



**Huntersville Ordinances Advisory
Board Agenda
June 3, 2021
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

- NOTICE VIRTUAL MEETING -

Virtual Meeting Information - Members of the public may view the meeting on Facebook Live at <https://www.facebook.com/HuntersvilleNCTownGovernment>.

A. Adoption of Minutes

1. **Adoption of May 6, 2021 Minutes** (Attachment 1)
2. **Adoption of May 10, 2021 Minutes** (Attachment 2)

B. Comments from Audience (3 minutes per person allocation)

C. Other Business

1. Zoning text amendment on detached garage location for Farmhouse Cluster subdivisions (Attachment 3).
2. Continued discussion on commercial communication towers (Attachment 4, 5).
3. Continued discussion on dormitory amendment for Metrolina Greenhouse in TR zone with a special use permit (Attachment 6).
4. Discussion on Article 8.1 Street Frontage Required (Attachment 7, 8, 9)
5. Introduction discussion on HOAB having a standardized checklist for text amendments-topic for July agenda (Attachment 10).
6. Discussion on availability for July 1, 2021 HOAB meeting.

D. Adjourn



**Huntersville Ordinances Advisory
Board Minutes
May 6, 2021
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

- NOTICE VIRTUAL MEETING -

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A. Call to Order

Attendance: M. Jones, T. Taylor, L. Munger, K. Jones, J. Henson, S. Moore, B. Skelly, F. Gammon,

Members Absent: T. Finlay

Non-voting members present: J. Simoneau, J. Glass & T. Barron

B. Adoption of April 1, 2021 Minutes (Attachment 1)

S. Moore made a Motion to Adopt the April 1, 2021 Minutes. J. Henson seconded the motion. The motion passed unanimously (8-0).

C. Comments from Audience (3 minutes per person allocation)

D. Other Business

1. Discussion on Section 9.9 Commercial Communication Towers (Attachment 2).

Prior to discussion, S. Moore stated he has an interest in this item and requested to be recused. L. Munger made a Motion to Recuse S. Moore. B. Skelly seconded the motion. The motion passed unanimously (7-0).

J. Simoneau, Planning Director provided an overview of Article 9 and the current setbacks related to Commercial Communication Towers which are currently permitted with a Special Use Permit in the Rural zone and permitted with conditions in Corporate Business and Special Purpose zones. An applicant has an interest in developing the land around an existing freestanding structure and would like to determine the interest of the Board to update the setback requirements based on current technology.

Staff reviewed an email related to the method of construction, wind and ice ratings, and how it is designed to fall in upon itself in the event of a failure. Finally, staff provided a summary of what the current setback requirements are in neighboring communities.

There was discussion related to the various heights of towers, freestanding versus co-locating towers, evolution of technology, and FAA rules.

M. Jones made a Motion to Request additional research by staff in concert with an applicant or outside party to review options for updating the ordinance with the existing structures located in our community and given the macro changes of wireless communication over time. L. Munger seconded the motion. The motion was passed unanimously (7-0).

B. Skelly made a Motion to Reinstate S. Moore following discussion. J. Henson seconded the motion. The motion passes unanimously (7-0).

2. Discussion on Metrolina Greenhouse request to permit H-2A housing (dormitory) in the TR zoning district (Attachment 3).

J. Simoneau, Planning Director reviewed a floor layout of proposed H-2A housing for migrant workers and the proposed location for the future housing in Transitional Residential (TR) zoning. The current ordinance has a definition of dormitory in Article 12. The proposed amendment would change the definition of dormitory to include 'employed by the same agricultural institution,' and to allow dormitories as a special purpose in the TR zoning. As a reminder, special use is a non-administrative approval process, so it requires Board approval.

Art VanWingerden, CFO of Metrolina Greenhouses explained that H-2A is a Federal law that passed years ago allowing agricultural workers to enter the country for 10 months of the year to complete a specific job. There is a challenge to find workers willing to do the job and Metrolina has utilized H-2A workers for years. Currently, those workers must stay in hotels and be bussed to work. The team at Metrolina has already toured a location in Michigan who has built and is using this same H-2A housing model, which meets federal guidelines.

F. Gammon confirmed that workers must apply and be qualified by the federal government to be an H-2A worker, and the employer is required to provide housing and transportation for the workers. The applicant confirmed that is correct and H-2A workers make up 35% of the workforce. That translates to 100-150 full-time employees and then a seasonal group which work for 90-120 days during the surges. This proposal is to house the full-time employees. The seasonal employees will likely continue in hotels, at this time. F. Gammon commented that from his reading, the Town would need to then prepare for family housing to accommodate the workers families. The applicant stated that their workers do not bring their families. F. Gammon commented that he would not support this being a by-right use in TR zoning but could consider Special Purpose.

L. Munger asked if there were any photos of what this looks like in Michigan. The applicant stated that he didn't have any to share today but they can review what is available from their tour last June and will be happy to share it with the group. A review of the layout was given that indicated sleeping area, cooking area, shared bathrooms, and shared eating area. The company they use, Manzana, has a contract rate and housing and transportation are included in the contract rate. Finally, L. Munger asked staff which zonings allow for higher density. Staff responded it is the zoning that falls along the Highway 77 corridor and this type of housing is a whole different type that would be falling in our lower density area.

K. Jones asked how many units are expected to be built, how many workers will be housed in each unit, and would they look to possibly build additional units in the future? The applicant stated that currently they are looking to build one of these to house 84-100 people and eventually they would like to build a total of three of these on the 35 acres of the proposed housing site.

J. Henson stated that the conditions that would apply to this would be good to review since they are likely to provide the right buffering and limitations on how many parcels would be eligible to apply for this if the conditions include a good buffer possibly an acreage minimum.

F. Gammon suggested considering adding billet housing definition to the zoning ordinance versus repurposing dormitory to keep the two separate and unique in their uses and applications.

B. Skelly asked how the locations in Michigan with this type of housing managed COVID-19 related issues. The applicant stated that Huntersville had zero COVID-19 cases with H-2A workers and while the exact number is not known, the Michigan location had a smaller percentage of positive cases in H-2A workers than Huntersville did when you account for all employees.

K. Jones asked if the buildings would stay one level or if they will be trying to do multi-level. The applicant commented the buildings will only be one level and the plan is to add some type of activity area such as a soccer field to give them something active to do on their days off.

M. Jones asked if for some reason you were not able to build this type of housing and you had to continue to use hotel/motel type housing if that would put them at a competitive disadvantage. The applicant commented that it would be a huge competitive disadvantage, last years housing costs went \$80,000 over budget, this year's housing costs are expected to be \$250,000 higher and in three years it is predicted to be \$500,000 higher. These buildings will cost about \$1,000,000 each to build and part of the reason for the location is to allow them to be hooked up to city water and city sewer. M. Jones followed up and asked if this workforce is essential to their business. The applicant stated that it is absolutely essential as they are simply not able to get enough local workers.

Staff requested that any additional questions or requests be routed to them and they will assist the applicant to ensure that the Board has what they would like to be able to hear this item in the future for recommendation.

3. Detached Garage in Side-Yard

L. Speight, Planner 1 reviewed that a resident who resides in a farmhouse cluster is interested in adding a detached garage in a side-yard, similar to the ones that his neighbors already have. The similar garages in his farmhouse cluster were permitted prior to Huntersville reviewing permits. The proposed amendment to Article 3.2.1 (e, 6) and Article 3.2.2 (e, 6) was reviewed to make farmhouse clusters exempt from the requirements of detached garages as found in Article 4: Detached House and Article 8.16. Staff reviewed the placement and buffer requirements of a farmhouse cluster which showed that a detached garage would have very limited to no visibility from the road.

K. Jones asked how many other farmhouse clusters have detached garages similar to the ones shown. Staff commented that we do not know but we could review that.

T. Taylor asked what the setbacks to the side property line if this was permitted. Staff commented that there is a minimum of 5 feet from side and rear setbacks; however, in farmhouse clusters there tends to be open space or tree save requirements.

L. Munger asked if there are buffer requirements and if a farmhouse cluster is developed without a buffer if this amendment would create visibility from the road. Staff responded that a

farmhouse cluster must maintain a generally rural appearance from the street and the development illustrated here has a 50' undisturbed buffer along the public street. There is no minimum buffer but all farmhouse clusters are subject to keeping a generally rural appearance from the street. L. Munger recommended a specific buffer be required.

4. Discussion on 160D Amendments to the Subdivision Ordinance and recommendation all Zoning and Subdivision Ordinance changes related to 160D and clean-up language (Attachment 4, 5).

M. Jones made a Motion to Table this item and call a Special Meeting to hear this item on Monday, May 10th at 6 p.m. F. Gammon seconded the motion. The motion passed unanimously (8-0).

E. Adjourn

S. Moore made a Motion to Adjourn. J. Henson seconded the motion. The motion passed unanimously (8-0).



**Huntersville Ordinances Advisory
Board Minutes
SPECIAL MEETING
May 10, 2021
6:00 p.m. – 7:30 p.m.
Location: VIRTUAL MEETING**

- NOTICE VIRTUAL MEETING -

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A. Call to Order

Attendance: M. Jones, T. Taylor, S. Moore, B. Skelly, F. Gammon, and J. Henson (arrived at 6:05 p.m.)

Members Absent: T. Finlay, L. Munger, and K. Jones

Non-voting members present: J. Simoneau, E. Sloop, J. Glass & T. Barron

B. Other Business

1. Discussion on 160D Amendments to the Subdivision Ordinance and recommendation all Zoning and Subdivision Ordinance changes related to 160D and clean-up language (Attachment 4, 5).

F. Gammon commented that he provided recommended clean-up items to staff. The only substantive area of concern had to do with flag and sign definition which he has referred to staff and Town legal staff to review.

M. Jones commented that in the Subdivision Ordinance, Section 5.00 Amendments, we may need to add the Huntersville Ordinance Advisory Board. On page 53, he was glad to see the additions. He confirmed that Section 8.4, on page 57 Maintenance Warranty is in legal compliance.

M. Jones stated that in the Zoning Ordinance, under Neighborhood Residential (NR) Zoning there were changes relative to the 2040 Plan and he asked for confirmation that this was not granting any regulatory effect to this advisory plan. Staff confirmed that this reference is only to nomenclature and not regulatory.

M. Jones asked what Town Staff and Legal Departments approach was to ensure that all updates are accurate and thorough. E. Sloop, Town Attorney confirmed that this process included a regular review of the UNC School of Government's updates related to 160D and their checklists and suggestions were carefully reviewed and utilized in this process.

M. Jones stated that he believes a revisit of Article 14 is warranted in the future to confirm compliance

and make appropriate updates; however, given the timeframe he recommends that we pursue moving these amendments forward now and revisiting a review of Article 14 in the future.

F. Gammon commented that he noticed an inconsistent style guide on the Ordinances depending on which Article you are looking at. He recommended staff review this for improvement. Staff commented that there is a style guide and staff will review the edits and notes provided by Frank as well as ensure that amendments are finalized with the use of the style guide.

B. Skelly confirmed that Subdivision Ordinance, Item 4.210 Filing of Notice of Appeal was accurate in its amendment to 30 days from receipt. E. Sloop confirmed that this is accurate.

J. Henson, T. Taylor and S. Moore indicated they had no areas of concern related to substantive content.

M. Jones made a Motion to Approve the amendments to the Subdivision and Zoning Ordinances necessitated by 160D as outlined here today, that we revisit aspects of Article 14 in the near future to come into compliance with case law, and include all non-substantiative corrections as identified. B. Skelly seconded the motion. The motion passed unanimously (6-0).

C. Adjourn

S. Moore made a Motion to Adjourn. J. Henson seconded the motion. The motion passed unanimously (6-0).

Proposed Text Amendment 21-06: Detached Garages in Side Yard

Proposed Text Amendment for Article 3.2.1 (e, 6) and Article 3.2.2 (e, 6)

6. No minimum lot size or width is required, so long as the project meets all other standards of the district. **Lots in farmhouse clusters are exempt from the requirements for the placement of detached residential garages in Article 4: Detached House and Article 8.16. Farmhouse clusters must include an opaque vegetative buffer from the public street for the placement of detached garages in the side yard of home lots.**

Background: This proposed text amendment was submitted by Jason Richardson, property owner of 14120 LEA POINT CT HUNTERSVILLE NC 28078 in the Lea Woods Farmhouse Cluster. The rationale is that under current regulations farmhouse clusters must maintain a generally rural appearance from public road(s) and at least 50% of the tract shall be designated as open space. Also, current regulations of the Zoning Ordinance require tree preservation per [Article 7.4](#) of the Zoning Ordinance. As a result of the appearance, open space, and tree preservation requirements, farmhouse clusters generally include significant vegetation such that detached garages in the side yard may be less visible from public street for lots in farmhouse clusters.

Related Zoning Articles:

Accessory structure or use. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located. The total square footage of all accessory structure(s) shall not exceed the total square footage of heated area located on the first floor of the principal structure.

Article 3.2.1 (e, 9) and Article 3.2.2 (e, 9)

9) The project shall maintain a generally rural appearance from public road(s).

Article 4: Detached House

2. Garages may be detached (entered from front or rear), or attached to the main dwelling, with or without habitable rooms above. Front loaded garages, if provided, shall meet the standards of Section 8.16.

3. A detached garage may be located only in the rear yard.

Article 8.16

.7 Detached garages may only be placed in the established rear yard. Garages for more than two cars must be detached and located in the established rear yard or be attached side or rear loading.

Article 7.4 : Minimum Tree Preservation Required

Zoning District	Existing Canopy $\geq$ 10% of total site area	Existing Canopy < 10% of total site area	Heritage Trees	Specimen Trees
R	50% of existing trees [notes 2,3,4]	10% of total site area (existing and planted) [1,2,3,4]	100% [2]	50% [2,4]
TR	35% of existing trees [2,3]	10% of total site area (existing and planted) [1,2,3]	100% [2]	35% [2]
GR and NR Districts	10% of total site area (existing and planted) [2,3]	10% of total site area (existing and planted)	100% [2]	10% [2]
TC, CI, TND, NC, TOD, HC, SP, CB, VS Districts	0%	0%	100% [2]	30% [2]

Notes 1-4 follow:

[1] If the tree save requirement does not meet 10% of the total site area, then additional trees must be planted. Each large maturing tree planted shall be given a canopy equivalent of 2,000 square feet and each small maturing tree planted a canopy equivalent of 500 square feet to reach the total of 10% of the total site area. Trees planted in buffer yards shall count towards meeting the required planting rate. However, street trees and newly planted residential lot trees shall not. Trees planted shall be a minimum of 2 inches in caliper and shall be 75% large maturing and 25% evergreen.

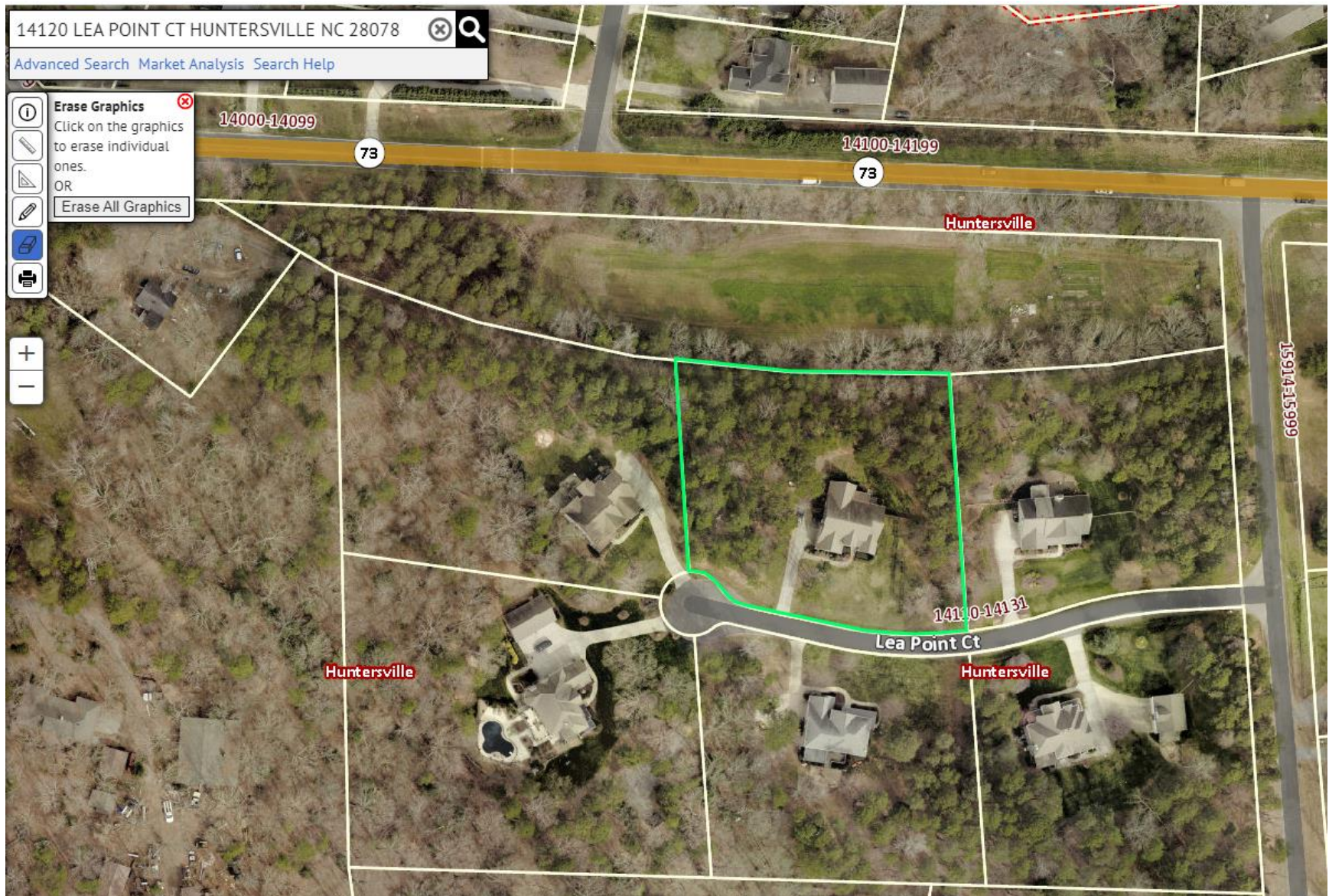
[2] Where circumstances prevent locating the required tree plantings or preservation standards on site and approval by the Planning Board is granted, the developer may mitigate protected tree canopy removal by planting new trees on the site whose canopy equals that of the canopy to be removed (new tree canopy credits are described above). If site conditions are not conducive for healthy tree replacement plant on site, the developer may contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. A combination of planting and contribution in lieu of planting is acceptable. The amount of contribution is based on the total cost of the required mitigation trees plus that of their installation.

For Specimen Tree Mitigation, the developer may mitigate the removal of specimen trees by planting new trees on the site whose total caliper (DBH) equals 100% of the total caliper of trees (DBH) to be removed above the ordinance requirement. If site conditions are not conducive for healthy tree planting on site, the developer may contribute to a Tree Fund/Bank as described above. Newly planted street trees, parking lot trees, and buffer trees do not count toward the mitigation calculation.

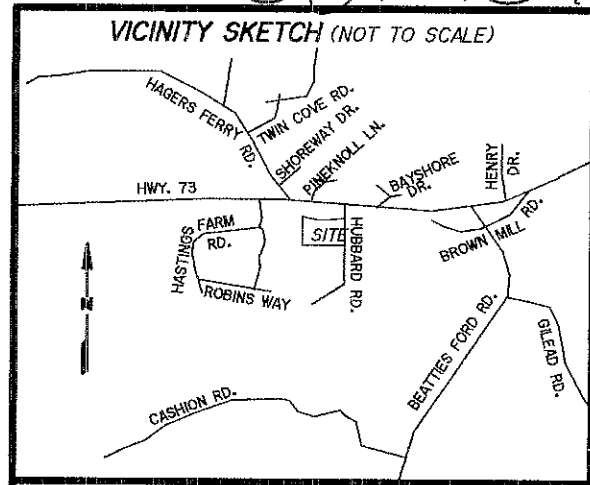
[3] When calculating the tree save area, 150% of the canopy area of each specimen tree and 200% of the canopy area of each heritage tree shall count towards the required tree save area. For example:

Saved Number of Trees	Canopy Area of Saved Trees	Calculated Tree Save Area
4 Specimen Trees	3,900 square feet	5,850 square feet
2 Heritage Trees	2,000 square feet	4,000 square feet

[4] In the Rural district (R) minimum tree save required for non-residential uses, are reduced to require preservation of >30% of existing canopy and specimen trees.



Polaris 3G Aerial of Lea Woods Farmhouse Cluster



FILED FOR
REGISTRATION
OCT 15 2002
AT 1:43 PM
JUDITH A. GIBSON
MECKLENBURG COUNTY, N. C.
REGISTER OF DEEDS

N.C.G.S. STATION "MO10"
N.C. GRID COORDS.
N = 188,436.185 METERS
E = 433,353.374 METERS
COMBINED GRID FACTOR = 0.9998394
N.C.G.S. STATION "MO10 AZ MK"
N.C. GRID COORDS.
N = 187,852.896 METERS
E = 433,384.189 METERS

NOTES :

PRIVATE ROAD WILL BE MAINTAINED BY THE OWNER UNTIL 75% OCCUPANCY IS ACHIEVED AT WHICH TIME IT WILL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.

FRONT-LOADING GARAGES SHALL BE RECESSED AT LEAST 10' BEHIND THE PRIMARY PLANE OF THE FRONT FACADE OF THE STRUCTURE. EXCEPTION FOR SINGLE FAMILY DETACHED DWELLINGS WITH 1400 SQ. FT. OR LESS OF HEATED SPACE; SINGLE BAY FRONT LOADING GARAGES MAY BE BUILT FLUSH WITH, BUT MAY NOT PROJECT IN FRONT OF, THE PRIMARY PLANE OF THE FRONT FACADE OF THE STRUCTURE; DOUBLE BAY FRONT LOADING GARAGES SHALL BE RECESSED AT LEAST 10' BEHIND THE PRIMARY PLANE OF THE FRONT FACADE OF THE STRUCTURE.

BUILD-TO-LINE : A LINE EXTENDING THROUGH A LOT, WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATION MUST BE ERCTED; INTENDED TO CREATE AN EVEN BUILDING FACADE LINE ON A STREET.

TYPE OF SUBDIVISION = FARMHOUSE CLUSTER

NUMBER OF LOTS = 6

ZONING : OPS (OPEN SPACE DISTRICT)

MINIMUM SETBACK LINES :
FRONT = 40'
SIDE = 5'
SIDE STREET = 17.5'
REAR = 25'

NO. 6 REBAR SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

PROPOSED USE OF NEW LOTS = SINGLE FAMILY RESIDENTIAL

TOTAL ACREAGE BEING DIVIDED = 10.0673 ACRES

ACREAGE COMPUTED BY COORDINATE METHOD.

WATERSHED : MOUNTAIN ISLAND LAKE PA-1

INITIAL IMPROVEMENTS (RE: ROAD) WILL NOT INVOLVE CLEARING MORE THAN 1 ACRE.

DIRECT VEHICULAR ACCESS TO HUBBARD ROAD FROM ANY LOT IS PROHIBITED.

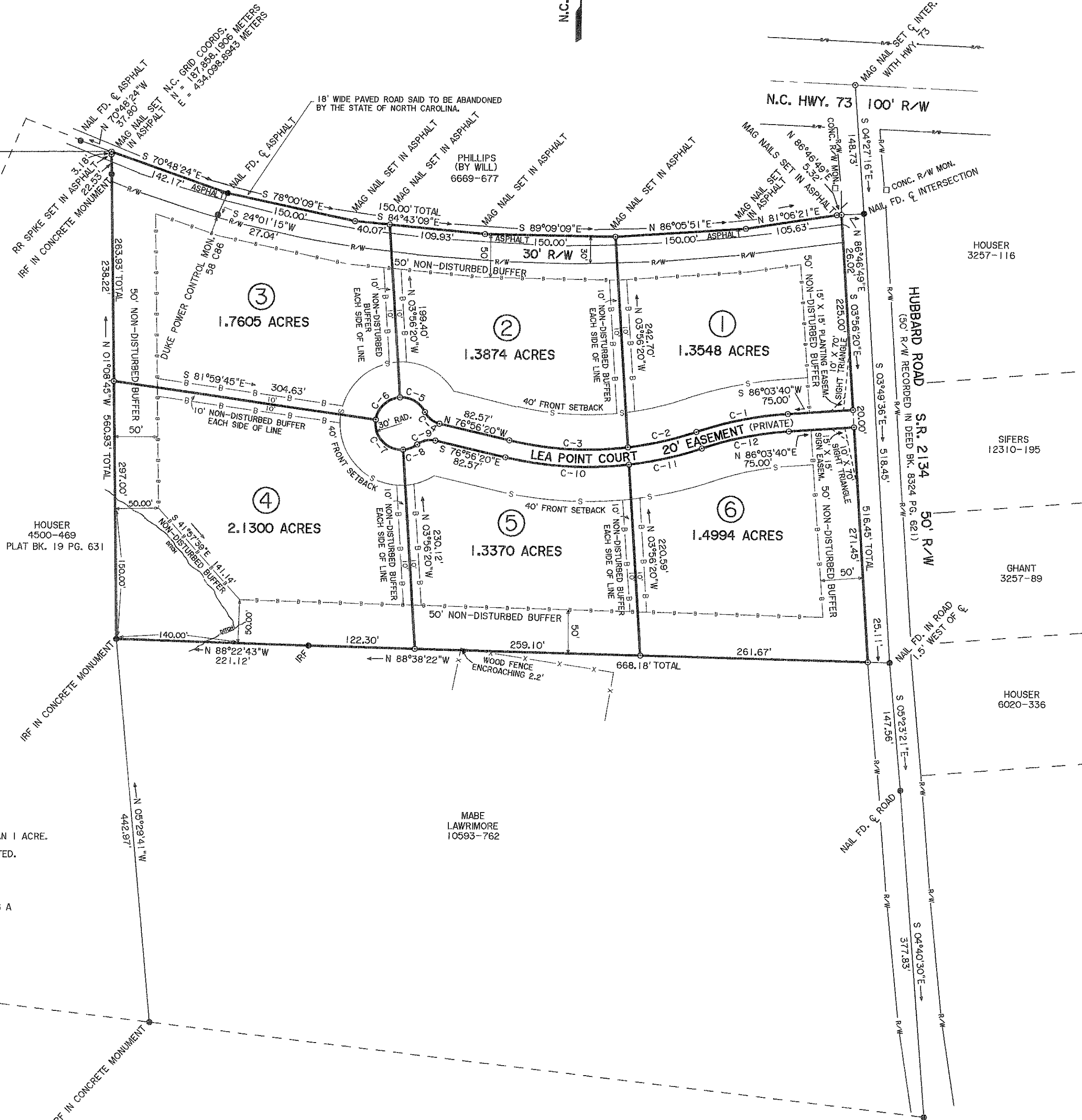
PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS-OF-WAY OR EASEMENTS NOT OBSERVED.

THIS PLAT COMPLIES WITH TOWN OF HUNTERSVILLE ZONING ORDINANCE AS A FARMHOUSE CLUSTER AND MEETS ALL STANDARDS LISTED IN ARTICLE 3 OF THE ZONING ORDINANCE.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

CERTIFIED BY: *W. Bradley Freeman*
W. BRADLEY FREEMAN
P.L.S. L-3119

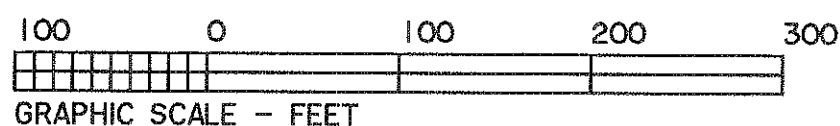
CURVE	CH. BEARING	CHORD	ARC	RADIUS
C-1	S 78°33'40"W	107.03	107.34	410.00
C-2	S 76°58'51"W	80.45	80.59	390.00
C-3	N 87°01'09"W	136.52	137.23	390.00
C-4	N 51°41'58"W	21.32	22.03	25.00
C-5	N 60°11'58"W	33.33	35.33	30.00
C-6	S 47°01'57"W	37.78	40.87	30.00
C-7	S 42°58'03"E	46.61	53.38	30.00
C-8	N 69°19'18"E	17.28	17.53	30.00
C-9	N 77°49'18"E	21.32	22.03	25.00
C-10	S 86°56'31"E	142.44	143.16	410.00
C-11	N 77°03'29"E	85.67	85.83	410.00
C-12	N 78°33'40"E	101.81	102.10	390.00



LEGEND :

- : EXISTING CORNER; TYPE NOTED
- : IPF : IRON PIPE FD.
- : IRF : IRON ROD FD.
- : CORNER SET; TYPE NOTED
- : CENTER LINE
- R/W : RIGHT OF WAY
- P : PROPERTY LINE
- PP : POWER POLE
- : POWER LINE
- S - : SETBACK LINE
- E - : EASEMENT
- C.M.P. : CORRUGATED METAL PIPE
- R.C.P. : REINFORCED CONCRETE PIPE

FLOOD CERTIFICATE :
BASED UPON REVIEW OF FLOOD INSURANCE RATE MAP, PANEL 30 OF 210, COMMUNITY PANEL NUMBER 370158 0030 D (EFFECTIVE DATE: JAN. 19, 2000), THE PROPERTY DEPICTED ON THIS SURVEY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN).



CERTIFICATE FOR TOWN PLANNING DEPT. :
THIS PLAT COMPLIES WITH TOWN OF HUNTERSVILLE ZONING ORDINANCE AS A FARMHOUSE CLUSTER AND MEETS ALL STANDARDS LISTED IN ARTICLE 3 OF THE ZONING ORDINANCE.

Lori Tomaszewski 8-8-02
TOWN PLANNER DATE

CERTIFICATE OF OWNERSHIP & DEDICATION :
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I DEDICATE ALL SEWER LINES AND ALL WATER LINES TO THE CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT, IF APPLICABLE.

Ronald Locatis 8/7/02
OWNER DATE
Michael C. Bunting 8-7-02
OWNER DATE

REVIEW OFFICER CERTIFICATE :
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
I, *Lori Tomaszewski*, REVIEW OFFICER OF MECKLENBURG COUNTY
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Lori Tomaszewski 8-8-02
REVIEW OFFICER DATE

CERTIFICATE OF SURVEY AND ACCURACY :
I, W. BRADLEY FREEMAN, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION; THAT THE RATIO OF PRECISION IS 1 : 10,000+; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION SHOWN HEREON; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 12th DAY OF JULY, 2002.

W. Bradley Freeman
PROFESSIONAL LAND SURVEYOR
L-3119
LICENSE NUMBER

FARMHOUSE CLUSTER

LEAWOODS

TOWN OF HUNTERSVILLE
LEMLEY TOWNSHIP
MECKLENBURG COUNTY, N.C.

REF. DEED BK. 10471 PG. 592 PARCEL # 01314104
REF. PLAT BK. 19 PG. 631

SURVEY FOR : **MICHAEL BUNTING & RONALD LOCATIS**
9139 WIND KNOB COURT
HUNTERSVILLE, NC 28078
PHONE : 704-875-1040

FREEMAN SURVEYING
W. BRADLEY FREEMAN, P.L.S. L-3119
1416 PLEASANT GROVE CHURCH ROAD
CROUSE, N.C. 28033
PHONE (704) 732-0404

SCALE : 1" = 100'
SURVEY BY : WBF
CHECKED BY : WBF DATE OF PLAT PREPARATION : JULY 12, 2002
DRAWN BY : DWF DATE OF SURVEY : JUNE 17, 2002
FD. BK. TDS JOB NO. 0291 DRAW FILE 0291510B



TREES

	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	CONDITION
	16	Little Leaf Linden	<i>Tilia cordata</i>	2' cal.	8'	B&B
	9	Red Maple	<i>Acer rubrum</i>	2' cal.	8'	B&B
	14	Lily Magnolia	<i>Magnolia liliflora</i>	2' cal.	8'	B&B
	31	Hinoki Falsecypress	<i>Chamaecyparis obtusa</i> "Filicoides"	2' cal.	8'	B&B
SHRUBS						
	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	CONDITION
	99	Leatherleaf Viburnum	<i>Viburnum rhytidophyllum</i>	3 gal.	36"	Cont.

NOTE: 60' BUFFER TO BE MAINTAINED BY PROPERTY OWNER OR HOA AND SHALL NOT BE REMOVED.

NOTE: PERMITTED USES OF OPEN SPACE LANDS TO BE PRESERVED SHALL CORRESPOND GENERALLY TO PHYSICAL CONDITIONS AT THE TIME OF SUBDIVISION APPROVAL. RESTRICTIVE COVENANTS SHALL LIMIT USES TO THE CONTINUATION OF CERTAIN AGRICULTURAL ACTIVITIES (PASTURELAND, CROP CULTIVATION) OR RECREATION USES THAT PRESERVE THE VIEW FROM PUBLIC STREETS OF RURAL HERITAGE FEATURES TO BE PRESERVED.

TREE PROTECTION NOTES:

PROTECTIVE BARRICADES SHALL BE PLACED AROUND ALL PROTECTED TREES DESIGNATED TO BE SAVED IN DEVELOPMENT AREAS, PRIOR TO THE START OF DEVELOPMENT ACTIVITIES OR GRADING. PROTECTIVE BARRICADES SHALL REMAIN IN PLACE UNTIL DEVELOPMENT ACTIVITIES ARE COMPLETE OR CONSTRUCTION IN ACCORDANCE WITH STANDARDS SET FORTH IN THIS SECTION COMMENCES. THE AREA WITHIN THE PROTECTIVE BARRICADE SHALL REMAIN FREE OF ALL BUILDING MATERIALS, DEBRIS OR OTHER CONSTRUCTION DEBRIS, CONSTRUCTION TRAFFIC, STORAGE OF VEHICLES AND MATERIALS, AND GRADING SHALL NOT TAKE PLACE WITHIN THE DRILLPIENE OF THE EXISTING TREES TO BE PROTECTED. BARRICADES SHALL BE ERECTED AT A MINIMUM DISTANCE FROM THE BASE OF PROTECTED TREES ACCORDING TO THE FOLLOWING STANDARDS:

- A. FOR TREES 10' OR LESS DBH: PROTECTIVE BARRICADES SHALL BE PLACED A MINIMUM DISTANCE OF 5' FROM THE BASE OF EACH TREE. TREES 10' OR LESS DBH: PROTECTIVE BARRICADES SHALL BE GREATER.
- B. FOR TREES GREATER THAN 10' DBH: PROTECTIVE BARRICADES SHALL BE PLACED AT A MINIMUM DISTANCE EQUAL TO 10' FROM THE BASE OF THE PROTECTED TREE PLUS AN ADDITIONAL 1' FOR EACH ADDITIONAL 1" DBH GREATER THAN 10" DBH, OR OUTSIDE THE DRIFLINE, WHICHEVER IS GREATER.
- C. CONSTRUCTION ACTIVITIES SHALL BE LOCATED WHERE THERE ARE NO EXISTING OR PROPOSED ENTRANCE/EXIT IS LOCATED.
- D. EXCEPT FOR DRIVEWAY ACCESS POINTS, SIDEWALKS, CURB AND GUTTER, NO PAVING WITH CONCRETE OR OTHER IMPERMEABLE MATERIALS WITHIN A TREE DRIFLINE SHALL BE ALLOWED.
- E. WHERE GRADING WITHIN A TREE DRIFLINE CANNOT BE AVOIDED:
 - F. LIMIT CUT AND FILL TO 10% TO 1/3 THE AREA WITHIN THE DRIFLINE.
 - G. AVOID CUT AND FILL AROUND ENTIRE CIRCUMFERENCE OF TRUNK.
 - H. WHERE GRADING LEAVES ROOTS EXPOSED, CUT ROOTS CLEAN.
- I. AVOID FILLING WITHIN THE DRIFLINE OF A TREE WITHOUT SOME MEANS TO ALLOW AIR AND WATER TO REACH THE ROOTS.

SEED/SOD/MULCH:

1. TURF AREAS WILL BE SEEDED OR SODDED WITH REBEL II FESCUE WITH EXCEPTION OF SOD WITHIN THE FLOOR OF STORMWATER MANAGEMENT AND WATER QUALITY BASINS AND FILTERS. SOD WILL BE REQUIRED NEXT TO BUILDING STRUCTURES, DRIVEWAYS ENTRANCES AND AREAS DISTURBED IN THE FRONT SETBACK AS NOTED ON PLAN. LANDSCAPE CONTRACTOR TO SEED ALL OTHER DISTURBED AREAS.
2. PINE NEEDLE MULCH IS THE GENERALLY ACCEPTED MULCH. FOR THE INITIAL PLANTING, IT IS ALSO ACCEPTABLE TO UTILIZE DOUBLE HAMMERED BARK MULCH FOR GOOD SOIL AND BED MANAGEMENT. FUTURE YEARS, THOUGH, WILL REQUIRE THE PROPERTY TO BE CONVERTED TO PINE NEEDLES.

1.1 PLANTING SOIL MIX

- A. MIX TOPSOIL WITH THE FOLLOWING SOIL AMENDMENTS IN THE FOLLOWING QUANTITIES:
1. WEIGHT OF LIME PER 1000 SQ. FT
 2. RATIO OF LOOSE COMPOST TO TOPSOIL BY VOLUME: 1:4
 3. RATIO OF LOOSE WOOD DERIVATIVES TO TOPSOIL BY VOLUME:
 4. WEIGHT OF BONEMEAL PER 1000 SQ. FT.
 5. WEIGHT OF COMMERCIAL FERTILIZER PER 1000 SQ. FT.
 6. WEIGHT OF SLOW-RELEASE FERTILIZER PER 1000 SQ. FT.
- SOIL TEST PROVIDED BY CONTRACTOR REQUIRED FOR TOPSOIL MIX.

INSTALLATION GUARANTEE REQUIRED

1. A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED PRIOR TO THE INSTALLATION OF TREES AND SHRUBS, EXCLUDING YARD TREES DURING THE NON-PLANTING SEASON IF A CASH BOND, SURETY BOND OR LETTER OF CREDIT IS ISSUED FOR 120% OF THE COST OF MATERIALS AND INSTALLATION. PLANTING SHALL BE COMPLETED DURING THE NEXT PLANTING SEASON.
2. THE PLANTING SEASON SHALL RUN FROM OCTOBER 15 TO MARCH 15, EXCEPT FOR EXTREME WEATHER CONDITIONS AS DETERMINED BY STAFF. A FINAL CERTIFICATE OF OCCUPANCY SHALL NOT BE GIVEN DURING THE PLANTING SEASON UNLESS ALL OF THE LANDSCAPING IS COMPLETELY INSTALLED ACCORDING TO THIS ARTICLE.

MAINTENANCE SURETY REQUIRED

1. DEVELOPERS SHALL ENTER INTO A MAINTENANCE SURETY AGREEMENT WITH MECKLENBURG COUNTY GUARANTEEING THE VIABILITY OF STREET TREES AND TREES AND SHRUBS PLANTED IN BUFFER YARDS FOR A PERIOD OF 1 YEAR FOLLOWING PLANTING. THE AMOUNT OF THE SURETY SHALL BE EQUAL TO 50% OF THE VALUE OF THE NEW TREES OR LANDSCAPE MATERIAL AND THEIR INSTALLATION. THE MAINTENANCE SURETY SHALL BE PROVIDED WHEN ALL OF THE REQUIRED TREES AND SHRUBS HAVE BEEN PLANTED.

RESIDENTIAL LOT TREE TABLE

- | | | |
|---|---|--|
| <p>• 3 FRONT AND 3 REAR YARD TREES REQUIRED FOR LOTS GREATER THAN 20,000 SF</p> | | |
| LOT 1 TREES REQUIRED | 3 FRONT YARD, 3 REAR YARD | |
| LOT 1 TREES PROVIDED | 3 FRONT YARD, 2 REAR YARD WITH BUFFER TREES | |
| LOT 2 TREES REQUIRED | 3 FRONT YARD, 3 REAR YARD | |
| LOT 2 TREES PROVIDED | 3 FRONT YARD, 2 REAR YARD WITH EXISTING TREES | |
| LOT 3 TREES REQUIRED | 3 FRONT YARD, 3 REAR YARD | |
| LOT 3 TREES PROVIDED | 1 FRONT YARD WITH EXISTING TREES
ALL EXISTING TREES IN REAR YARD | |
| LOT 4 TREES REQUIRED | 3 FRONT YARD, 3 REAR YARD | |
| LOT 4 TREES PROVIDED | 2 FRONT YARD WITH EXISTING TREES
ALL EXISTING TREES IN REAR YARD | |
| LOT 5 TREES REQUIRED | 3 FRONT YARD, 3 REAR YARD | |
| LOT 5 TREES PROVIDED | 3 FRONT YARD, ALL EXISTING TREES
IN REAR YARD | |
| LOT 6 TREES REQUIRED | 3 FRONT YARD, 3 REAR YARD | |
| LOT 6 TREES PROVIDED | 1 FRONT YARD WITH BUFFER TREES,
EXISTING TREES IN REAR YARD | |

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 P. OR AS AMENDED.

GENERAL PLANTING NOTES:

1. THIS PLAN FOR PLANTING LOCATIONS ONLY. IF FOUND CONDITIONS VARY FROM THIS, CONTRACTOR TO CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO DO SO WILL RESULT IN CONTRACTORS LIABILITY TO REPLACE PLANT MATERIALS.
2. CONTRACTOR TO COORDINATE WITH OWNER'S REPRESENTATIVE FOR EXISTING PLANT MATERIAL TO BE REMOVED AND/OR RELOCATED.
3. CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND AND ABOVE GROUND UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE TO ANY AND ALL PUBLIC OR PRIVATE UTILITIES. CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE COST OF REPAIR TO ALL DAMAGED UTILITIES.
4. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL PLANT MAINTENANCE, INCLUDING SHRUBS AND GROUNDCOVER, AND SHALL MAINTAIN AREA IN A WEED AND DEBRIS FREE CONDITION, THROUGHOUT GUARANTEE PERIOD.
5. WHERE TREES ARE PLANTED IN ROWS, THEY SHALL BE UNIFORM IN SIZE AND SHAPE.
6. SIZES SPECIFIED IN THE PLANT LIST ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE JUDGED. FAILURE TO MEET MINIMUM SIZE ON ANY PLANT WILL RESULT IN REJECTION OF THAT PLANT.
7. PLANTING SITE DETERMINATION:
SHADE TREES: HEIGHT SHALL BE MEASURED FROM THE CROWN OF THE ROOT BALL TO THE TOP OF MATURE GROWTH, SPREAD SHALL BE THE DISTANCE FROM THE END OF THE BRANCHING LIGNAL AROUND THE CROWN FROM THE CENTER OF THE TRUNK. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH. SINGLE TRUNK TREES SHALL BE FREE OF "Y" CROTCHES THAT COULD BE POINTS OF WEAK LIMBS STRUCTURE OR DISEASE INVESTIGATION.
8. SHRUBS: HEIGHT SHALL BE MEASURED FROM THE CROWN OF THE ROOT BALL TO THE AVERAGE HEIGHT OF THE TOP OF THE PLANT. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING AROUND THE SHRUB MASS. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH.
9. ALL PLANTS SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL BRANCHED, FREE OF DISEASE, INSECT EGGS, AND LARVAE, AND SHALL HAVE ADEQUATE ROOT SYSTEMS.
10. ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED PLANTS AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS WHICH ARE CROWNED AND IN THE STAGE OF GROWING CONDITION. ALL ROOT BOUND PLANTS SHALL BE REJECTED.
11. GROUPS OF SHRUBS SHALL BE PLANTED IN A CONTINUOUS MULCH BED WITH SMOOTH CONTINUOUS LINES. ALL MULCHED BED EDGES SHALL BE CURVILINEAR IN SHAPE FOLLOWING THE CONTOUR OF THE PLANT MASS. TREES LOCATED WITHIN FOUR FEET OF SHRUB BEDS SHALL SHARE SAME MULCH BED.
12. CONTRACTOR TO SLIGHTLY ADJUST PLANT LOCATIONS IN THE FIELD AS NECESSARY TO CLEAR DRAINAGE WAVES AND UTILITIES. REMOVAL OF ANY SHRUBS OR TREES SHALL BE AT OWNERS RISK. DRAINAGE AWAY FROM BUILDINGS, IF SIGNIFICANT RELOCATIONS ARE REQUIRED, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH RELOCATIONS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY OF PLANT MATERIALS.

12. ALL PLANT MATERIAL SHALL BE SPACED AND LOCATED PER PLAN. IF CONFLICTS ARISE BETWEEN ACTUAL SIZE OF AREA AND PLANS, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH CONNECTIONS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY TO UNACCEPTABLE MATERIALS.
13. ALL SUBSTITUTIONS OF PLANT MATERIAL ARE TO BE REQUESTED IN WRITING TO THE OWNER'S REPRESENTATIVE AND APPROVED IN WRITING BY THE OWNER PRIOR TO INSTALLATION. FAILURE TO OBTAIN SUCH APPROVAL IN WRITING MAY RESULT IN LIABILITY TO THE CONTRACTOR.
14. ALL CONTRACTORS SHALL BE REQUIRED TO COMPLETELY REMOVE ALL BRUSH, DEBRIS AND EXCESS MATERIALS FROM THE WORK AREA AND THE PROPERTY (ESPECIALLY AT ALL CURB, GUTTERS AND SIDEWALKS) DAILY DURING INSTALLATION.
15. CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE IMPROVEMENTS, INCLUDING SEEDING, CONTRACTOR MUST CONTACT THE OWNER AT LEAST TO WORKING DAYS IN ADVANCE TO SCHEDULE ACCEPTANCE INSPECTION(S). CONTRACTOR MUST REPLACE ALL DEAD OR UNACCEPTABLE PLANTS DURING THE FOLLOWING RECOMMENDED PLANTING SEASON.
16. ADJUST TREE PLANTING LOCATIONS TO AVOID UNDERGROUND UTILITIES WHERE POSSIBLE. CONTACT OWNER'S REPRESENTATIVE FOR A COORDINATED SOLUTION FOR ANY UTILITY CONFLICTS. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO ANY AND ALL PUBLIC OR PRIVATE UTILITIES.
17. REFER TO PLANTING DETAILS FOR ADDITIONAL PLANTING INFORMATION.
18. ALL PLANTINGS SHALL COMPLY WITH CURRENT LOCAL ORDINANCES AND GUIDELINES.
19. LANDSCAPE AREAS TO BE IRRIGATED WITH AUTOMATIC IRRIGATION SYSTEM.

TREE PLANTING NOTES:

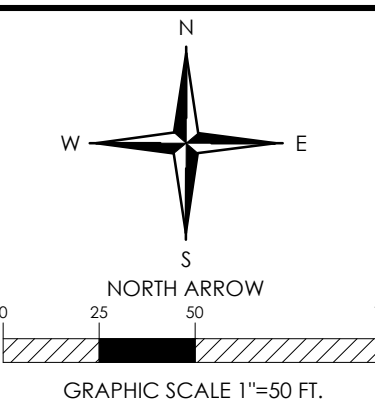
1. ALL TREES SHALL BE PLANTED PER TOWN OF HUNTSVILLE STANDARDS AND DETAILS
2. ALL PLANTING AND TOP 2/3 OF WIRE BASKET MUST BE CUT AWAY AND REMOVED FROM THE ROOT BALL PRIOR TO RECKLESS PLANTING
3. LARGE MATURING TREES MAY NOT BE PLANTED WHERE OVERHEAD POWER LINES OR TRANSMISSION LINES EXIST IF THEY CONFLICT WITH POWER LINES OR SIGNS. CALL THE URBAN FORESTER TO RESOLVE BEFORE PLANTING.
4. ADDITIONAL PLANTING LOCATIONS AVOID UNDERGROUND UTILITIES.
5. NEW TREES SHALL BE A MINIMUM 2" CALIPER FOR STREET TREE REQUIREMENTS.
6. PREFERRED MINIMUM TREE SPECIFICATIONS ON GRADING AND EROSION CONTROL SHEETS.
7. ALL TREES ARE TO BE NURSERY GROWN, BALL AND BURL (B&B) PREFERRED. MINIMUM TREE CALIPER (MEASURED 4" ABOVE ROOT BALL) 8" MINIMUM HEIGHT.
8. STAKING IS OPTIONAL. RUBBER HOES AND ROPE OR WIRE FOR STAKING IS REQUIRED. STAKES SHALL BE PLACED AT LEAST 18" IN DIRECT CONTACT WITH TRUNK. REMOVE ALL TRUNK WRAP, TREE STRAPS, AND STAKING WIRE OR ROPE AFTER ONE GROWING SEASON. STAKES SHALL BE REMOVED PRIOR TO AVOIDING DAMAGE TO ALL TREES AND SHRUBS SHALL MEET THE NORMAL REQUIREMENTS FOR THE AMERICAN STANDARD FOR NURSERY STOCK, LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMAN (AAAN).
9. ALL TREES SHALL BE PLANTED TO AVOID A TRIANGLE. BUT MUST BE LIMBED UP TO 6" HEIGHT CLEARANCE PER ADA REQUIREMENTS.
10. SNIP OR CRITERIA FOR TREE PLACEMENT AND PRUNING UP SHOULD BE DETERMINED AT DRIVEWAY/STREET INTERSECTIONS.
11. CONTRACTOR TO MAINTAIN CLEAR VIEWLINE BETWEEN 30° AND 72° FROM DRIVEWAY TO STREET. TREE MUST BE FREE OF LIMBS AND FOLIAGE FOR SAFE CROSS VISIBILITY.



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ASBURY CHAPEL FARMHOUSE CLUSTER

Parcel ID# 01935117 11901 Asbury Chapel Road
Huntersville, NC 28078

LANDSCAPE PLAN

REVISIONS:

- REV1 - 11/23/2020 1ST EPM COMM.
REV2 - 01/06/2021 2ND EPM COMM.
REV3 - 01/07/2021 NCDOT COMM.

C11 LANDSCAPE PLAN.DWG

PROJECT NUMBER: 220047

DATE: 10/14/2020 DRAWN BY: TS

SHEET C11 OF 18

ORDINANCE NO. (2021) 5007

**AN ORDINANCE TO AMEND ORDINANCE NO. (2003) 3250 ENTITLED
"THE GARNER UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF
GARNER AND ITS EXTRATERRITORIAL JURISDICTION" BY AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE TO REDUCE TELECOMMUNICATION
TOWER SETBACKS**

Section One. Amend Article 5.3.B.8.c.(7) to read as follows:

5.3. Specific use standards.

B. Public, civic and institutional uses.

8. Telecommunication facility.

- c. The application shall comply with the criteria of Section 3.14
where applicable of the ordinance and meet the following
standards.**

(7) Setbacks.

- (a) Minimum Setbacks. A setback radius as measured from the center of the tower base shall be required as follows for all cell towers – except for those located in the R-40 district (see subsection (15) below) – as follows:

Adjacent Lot Type	Setback	Notes
Developed Residential District	200' from property line	
Undeveloped Residential District	100% Tower Height	<i>See subsection (b)</i>
Non-Residential Districts	60% Tower Height or 110% BMD*	<i>See subsection (d); 110% BMD may not be less than the minimum side or rear yard zoning district setbacks</i>

** Breakpoint Minimum Distance (BMD) is the distance from the top of the structure to the breakpoint level of the structure.*

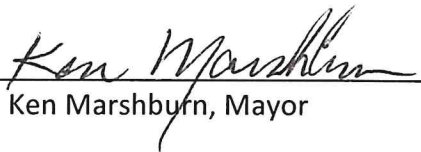
- (b) The Town Council may allow the setback adjacent to undeveloped residential districts to be reduced to a minimum of 60% of the tower height based on competent engineering evidence provided by the applicant certifying that the structural integrity of the tower is designed to collapse completely within the reduced setback distance and that affected owners of record adjacent to the

reduced setback distance provide written documentation that they do not object to such setback reduction.

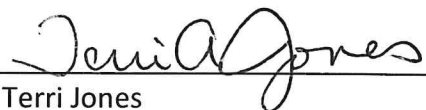
- (c) Breakpoint design technology is defined as: The engineering design of a tower wherein a specified point on the tower is designed such that in the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the tower. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant.
- (d) The Town Council may require that a tower setback radius area not contain any buildings, structures or land uses if the Council concludes that such buildings, structures or land uses could be impacted by the structural failure of the tower.

Section Two. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this 4th day of January 2021.


Ken Marshburn, Mayor

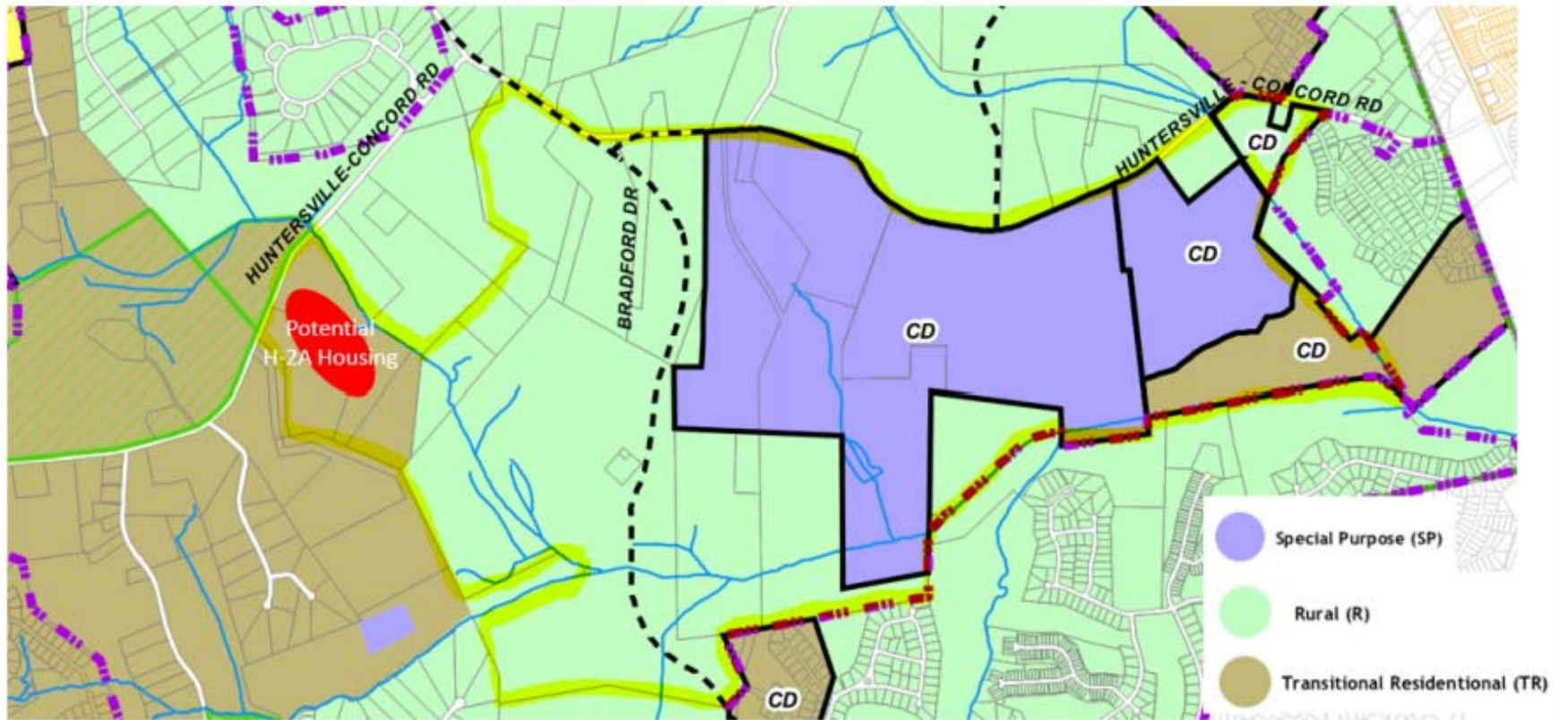
ATTEST: 
Stella L. Gibson, Town Clerk

APPROVED AS TO FORM: 
Terri Jones

Dunn, NC	Code states that in an industrial district, where there is outdoor storage, the height that stuff is stored must be setback from the perimeter far enough so that if it falls over, nothing will go outside the fence at the perimeter.
Randolph County	Randolph County requires all “telecommunications towers” to be setback one foot for each one foot in height. For example, a 195 ft. tower has to be 195 ft. from all property lines.
Currituck County	(A) Towers and antennas shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of tower height. Guy wires, when applicable, shall conform to district setback provisions. (B) There shall be no setback requirements between the tower and other structures located on the subject property. (C) Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located. UDO 4.2.3.H.1.d
Garner, NC	Adjacent Property Developed Residential – Setback is 200 ft Adjacent Property Undeveloped Residential – Setback is 100% of Tower Height Adjacent Property Non-Residential – Setback is 60% of Tower Height or 110% of Breakpoint Minimum Distance (Text Amendment submitted regarding this)
City of Concord	Attached WCF (Wireless Communication Facility): The building or structure to which the WCF will be attached shall maintain the normal setbacks of the district. The attached WCF may into the setback not more than 5 feet. Freestanding WCF: Setbacks for WCFs shall be determined according to the underlying zoning district, plus an additional eighteen inches for every one foot of tower height. The approving authority may grant reductions to this setback requirement as a part of the special use permit approval. Qualifying freestanding WCFs shall be exempt from this provision. Section 8.7.3.B, p 8-101, CDO
Town of Davidson	Communication Towers permitted on public land only. No setback, however , tower height and

	details of abutting properties are primary considerations.
Town of Mint Hill	Telecommunication towers in all districts require a setback of 150 ft or 1.5 ft for every one foot of the tower height, whichever is greater. Sections 7.2.6 and 7.2.22, Code of Ordinances
Town of Matthews	SETBACK FROM STREETS AND PROPERTY LINES. Communications towers are not allowed in the Downtown Overlay. Other than the Highway Overlay District, any communications tower up to eighty feet (80') in height shall be set back a minimum of one hundred feet (100') from any public street. Any communications tower between eighty feet (80') and one hundred twenty feet (120') in height shall be set back a minimum of one hundred twenty five feet (125') from any public street. Any communications tower over one hundred twenty (120') feet in height shall be set back a minimum of one hundred seventy five feet (175') from any public street. Where antennas are located in a stealth application, they shall be set back a minimum of forty feet (40') from any public street. In each case, distance shall be measured from edge of right-of-way to the tower, the related equipment, or the guy wire ground connection, whichever is the closest. Section 155.506.41, Matthews Unified DPO

Potential Layout



Enter address / parcel# / owner / landmark



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[Streets](#) [Aerials](#) [Hybrid](#) [Topo](#)



Potential
H-2A Housing

Mecklenburg

Mecklenburg

Mecklenburg

Mecklenburg

Mecklenburg

Huntersville-Concord Rd

Oehler Nature
Preserve
Undeveloped

100 ft SW

35 ft PC
35 ft SW

100 ft PC

North Fork Oehler Creek

South Fork Oehler Creek

Clark Creek

Clark Creek

Clark Creek

Land Use classification:

Dormitory. A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

1. Amend ordinance definition to include agriculture
2. Amend SP OR Rural zone to allow dormitories (OPTIONS: by-right accessory use; by right use with conditions; special use permit)
3. Standards? i.e. parking; building location; open space; buffers; setbacks, emergency accessibility, etc.

Proposed Text	Change Definition of dormitory to include "agriculture" (Article 12)
	Include dormitories as a special use in the TR Zone (3.2.2)
Reason for Proposed Change	To allow H2A housing in the TR Zone

Example of Special Use Permit Standards

Article 9.61 Par 3 / or Golf Driving Range

Par 3 and golf driving ranges are permitted in the Rural zoning district subject to a special use permit according to the procedures of Article 11.4.10.

The Town Board shall issue a Special Use Permit for the use in the Rural District if, but not unless the evidence presented at the Special Use Permit hearing establishes:

1. That the proposed use will not endanger the public health and safety, substantially reduce the value of nearby property; and
2. Par 3 courses shall not be lit. Outdoor lighting associated with driving ranges in the Rural district shall be designed as follows:
 - a. Facility lighting may include floodlights but must be shielded and shall be oriented and directed in such a way as to not produce glare at any off-site location.
 - b. Maximum light fixture height shall be 40 feet.
 - c. Maximum lighting level is 15 footcandles measured at grade.
 - d. If free standing lighting is proposed, photometric lighting plans shall be submitted at special use permit application. A maximum of .5 footcandles at any location on any non-residential property and .1 footcandles at any location on any residential property, as measurable from any orientation of the measuring device shall be met.
 - e. Lighting shall be extinguished at 11 pm.

Article 8.1 - Street Frontage Required

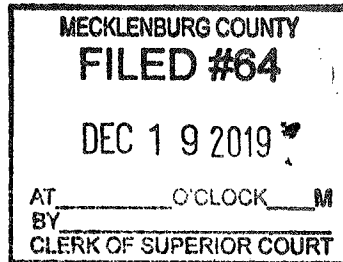
Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street with the following exceptions:

1. Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement. A lot of one (1) acre or more in area created through a division of land not subject to the subdivision ordinance shall be eligible for issuance of a permit to establish a single-family detached house, provided the lot is served by a private and exclusive recorded easement or fee-simple projection of the building lot at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on said easement or lot projection. Lots created under these provisions shall be known as “easement-access lots” and “flag lots,” respectively.
2. Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
3. Up to six residential lots may be served by a privately maintained easement with a minimum 20-foot right-of-way if designed according to the specifications of the Rural and Transitional Farmhouse Cluster development or the specifications of the Rural and Transitional Conservation Subdivision.
4. A site specific development plan may be considered for approval in the TC, NC, NR, R, TR, HC, CB, CI, VS and both TND and TOD districts where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in [Article 7, part B](#), where adequate access by emergency vehicles is maintained by way of a street or alley and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.
5. A site-specific development plan may be considered for approval in the Campus Institutional and Corporate Business Districts to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the campus and corporate development front upon public street(s) or are buffered in accordance with this ordinance. It is intended that subdivisions be primarily served by public streets and use of private drives is minimal. Private drives may be appropriate where property configuration or environmental constraints make their use a practical alternative. Private drives shall be constructed in accordance with Commercial Street Standards as found in the Land Development Standards Manual and sidewalks shall be provided on at least one side of the private drive. See the Campus and Corporate Districts.
6. To access a lot or lots in the Highway Commercial District, where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private drive may be substituted for the interior street which cannot be connected to the public network.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
BEFORE THE CLERK
17-SP-001238

Barbara C. Montgomery, Terry)
Montgomery, Jordan Campbell, Janiel)
Campbell, Tate Campbell, Cori C.)
O'Rourke, Liam O'Rourke, David L.)
Campbell, Kathy Campbell, John)
Campbell, Lorin C. White, Elbert White,)
Melissa C. Woolery, Joey Woolery,)
Michael W. Campbell, Sandy Lusk, Joel)
K. Robinson, Cathy L. Robinson,)
Matthew F. Hedrick, Gay W. Hedrick,)
Fredrick W. Ingram, and Doris J. Ingram.)
Petitioners,)
v.)
James R. Gilbert and Debra L. Sharp,)
Respondents.)



ORDER

This matter appeared before the Honorable Louis A. Trosch, Mecklenburg County Superior Court Judge, on November 12, 2019 upon the appeal of the Respondents for a trial *de novo* of this petition for an order declaring an existing right-of-way dedicated to public use pursuant to N.C.G.S. § 136-96.1. The Court finds that the parties were duly and timely noticed of the trial in this matter, and the Petitioners were represented at the hearing by Alan W. Guffy, Esq. and the Respondents were represented by Drew A. Richards, Esq.

The Court, after having considered the contents of the Petition and having heard and considered the evidence presented and the arguments of counsel, hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The right-of-way at issue in this matter (the "Right-of-Way") is a thirty-foot wide road right of way located in the Long Creek Township of Mecklenburg County. It is approximately eight hundred feet long and runs from Midas Springs Road (SR 2123) to a platted subdivision road depicted on the plat of the Sunrise Acres subdivision recorded in Map Book 6, Page 377 of the Mecklenburg County Registry (the "Sunrise Acres Plat").

2. As platted, the subdivision road runs from the Right-of-Way to Beatties Ford Road (SR 2074) such that together, the Right-of-Way and subdivision road create a single connection from Midas Springs Road to Beatties Ford Road. Both the Right-of-Way and the subdivision road are referred to as "Hedrick Circle Road."

3. It is unclear the precise age of the Right-of-Way; however, the Sunrise Acres Plat was recorded in 1950 and it depicts the Right-of-Way as one outlet for the subdivision.

4. Travelling westward from Beatties Ford Road, the subdivision road “bends” northward toward the Right-of-Way. Over time, this “bend” in the road has become partially blocked and is “passable” but seldom used.

5. Today, residents of the subdivision to the north of this bend almost exclusively access their properties by use of Midas Springs Road and the Right-of-Way.

6. Residents of properties along the Right-of-Way, specifically the Respondents, also utilize the Right-of-Way for access.

7. The United States Postal Service, trash services, emergency vehicles, and parcel delivery services utilize the Right-of-Way to access residences, including residences of individuals residing within the subdivision who do not abut the Right-of-Way.

8. Mailboxes for individuals who do not own property abutting the Right-of-Way are installed and serviced on the Right-of-Way.

9. The road contained within the Right-of-Way abuts four properties identified by the following Parcel ID Nos: (1) 02306231; (2) 02306313; (3) 02306352; (4) 02306251.

10. Petitioners Barbara C. Montgomery, Terry Montgomery, Jordan Campbell, Janiel Campbell, Tate Campbell, Cori C. O’Rourke, Liam O’Rourke, David L. Campbell, Kathy Campbell, John Campbell, Lorin C. White, Elbert White, Melissa C. Woolery, Joey Woolery, and Michael W. Campbell are the heirs of Barbara Simpson McQueen and the owners of Mecklenburg County Parcel No. 02306231.

11. Petitioner Sandy Nadine Lusk is the owner of Mecklenburg County Parcel Number 02306313 (9709 Midas Springs Road, Huntersville, NC 28078).

12. Petitioners Joel K. Robinson and Cathy L. Robinson are the owners of Mecklenburg County Parcel Number 02306352 (9721 Midas Springs Road, Huntersville, NC 28078).

13. Respondents James Gilbert and Debra Sharp are the owners of Mecklenburg County Parcel Number 02306251 (9811 Midas Springs Road, Huntersville, NC 28078).

14. Petitioners Fredrick and Doris Ingram, by virtue of their ownership of Lot 27, are the dominant estate of a right of way easement that encumbers the same Right of Way, duly recorded at Book 4679, Page 0336 of the Mecklenburg County Public Registry.

15. Two surveys, the first dated November 30, 1954 and prepared by M. B. Seaver (the “Seaver Survey”) and the second dated May 6, 1980 prepared by J.D. Turner (the “Turner Survey”) depict the Right-of-Way as an unnamed thirty-foot-wide road right-of-way that runs from Midas

Springs Road (SR 2123) along the common boundary of the parties' properties for a length of 808.14 feet.

16. Three deeds for properties abutting the Right-of-Way refer to the Right-of-Way as "Hedrick Circle Road," namely:

- a. That certain deed from J. Frank Houston and wife Addie P. Houston to Barbara S. Campbell recorded in Deed Book 1723, Page 33 of the Mecklenburg County Registry dated December 3, 1954 (the "Houston Deed"). This deed is the most recent deed in the chain of title for the property identified as Mecklenburg County Parcel No. 02306231.
- b. That certain deed from William H. McQueen and Barbara S. McQueen to John J. Cattuna and De Leslie Smith recorded in Deed Book 4303, Page 597 of the Mecklenburg County Registry dated May 15, 1980 (the "Cattuna Deed"). This deed is the deed creating the property identified as Mecklenburg County Parcel Number 02306251.
- c. That certain deed from James Franklin Lusk to Cathy Lynn Robinson and Joel K. Robinson recorded in Deed Book 6862, page 824 of the Mecklenburg County Registry dated April 29, 1992 (the "Robinson Deed"). This deed is the deed creating the property identified as Mecklenburg County Parcel Number 02306352.

17. The legal descriptions in the Houston Deed and the Cattuna Deed were drawn from the Seaver Survey and the Turner Survey, respectively, and the right-of-way referred to as "Hedrick Circle Road" in those deeds is the Right-of-Way.

18. Based upon the boundary measurements provided in the surveys and deeds before the Court, as well as the records of the Mecklenburg County Geographic Information System (GIS) which were admitted by stipulation of the parties, Petitioners own more than two-thirds of the road frontage of the land abutting the Right-of-Way.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over this matter and the parties herein.

2. With respect to N.C.G.S. § 136-96.1(a)(1), Respondents argue that for the purposes of this statute, Hedrick Circle Road constituted a single road extending from Midas Springs Road to Beatties Ford Road and that therefore, the landowners along that portion of the road depicted on the Sunrise Acres Plat should be included when determining if Petitioners constituted "landowners of tracts constituting two-thirds of the road frontage of the land abutting the right-of-way." After a review of the applicable law, the Court concludes that "the road frontage of the land abutting the right-of-way in question" refers strictly to the Right-of-Way—that being the right-of-way for the actual section of road that is being petitioned for public use. The Petitioners presented evidence that the owners of more than two-thirds of the road frontage along the Right-of-Way (that portion of Hedrick Circle Road beginning at the end of the subdivision and continuing to the

intersection with Midas Springs Road) joined in this action and therefore satisfied the requirements of N.C.G.S. § 136-96.1(a)(1).

3. The Seaver Survey and Turner Survey depict the Right-of-Way and therefore Petitioners have satisfied the requirements of N.C.G.S. § 136-96.1(a)(2).

4. With respect to N.C.G.S. § 136-96.1(a)(3), the Petitioners presented evidence that Hedrick Circle Road has connected Midas Springs Road to Beatties Ford Road for decades and been used for that purpose at least until a portion of the road (where Hedrick Circle Road turns in a northerly direction) became partially blocked. Following the time that the bend in Hedrick Circle Road became partially blocked, the northern arm of Hedrick Circle Road which lies outside of the platted subdivision (the Right-of-Way) has continued to be used by the land owners, residents, their invited guests, delivery people, mail carriers, garbage collectors, and others providing services to those properties. In addition, it has been used by those property owners and residents of the subdivision whose property is south of the Hedrick Circle segment Petitioners are seeking to dedicate through this action, but north of the partial blockage in the bend of Hedrick Circle. While the bend is "passable," the evidence demonstrated that those people had chosen (and been allowed) to use the segment at issue for ingress and egress to their properties. In addition their guests, garbage collectors, delivery people, service providers and mail collectors traverse that same segment routinely. As a result, this court concludes that the Right-of-Way "has been actually open and used by the public" and Petitioners have satisfied the requirements of N.C.G.S. § 136-96.1(a)(3).

5. The Houston Deed, Cattuna Deed, and Robinson Deed are deeds for three separate parcels of land abutting the Right-of-Way and each recites the existence of the Right-of-Way as a named street or road. Accordingly, Petitioners have satisfied the requirements of N.C.G.S. § 136-96.1(a)(4).

6. The Right-of-Way has not been established by adverse possession or cartway proceeding.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED, that the Petitioners, having satisfied the requirements of N.C.G.S. § 136-96.1(a), are entitled to an order declaring the right-of-way dedicated to public use. Their petition is therefore **granted**, and the right-of-way at issue in this matter, more commonly known as Hedrick Circle Road, shall be and now is dedicated for public use.

AND IT IS SO ORDERED.

Ordered this the 1st day of December, 2019.



The Honorable Louis A. Trosch
Superior Court Judge

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This aerial map displays the Mecklenburg area, highlighting a specific region outlined in green. The map includes the following details:

- Geographic Labels:** Mecklenburg, Huntersville, Midas Springs Rd, Alton St, Broadway St, Hedrick Cr, and Latta Nature Preserve Developed.
- Property Boundaries:** White lines delineate individual lots and parcels.
- Parcel Numbers:** Various numerical identifiers are visible, such as 9854-10099, 9600-9853, 9500-9509, 9300-9499, 9400-9507, 3700-3899, 9500-9509, 7500-7735, and 9500-9509.
- Scale and Orientation:** A scale bar at the bottom left indicates distances from 0 to 0.035 miles. A compass rose at the bottom right shows North (N), South (S), East (E), and West (W).

This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Potential Text Amendment Checklist (Matt Jones)

1. Legal review (what is the source of authority and does it comply with statute and or case law)
2. Can it be equally applied?
3. Does it increase/decrease development costs?
4. What is its potential impact on housing affordability?
5. What is the estimated fiscal impact to the town?
6. Does it increase/decrease administrative burden of staff?
7. Does it bear substantial relation to public health, safety, morals or welfare?
8. It is flexible and adaptive?
9. Does it impact the free use of real property and the right to improve one's property?
10. What is the potential impact on developed and undeveloped property values?

Text Amendments 2015-2020

2015

- TA15-01 Article 7.10 Urban Open Space TOD-R (Bryton)
- TA15-02 Article 4 - Attached House (Bryton)
- TA15-03 Article 7.7.3(a) - Residential lot trees
- TA15-04 Article 7.4 Specimen Tree Save Mitigation
- TA15-05 Temporary Mobile Food Sales (SP)
- TA15-06 Design Standards
- TA15-07 Article 9.37.2 Update Temporary Mobile Food Sales Condition

2018

- Boarding and Rooming in GR (Withdrawn)
- St Marks Accessory Use (Withdrawn)
- TA 18-01 Article 5 (and others) Update
- TA 18-02 Sketch Plan & Conditional Rezoning
- TA 18-03 Hotel Height
- TA 18-04 TIA for Schools
- TA 18-05 Catering with Agri-tourism
- TA 18-06 Hotel Height (in CB)
- TA 18-07 Planning Board and Board of Adjustment Term...
- TA 18-08 Raise TIA Threshold
- TA 18-09 Add Kudzu & bamboo to nuisance list
- TA 18-10 Expedited Subdivision Review
- TA 18-11 Multi-Family in CB

2016

- TA - Article 5 Overhaul (picked back up as TA 18-01)
- TA 16-01 Protest Petition
- TA 16-02 Home Occupations in HC, CB, CI, and TOD-E
- TA 16-03 SWIM Buffer Appeals and Variances
- TA 16-04 Site Lighting
- TA 16-05 Indoor Recreation in SP
- TA 16-06 Bonafide Farm Definition
- TA 16-07 TR Lot Minimums
- TA 16-08 Civic Monument Lighting
- TA 16-09 MTC Advertising
- TA 16-10 Landscaping of Parking Lots
- TA 16-11 Traffic Impact Analysis

2019

- TA19-01 Driving Ranges in Rural
- TA19-02 Metal Workplace Bldg
- TA19-03 Nonconforming Lots
- TA19-04 LUESA Changes
- TA19-05 Temp Mobile Food in NC
- TA19-06 Farmhouse Cluster Gates
- TA19-07 CB and SP Wall Signs
- TA19-08 NVR 100% Attached in HC
- TA19-09 SWIM Buffer BMPs
- TA19-10 Pool Setbacks

2017

- TA 17-01 Nature Preserve Parking
- TA 17-02 Electronic Message Boards
- TA 17-03 Planning Board Term Limit, PB Deferrals and TR Sideyard Setback
- TA 17-04 Watershed Exemption
- TA 17-05 LCID Landfills
- TA 17-06 Open Space
- TA 17-07 Water Quality Amendment
- TA 17-08 Building Access
- WITHDRAWN Apartment Building Height

2020

- TA 20-01 Specimen and Tree Save Mitigation
- TA 20-02 PB Deferral
- TA 20-03 Banquet Facility
- TA 20-04 SB 355 Part 1
- TA 20-05 Rural Lot Size
- TA 20-06 Apartment Height
- TA 20-07 100% Attached HC Parcels-Barnes
- TA 20-08 TIA Adjustments