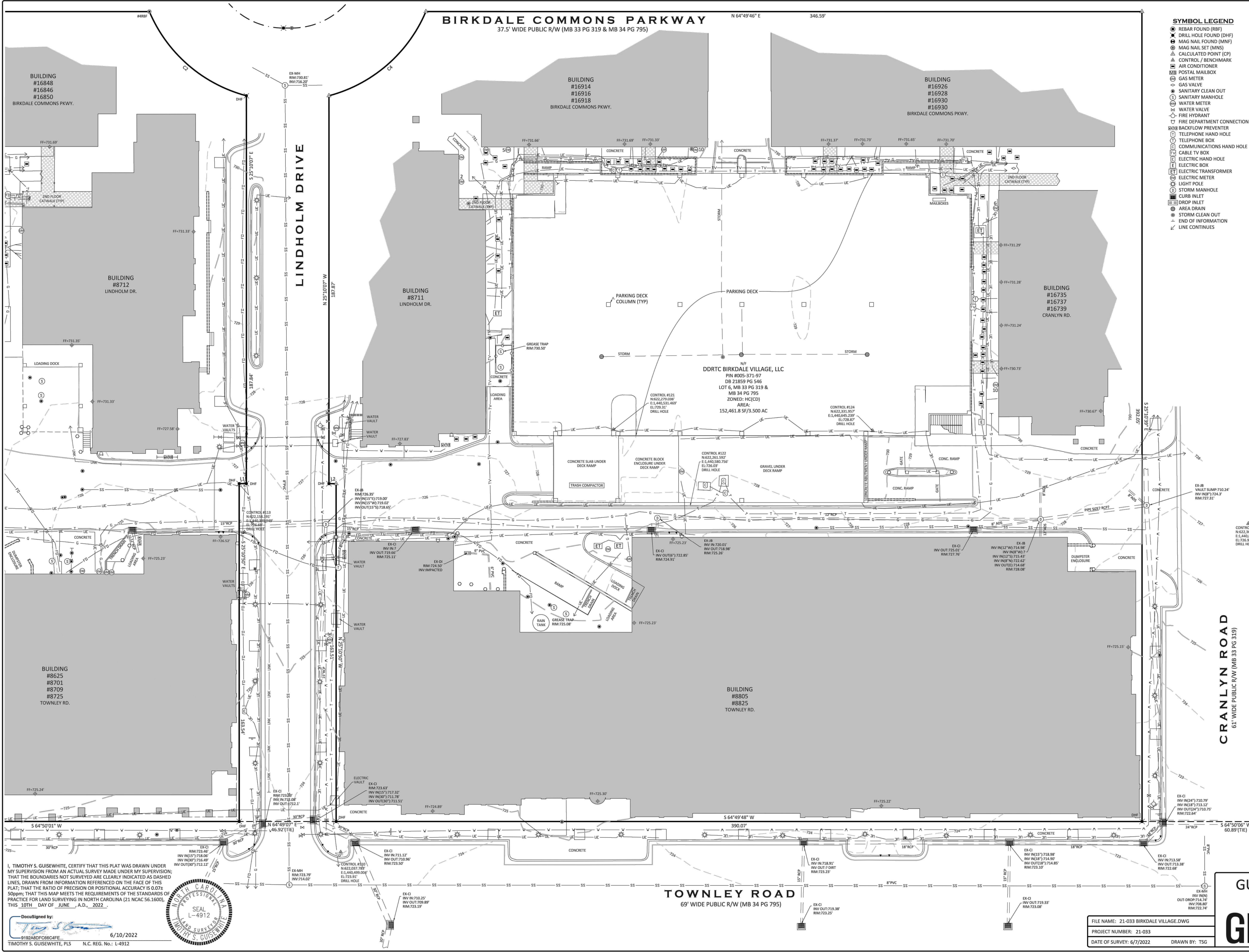


BUILDING
#8625
#8701
#8709
#8725
TOWNLEY RD.

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:



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
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---	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

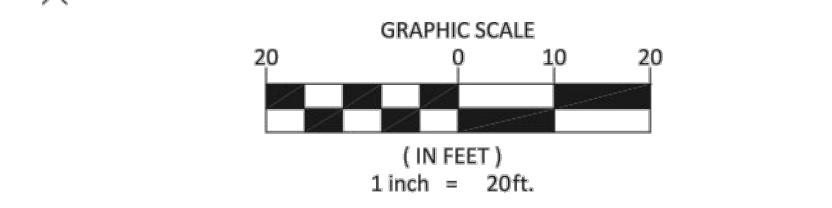
LINE TABLE

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.
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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



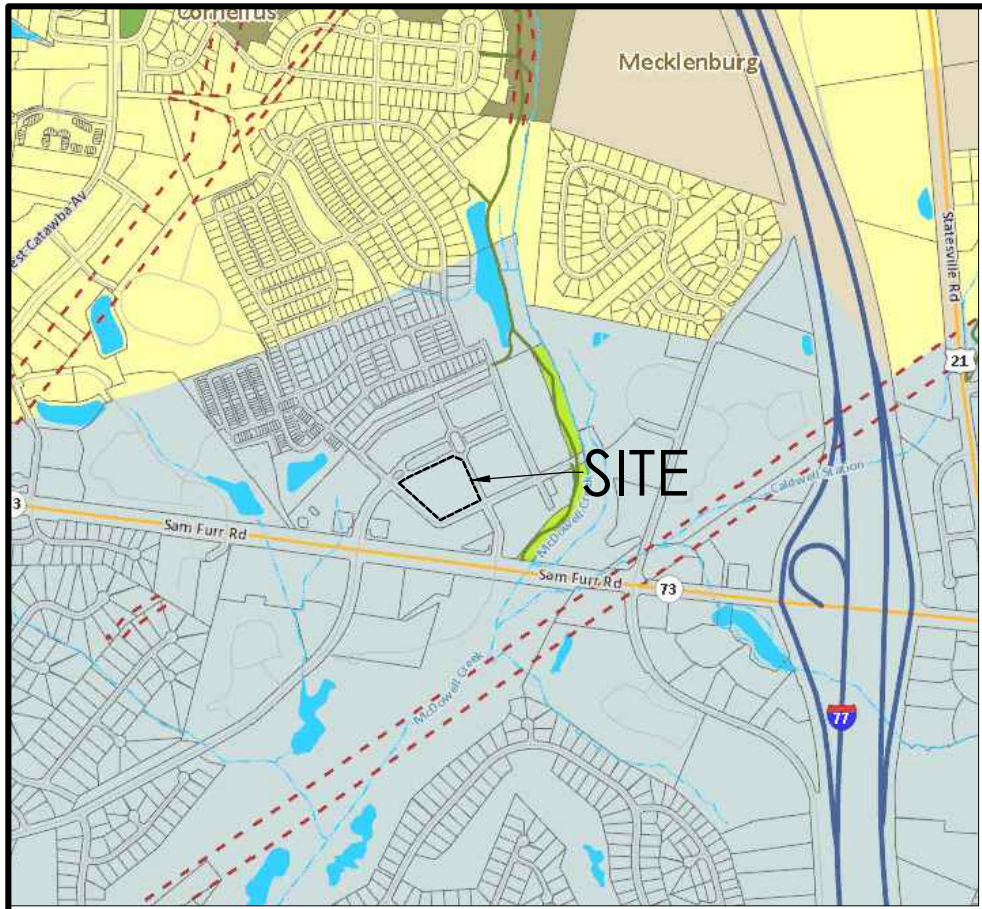
GUISEWHITE PROFESSIONAL LAND SURVEYING, PC

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
6/10/2022
TIMOTHY S. GUISEWHITE, PLS N.C. REG. NO. L-4912



VICINITY MAP SCALE: N.T.S.



SITE DATA

LOCATION: LINDHOLM DR AND TOWNLEY RD HUNTERSVILLE, MECKLENBURG COUNTY 28078	
(PIN#00537157.00537197)	
CURRENT ZONING: HC (CD)	PROPOSED ZONING: HC (CD)
CURRENT USE: COMMERCIAL	PROPOSED USE: COMMERCIAL, OFFICE HOTEL, MULTIFAMILY
CONTACT:	HENSONFOLEY (JAY HENSON) 704-875-1615
ITEM	PROVIDED
TOTAL BIRKDALE VILLAGE AREA	53.39 AC (2,325,668 SF)
PARCEL/PROJECT ACREAGE	8.82 AC (384,199 SF)
REDEVELOPED AREA	5.37 AC (234,067 SF)
PRINCIPAL USE(S)	OFFICE, RETAIL, HOTEL, MULTIFAMILY DWELLINGS
LOT & BUILDING TYPE	SHOP FRONT BUILDING
MAX. BUILDING HEIGHT	URBAN WORKPLACE BUILDING (WITH OFFICE) - 145' HOTEL - 145' URBAN WORKPLACE BUILDING (WITH MF UNITS) - 95' PARKING DECK (A) - 67' PARKING DECK (B) - 67'
ZONING DISTRICT	HC-CD (REZONING CASE #R01-03)
OVERLAY DISTRICT	PA-2 MTN ISLAND LAKE WATERSHED
PERCENT IMPERVIOUS ALLOWED	HIGH DENSITY - 70%
PERCENT IMPERVIOUS SHOWN	NO NET GAIN WITHIN PROJECT AREA
BUILD TO LINE	0' - 15' SIDE & REAR - 0'
CORNER SETBACK	REPLICATE FRONTAGE CONDITIONS
WATERSHED	McDOWELL
FEMA MAP NUMBER	3710465100K
FEMA EFFECTIVE DATE	09/02/2015
SOIL TYPE	CeD2, CeB2

PARKING COUNT

PROJECT SCOPE	
EXISTING PARALLEL PARKING	37 PARKING SPACES
PROPOSED PARALLEL PARKING	37 PARKING SPACES
EXISTING PARKING DECKS	272 PARKING SPACES
PROPOSED PARKING DECKS	802 PARKING SPACES
TOTAL PARKING TO BE ADDED	530 PARKING SPACES
TOTAL BIRKDALE VILLAGE	
EXISTING RESIDENTIAL SF @ 1.5 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
PROPOSED MULTI-FAMILY RESIDENTIAL SF @ 1.5 SPACES PER DWELLING UNIT	350 UNITS (350 X 1.5 = 525) TOTAL REQUIRED PARKING SPACES
EXISTING RETAIL/RESTAURANT SF @ 2 SPACES/1,000 SF	342,073 SF (342,073 X 2 = 684) REQUIRED PARKING SPACES
PROPOSED RETAIL/RESTAURANT SF @ 2 SPACES/1,000 SF	25,000 SF (25 X 2 = 50) TOTAL REQUIRED PARKING SPACES
EXISTING OFFICE SF @ 2 SPACES/1,000 SF	150,829 SF (150,829 X 2 = 302) TOTAL REQUIRED PARKING SPACES
PROPOSED OFFICE SF @ 2 SPACES/1,000 SF	150,000 SF (150 X 2 = 300) TOTAL REQUIRED PARKING SPACES
PROPOSED HOTEL SF @ 0.5 SPACES PER KEY + 1 PER 500 SF OF ANCILLARY USE	125 ROOMS (125X0.5 + 0 = 63) 25,000 SF ANCILLARY (25,000/500=50) TOTAL REQUIRED PARKING SPACES
TOTAL REQUIRED PARKING SPACES (RESIDENTIAL + RETAIL/RESTAURANT + OFFICE+HOTEL)	113 PARKING SPACES
TOTAL EXISTING PARKING	2,372 PARKING SPACES
TOTAL PROVIDED PARKING (WITH NEW PARKING DECKS)	1,862 PARKING SPACES (2,392 PARKING SPACES (+530 PARKING SPACES)

ZONING SUMMARY

PREVIOUSLY APPROVED GROSS AREA - MAX. ALLOWABLE DEVELOPMENT	INDOOR MOVIE THEATRE/FUTURE COMMERCIAL - 75,000 SF COMMERCIAL/RETAIL/RESTAURANT - 275,000 SF OFFICE - 160,000 SF RESIDENTIAL - 320 UNITS
EXISTING DEVELOPMENT	INDOOR THEATRE/FUTURE COMMERCIAL - 53,270 SF COMMERCIAL/RETAIL/RESTAURANT - 252,090 SF OFFICE - 150,829 SF RESIDENTIAL - 320 UNITS
PROPOSED DEVELOPMENT (AS A PART OF THIS REZONING)	INDOOR THEATRE/FUTURE COMMERCIAL - 53,270 SF COMMERCIAL/RETAIL/RESTAURANT - 277,090 SF (+25,000 SF) OFFICE - 300,829 SF (+150,000 SF) RESIDENTIAL - 670 UNITS (+350 UNITS) HOTEL - 125 ROOMS (20,000 SF CONFERENCE) (5,000 SF RESTAURANT)

REZONING NOTES

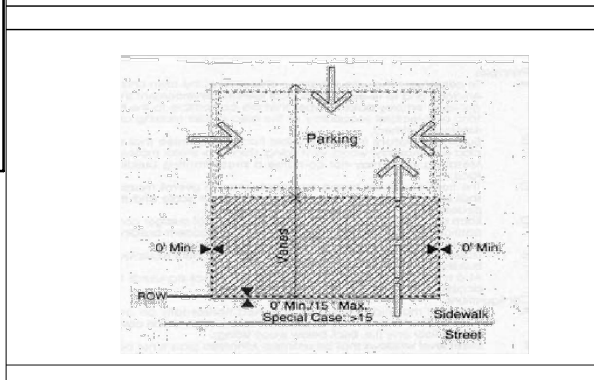
- REZONING PETITION.** THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS (THE "DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY DORTC BIRKDALE VILLAGE, LLC ("PETITIONER") AS REZONING PETITION # R2021, & ASSOCIATED REZONING PLAN (THE "REZONING PLAN") FOR THAT APPROXIMATELY 53.39 ACRE TRACT OF LAND IDENTIFIED ON THIS SITE AS BIRKDALE VILLAGE (THE "PROJECT"), DATED JULY 23, 2022 (THE "FILING DATE") IN CONNECTION WITH TAX PARCEL NUMBERS 00537157 AND 00537197 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO AMEND THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY OF HC (CD) HIGHWAY COMMERCIAL ZONING DISTRICT AS INDICATED ON THE REZONING PLAN AND OTHERWISE PURSUANT TO THE APPLICABLE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE IN EFFECT ON THE FILING DATE (THE "ORDINANCE").
- DEVELOPMENT STANDARDS.** THE DEVELOPMENT STANDARDS FOR BIRKDALE VILLAGE, FILED IN CONNECTION WITH THE REZONING PETITION NO. 97-23 (THE "ORIGINAL STANDARDS") GOVERN THE DEVELOPMENT OF THE PROPERTY EXCEPT AS SPECIFICALLY NOTED FOR THE PROPERTY IN THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN. UNLESS THE REZONING PLAN ESTABLISHES A MORE STRINGENT STANDARD, OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE FILING DATE FOR THE HC (CD) ZONING DISTRICT GOVERN DEVELOPMENT OF THE CHANGES PROPOSED BY THE REZONING PLAN.
- SCHEMATIC NATURE OF REZONING PLAN.** THE LOTS AND PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND EXACT LOCATIONS, ARCHITECTURE, SIZE, NUMBER OR QUANTITY AND CONFIGURATIONS OF LOTS, UNITS AND BUILDINGS (INCLUDING PARKING GARAGES) MAY BE MODIFIED DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT SO LONG AS SUCH MODIFICATION IS COMPATIBLE WITH THE ASSUMPTIONS SET FORTH IN THE TRAFFIC IMPACT ANALYSIS SUBMITTED WITH THE REZONING PETITION (THE "TIA").
- PHASING.** THE DEVELOPMENT OF THE PROPERTY AS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE PHASED; ANY PROPOSED PHASING MUST ALIGN WITH THE TIA, AND ASSOCIATED INFRASTRUCTURE AND STORMWATER IMPROVEMENTS PROVIDED; HOWEVER, A PETITIONER WILL COORDINATE ANY MITIGATION REQUIRED BY NC DOT WITH NC DOT; BY SEQUENCING OF CONSTRUCTION TO MINIMIZE DISRUPTION OF SURROUNDING BIRKDALE VILLAGE IS PERMITTED; AND C) EACH PHASE OR SEQUENCE OF IMPROVEMENTS IN THE PROJECT WILL MEET ALL ORDINANCE REQUIREMENTS, UTILITIES, INFRASTRUCTURE AND GRADING SHALL BE DELIVERED TO EACH INDIVIDUAL PHASE AS EACH IS DEVELOPED.
- VESTED RIGHTS.** THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN FOR A PERIOD OF FIVE YEARS PURSUANT TO THE PROVISIONS OF THE ORDINANCE AND 160D OF THE NORTH CAROLINA GENERAL STATUTES.
- PERMITTED USES.** THE PROPERTY MAY BE DEVELOPED FOR USES (INCLUDING ACCESSORY USES) PERMITTED IN THE HC ZONING DISTRICT, INCLUDING HOTELS AS SHOWN ON THE REZONING PLAN, SUBJECT TO THE DEVELOPMENT STANDARDS ASSOCIATED WITH SUCH USES. PERMITTED USES SHALL INCLUDE, BUT NOT BE LIMITED TO: CONFERENCE CENTERS AND OFFICE LOTS AND SUITES AS SHOWN ON THE REZONING PLAN. THE FOLLOWING USES ARE PROHIBITED AS DESCRIBED IN THE ORIGINAL STANDARDS: ARMORIES FOR MEETINGS AND TRAINING OF MILITARY ORGANIZATIONS, AUCTION SALES, PAWNSHOPS AND SECOND-HAND SALES, VOCATIONAL AND TECHNICAL SCHOOLS, BOARDING OR ROOMING HOUSES, FRATERNAL OR CLUB FACILITIES, ADULT ESTABLISHMENTS, SALES/SERVICE/RENTAL OF BOATS OR MOTOR VEHICLES, OUTDOOR KENNELS, AND "FAST FOOD" RESTAURANTS. ANY LABELLING ON THE REZONING PLAN OR ZONING SUMMARY MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. DRIVE-UP AND WALK-UP AUTOMATED TELLER MACHINES ARE SPECIFICALLY PERMITTED SO LONG AS THEY MEET THE DESIGN REQUIREMENTS OF THE ORDINANCE.
- RESIDENTIAL COMPONENT.** THE ORIGINAL STANDARDS ALLOW FOR 320 MULTI-FAMILY UNITS, INCLUDING 50 LIVERWORK UNITS CONSISTING OF RESIDENTIAL, OFFICE OR RETAIL USES. ADDITIONAL MULTI-FAMILY RESIDENTIAL DWELLING UNITS SHALL BE ALLOWED, NOT TO EXCEED 350 ADDITIONAL MULTI-FAMILY UNITS.
- ACCESS.** THE NUMBER OF SITE ACCESS POINTS, DRIVEWAYS AND CONNECTIONS TO ROADS ARE SCHEMATIC IN NATURE; TO THE EXTENT PERMITTED BY APPLICABLE DRIVEWAY PERMIT REQUIREMENTS, FUTURE DRIVEWAYS, ACCESS POINTS AND ROAD CONNECTIONS MAY CROSS THE SETBACK AND SHALL NOT REQUIRE A REZONING OF THE PROPERTY, BUT SHALL OTHERWISE COMPLY WITH APPLICABLE DRIVEWAY PERMIT REQUIREMENTS.
- SUBDIVISION.** THE PROPERTY IS ONE DEVELOPMENT AND MAY BE FURTHER WITHOUT A REZONING TO ALLOW SEPARATE OWNERS OF INDIVIDUAL PARCELS SO LONG AS SUCH SUBDIVISION IS IN COMPLIANCE WITH APPLICABLE SUBDIVISION REGULATIONS. HOWEVER, RECOMBINATION, CONDOMINIALIZATION, OR REDUCTION IN THE NUMBER OF PARCELS MAY OCCUR IN ACCORDANCE WITH THE REGULATIONS OF THE ORDINANCE. REQUIREMENTS THAT ARE MET BY THE PROJECT AS A WHOLE, SUCH AS OPEN SPACE, TREE SAVE AND IMPERVIOUS REQUIREMENTS, NEED NOT BE MET BY INDIVIDUAL PARCELS.
- AMENDMENT.** IN THE EVENT ANY PORTION OF THE PROPERTY IS CONVEYED TO A THIRD PARTY, PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR ANY PORTION OF THE PROPERTY UNLESS SUCH AMENDMENT REQUIRES SUCH OWNER'S CONSENT TO A CHANGE IN THE PRIVATE RESTRICTIVE COVENANTS THAT GOVERN THE PROJECT. ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE PROPERTY AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAN WHEN RECORDED.
- DESIGN ELEMENTS.**
 - MODIFICATION.** DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE HAVE BEEN INCLUDED IN THIS REZONING PLAN TO ACHIEVE EXCEPTIONAL DESIGN. TOWN BOARD APPROVAL OF THIS REZONING PLAN CONSTITUTES APPROVAL OF UNIQUE DESIGN ELEMENTS SHOWN ON THE REZONING PLAN THAT ARE MINOR MODIFICATIONS FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:
 - PARKING LOT CONNECTIVITY.** VEHICULAR AND PEDESTRIAN CONNECTIONS AND STUBS TO ADJOINING PROPERTIES AS SHOWN ON THE PLAN;
 - BLOCK LENGTH;**
 - HOTEL HEIGHT** MAY EXCEED THE PERMITTED BUILDING HEIGHT IN THE HC ZONING DISTRICT; PLEASE REFERENCE TEXT AMENDMENT, TA 22-06.
 - URBAN WORKPLACE BUILDING** MAY EXCEED THE PERMITTED BUILDING HEIGHT IN THE HC ZONING DISTRICT;
 - CONFERENCE CENTER AND OFFICE LOTS** ARE INCLUDED IN THE LIST OF PERMITTED USES;
 - GUIDELINES.** BUILDING ELEVATIONS WILL FOLLOW THE DESIGN GUIDELINES ESTABLISHED IN THE ORIGINAL STANDARDS, INCLUDING BUT NOT LIMITED TO:
 - BUILDING ENTRANCES** WILL BE DEFINED BY THE USE OF VARIOUS FORMS AND/OR OTHER ARCHITECTURAL DETAILS. PRIMARY ELEVATIONS (I.E. ELEVATIONS ALONG A PRIMARY STREET OR THE PRINCIPAL POINT OF ENTRY INTO A BUILDING) WILL ALSO BE ARTICULATED THROUGH THE USE OF COLOR, PATTERNING AND OTHER ARCHITECTURAL DESIGNING.
 - PARKING DECKS** WILL RELATE TO THE BUILDING ELEVATIONS IN SCALE AND CHARACTER UTILIZING SIMILAR MATERIALS AND FACADE articulation. THE STREET EDGE OF THE PARKING DECKS WILL BE SCREENED WITH LANDSCAPE ACCORDING TO THE ORDINANCE.
 - YARD RESTRICTIONS.** IN EVERY INSTANCE, THE SIDE YARD, SETBACK AND REAR YARD FOR EACH PARCEL DEVELOPED WITHIN THE PROJECT SHALL COMPLY WITH AT LEAST THE MINIMUM STANDARDS OF THE ORDINANCE. WITHIN THE PARAMETERS OF THESE MINIMUM STANDARDS, SETBACKS WILL BE UTILIZED IN A MANNER TO ENCOURAGE PEDESTRIAN ACTIVITY.
 - DRIVEWAYS AND STREETS.** ALL STREETS SHALL BE PUBLIC STREETS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE. ALL STREETS AND HIGHWAY IMPROVEMENTS, TO THE EXTENT REQUIRED BY THE TIA, WILL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OVER THEIR MAINTENANCE AND OPERATION.
 - OPEN SPACE.** OPEN SPACE WILL BE DESIGNED TO INCORPORATE NATURAL DRAINAGE WAYS AND WOODED AREAS. THE FOLLOWING THREE SIGNIFICANT OPEN SPACES ARE TO REMAIN AS OPEN SPACES ACCORDING TO THE ORIGINAL STANDARDS:
 - TRANSCO PIPELINE
 - MC DOWELL CREEK BUFFER
 - SAM FURR FRONTAGE
 - ADDITIONAL DESIGN ELEMENTS.** SIGNS AND GRAPHICS, STORM WATER MANAGEMENT AND WATERSHED PROTECTION, ENTRYWAYS, BUFFER YARDS, LANDSCAPE AREAS AND SCREENING WILL FOLLOW THE GUIDELINES OF THE ORIGINAL STANDARDS.

IMPERVIOUS SUMMARY - SITE

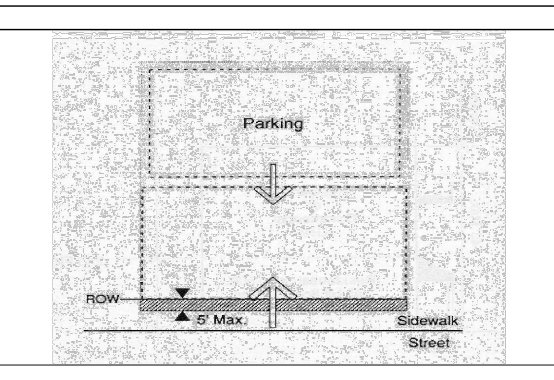
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL SITE AREA WITHIN PROJECT LIMITS	234,067 SF	5.37 AC	N/A
EXISTING IMPERVIOUS WITHIN PROJECT LIMITS	232,886 SF	5.35 AC	99.50 %
PROPOSED IMPERVIOUS WITHIN PROJECT LIMITS	232,886 SF	5.35 AC	99.50 %
TOTAL PROPOSED PERVIOUS	1,181 SF	0.03 AC	0.50 %
NET IMPERVIOUS GAIN WITHIN PROJECT LIMITS	0		
TOTAL IMPERVIOUS (ALL OF BIRKDALE VILLAGE)	1,582,970 SF	36.34 AC	

Lot Type / Urban Workplace

Building Placement/Parking/Vehicle Access



Encroachment/Pedestrian Access to Building



- Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street right-of-way (ROW). Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
- Building facades shall be generally parallel to frontage property lines. The facade shall be determined by the massing of the building.
- Parking shall be located primarily to the rear of the building; sideyard parking shall occupy no more than 35% of the primary frontage line and shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified.
- Points of permitted access to the parking indicated by arrows.
- Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
- Parking areas on adjacent lots shall be connected wherever practical.
- Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of-way.
- Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.
- Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

Description:
The workplace building may be a large structure (15,000+ square feet) and may have a single use/tenant. Office, industrial, and commercial tenants are typical. Southern mill villages often provide examples of how these buildings can reasonably coexist with other businesses and homes. Locke Mill Plaza, in Concord, provides a good example with its placement at the end of prestigious Union Street. These buildings are critical to the town as employment centers and commercial service locations. The buildings will provide space for industry, large offices, as well as hotels, conference facilities, and large retail uses such as a full-service grocery store. Where possible, structures shall be designed to maximize site use and to keep front yards as large as possible.

- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.

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

Z03 - REZONING PLAN.DWG	
PROJECT NUMBER:	222020
DATE: 06/21/2022	DRAWN BY: TSF
SHEET	OF

BIRKDALE VILLAGE REZONING

PIN #00537157.00537197

LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

REZONING PLAN

HensonFoley
Landscape Architecture | Civil Engineering
121 Gilead, Huntersville NC 28078
p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-9781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

NOTARY PUBLIC
JAY HENSON
06/23/2022
GRAPHIC SCALE 1"=50 FT.
NORTH ARROW

GENERAL NOTES:

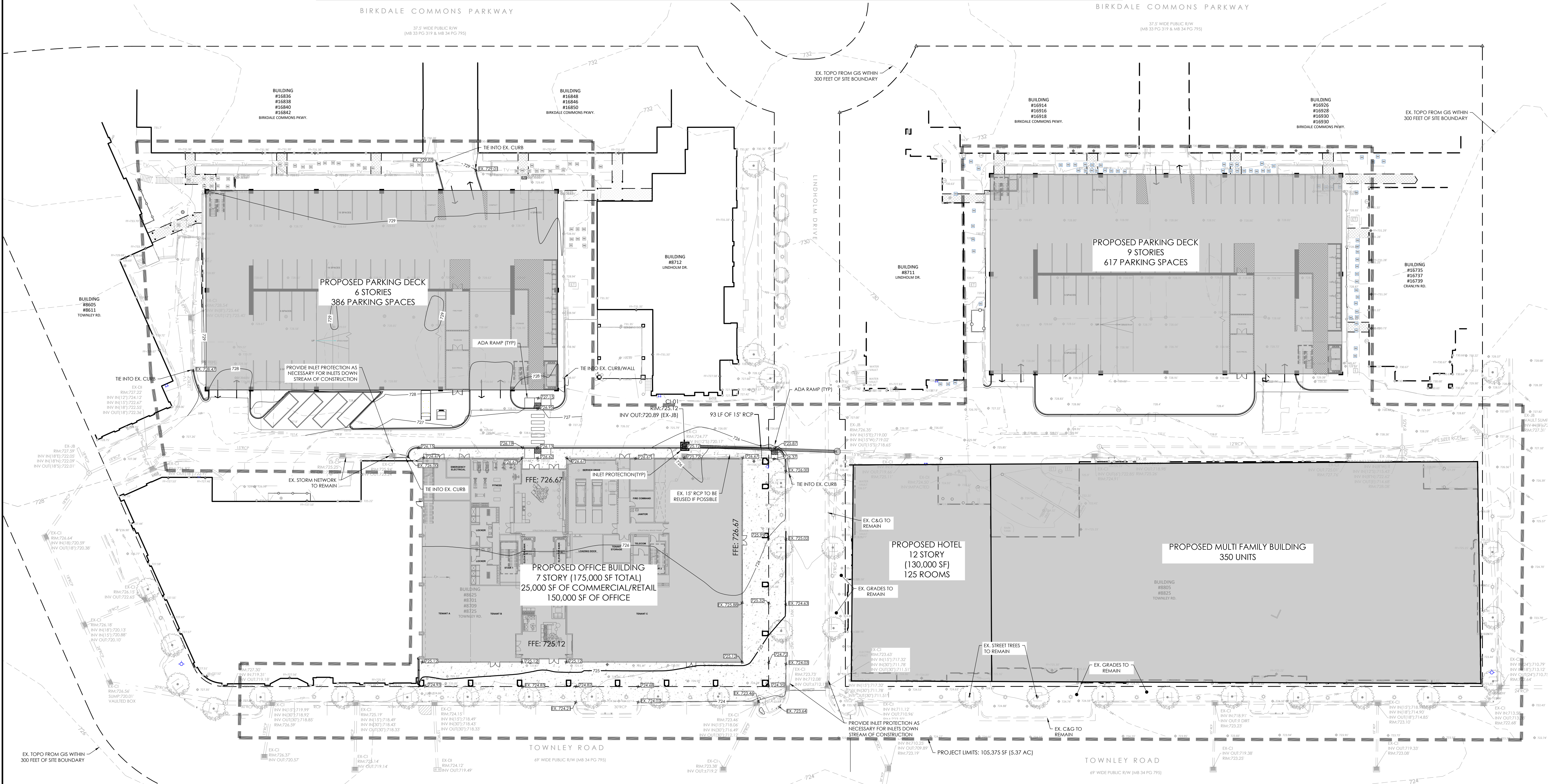
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
- THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE 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 OR TOWN OF HUNTERSVILLE 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 COMPACTION 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.

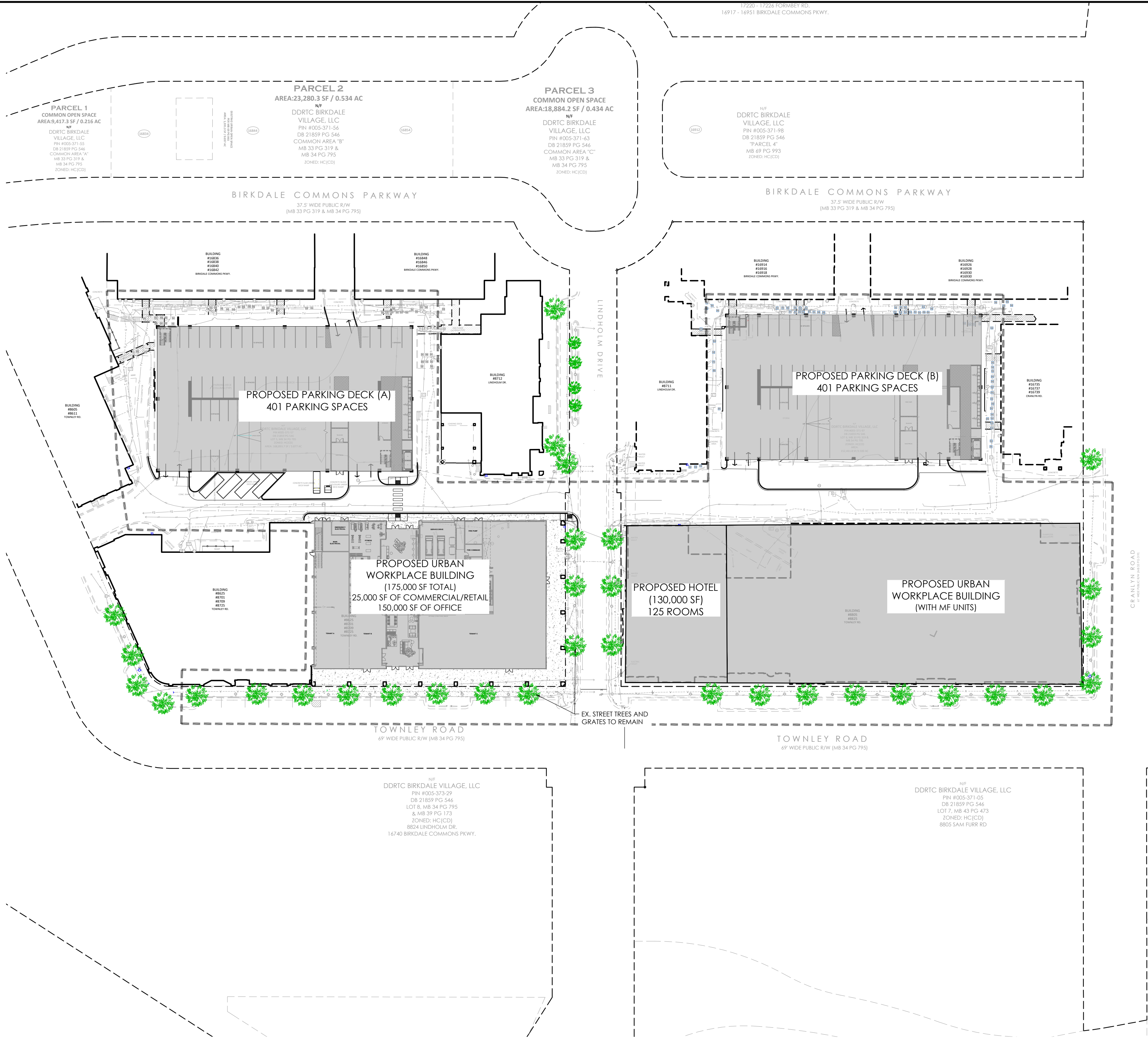
- GRADING
 - GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
 - PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
 - CUT OUT SOFT SPOTS, 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.



LEGEND



EXISTING STREET TREES TO REMAIN



BIRKDALE VILLAGE REZONING

LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

PIN #00537157, 00537197

PRELIM LANDSCAPE PLAN

REVISIONS:

2022-08-23 1ST REZONING COMMENTS

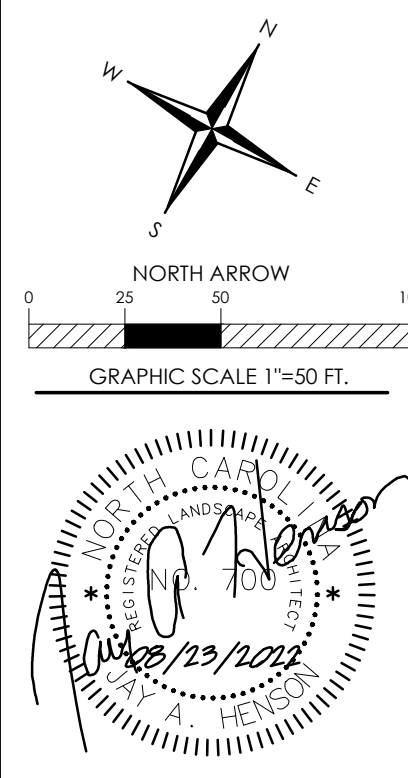
Z05 -PRELIM LANDSCAPE PLAN.DWG

PROJECT NUMBER: 222020

DATE: 06/21/2022 DRAWN BY: TSF

SHEET Z05 OF 5

- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
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- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



HensonFoley
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NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

**Town of Huntersville
Ordinance Advisory Board
September 1, 2022**

To: Ordinance Advisory Board

From: Kayleigh Mielenz, Planner I

Date: September 1, 2022

Subject:

EXPLAIN REQUEST:

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA22-07 Application
2. TA22-07 Cover Sheet
3. Senate Bill 105
4. Current GS_160D-703
5. SL 2021-180,160D-703(b1) Ordinance revision_EAS & Kayleigh Update_08.22.22 (2)



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

TA22-07 – Affordable Housing & Harmony Text Amendment

TA22-07 is 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.

Since 1996 the Town Zoning Ordinance has allowed multi-family as a by right use in most zoning districts. Our ordinance also has compatibility requirements for new development, including multi-family. These requirements include massing and architectural standards. Massing standards deal with spacing, volume, scale, and street frontage. Architectural standards deal with external materials used. An example of a compatibility requirement in our ordinance is in the general requirements under each zoning district and states- "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." Compatibility standards are also commonly referred to as harmony requirements.

Senate Bill 105 amended NC General Statutes Chapter 160D-703 (zoning districts) in November 2021. The amendment states-

"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."

To comply with Senate Bill 105, the below Zoning Ordinance Articles must be amended as they contain harmony requirements.

- 3.2.4 Neighborhood Residential District
- 3.2.5 Neighborhood Center District
- 3.2.6 Town Center District
- 3.2.7 Highway Commercial District
- 3.2.8 Campus Institutional District
- 3.2.9 Corporate Business District
- 3.2.11 Traditional Neighborhood Development District
- 3.2.13 Transit-Oriented Development- Residential District
- 3.2.14 Transit-Oriented Development- Employment District
- Article 4 Urban Workplace
- Article 4 Shopfront Building
- Article 4 Apartment Building

The Town attorneys drafted the proposed language for the text amendment to the Town Zoning Ordinance. If approved, to properly administer the proposed language, Staff needed clarification

on the meaning or intent of certain terms used in 160D-703 (b1). In the proposed language, Staff defined area median income as being that of Mecklenburg County, NC. The attorneys consulted with professors at the UNC School of Government about the meaning of the following terms- harmony, units, and the development. Harmony was interpreted to be the plain language of meaning, in agreement or accord. Units was interpreted to mean more than one, which is why the proposed language specifies two or more units. The development was interpreted to mean the entire development.

**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.

§ 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).)

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE
ARTICLE 3.2 GENERAL DISTRICTS, ARTICLE 4 LOT & BUILDING TYPES, AND
ARTICLE 12.2.1 GENERAL DEFINITIONS 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.

a) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

b) 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.

c) **Subsection 3.2.4(d)(1)(a)-(b) 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.**

d) 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.

e) 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.

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:

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.

a) New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

Commented [KM1]: How does State define Harmony?

Commented [ES2R1]: "Harmony" is not defined in Chapter 160D. When the statutes do not provide a definition, the courts apply the plain language meaning for statutory interpretation.

As defined by the non-musical definitions of harmony in Merriam-Webster that would be:

- "pleasing arrangement of parts: congruence"
- "agreement, accord"
- "an interweaving of different accounts into a single narrative"

Essentially, requirements that the development blend into the other surrounding development.

Commented [KM3]: Does this mean, if one apartment building in a development contains affordable housing units, that all other buildings in the development, even if not multi-family with affordable units, do not have to adhere to harmony requirements?

Commented [KM4]: Does the Town need to ensure the units are dedicated as affordable forever, if so, how do we that?

Commented [ES5R4]: If the proposed development falls within the scope of 160D-703(b1), then the approved sketch plan, preliminary plan, final plat should clearly denote two or more units of affordable housing for families or individuals with incomes below 80% of the AMI.

If the development is constructed in violation of the plan, we would then enforce through our normal code enforcement mechanisms.

There is no "dedication" aspect to the enforcement.

b) 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.

c) Subsection 3.2.5(d)(1)(a)-(b) 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.

d) 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.

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:

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.

a) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

b) 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.

c) Subsection 3.2.6(d)(1)(a)-(b) 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.

d) 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.

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:

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.

a) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

b) New buildings which exceed the scale and volume of e-xisting 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.

c) Subsection 3.2.7(d)(1)(a)-(b) 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.

d) 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.

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.8(d)(1), Campus Intuitional 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.

a) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

b) 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.

c) Subsection 3.2.8(d)(1)(a) & (b) 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.

d) Where necessary scale of building prevents design compatibility, buffer standards of Section 7.5 shall apply.

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.9(d)(1), Corporate Business 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.

a) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

b) 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.

c) Subsection 3.2.9(d)(1)(a)-(b) 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.

d) Buffer standards included in Article 7, Part A shall apply.

Section 7. 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:

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.

a) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

b) 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.

c) Subsection 3.2.11(d)(1)(a)-(b) 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.

d) 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.

Section 8. 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:

d) General Requirements

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.

a) 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.

b) Subsection 3.2.13(d)(2)(a) 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.

c) 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

Section 9. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.14(d)(1), 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.

Subsection 3.2.14(d)(1) 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, 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. Urban Workplace Architectural Standards Principles A-D shall not apply to the residential portion of 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.

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

Section 11. 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. Shopfront Building Architectural Standards Principles A-D shall not apply to the residential portion of 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.

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

Section 12. 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. Apartment Building Architectural Standards Principles A-D shall not apply to the residential portion of 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.

F. 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.

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

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

Section 13. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 12.2.1, General Definitions, is hereby amended as follows:

Mechanical and utility equipment. Equipment including, but not limited to, heating and cooling units, ventilation, utility meters, junction boxes, transformers, and generators.

Area Median Income. The Area Median Income (AMI) and/or Median Area Income shall mean the AMI for Mecklenburg County, NC.

Mid-block private alleyway with courtyard. An area enclosed on at least two sides by the vertical rise of building walls with a private vehicular or pedestrian passageway for access to the public street. This form may be used for vehicular parking that meets, but does not exceed, the needs of residential and/or non-residential uses that front upon it. The alleyway may be either linear or circuitous in nature. The alleyway with courtyard shall be of a unified design, constructed of hard-surfaced paving materials and optional landscaping to create an urban setting supportive of pedestrian use as well as optional vehicular parking. Hard-surfaced paving materials include paving blocks, stone, brick, and either concrete or asphalt that has been scored, colored, or otherwise configured to resemble pavers, stone, or brick.

Section 14. This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: August 4, 2022, September 1, 2022

PUBLIC HEARING DATE: September 6, 2022

PLANNING BOARD MEETING: September 27, 2022

TOWN BOARD DECISION: October 17, 2022

**Town of Huntersville
Ordinance Advisory Board
September 1, 2022**

To: Ordinance Advisory Board

From: Nathan Farber, Planner I

Date: September 1, 2022

Subject:

EXPLAIN REQUEST:

ACTION RECOMMENDED:

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



Text Amendment Application

Date of Application July 1

Fee

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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.**

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