



AGENDA

Regular Town Board Meeting

June 21, 2021 - 6:00 PM

HUNTERSVILLE RECREATION CENTER (11836 Verhoeff Drive)

Meeting Information *This meeting will be held in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC. The public may attend the meeting in-person or watch it via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. The public is invited to comment during public comments or during any public hearings in person at the Huntersville Recreation Center, 11836 Verhoeff Drive.*

1. Pre-meeting - 5:00 p.m.

1.A. Traffic Impact Analysis Discussion.

2. Call to Order

3. Invocation - Moment of Silence

4. Pledge of Allegiance

5. Mayor and Commissioner Reports-Staff Questions

6. Public Comments, Requests, or Presentations

6.A. Presentation of Park and Recreation Month Proclamation.

7. Agenda Changes

8. Public Hearings

8.A. Conduct public hearing on unopened street right-of-way abandonment within Vermillion Front development. (*Stephen Trott*)

- 8.B. Conduct public hearing on unopened street right-of-way abandonment within Huntersville Market development. (*David Peete*)
- 8.C. Conduct public hearing on two (2) unopened street right-of-way abandonments within Town Center development. (*David Peete*)

9. Other Business

- 9.A. Consider decision on abandonment of two (2) unopened street right-of-ways within the Town Center development. (*David Peete*)
- 9.B. Consider decision on abandonment of unopened street right-of-way within the Huntersville Market development. (*David Peete*)
- 9.C. Consider decision on abandonment of unopened street right-of-way within the Vermillion Front development. (*Stephen Trott*)
- 9.D. Consider decision on Petition #R20-05, a request by Vermillion Anchor Mill Village, LLC to modify the approved rezoning petition (R16-12) that allowed a mix of 400 units (apartments + townhomes) and up to 165,000 sq. ft. of non-residential **TO** 292 apartments, 49 townhomes, and minimum 70,000 sq. ft. of non-residential on 30-acres generally located at 404 N. Church Street. (*Jack Simoneau*)
- 9.E. QUASI-JUDICIAL. Conduct a quasi-judicial hearing on removal of Special Use Permit #17-01 Vermillion Village. (*Jack Simoneau*)
- 9.F. QUASI-JUDICIAL. Conduct quasi-judicial hearing on Petition #SUP21-01, an application by Grassroots Land, LLC to modify the approved banquet facility special use permit (SUP20-01) for the property located at 14418 NC Highway 73 (parcel ID 01313110), to add an open air pavilion to the facility, increase the size of the principle building, and modify other aspects of the site plan. (*Brad Priest*)
- 9.G. QUASI-JUDICIAL. Conduct a quasi-judicial hearing on Mayes Road Subdivision Sketch Plan, an 83-lot single-family detached residential development at 12000 Mayes Road in the Transitional Residential zoning district (Parcel 01123119). (*Jack Simoneau*)
- 9.H. Consider decision on Petition #TA 21-01, Zoning and Subdivision Ordinance amendments related to State Statute 160D and miscellaneous adjustments. (*Jack Simoneau*)

10. Consent Agenda

- 10.A. Approve budget amendment appropriating \$2,404,533 in American Rescue Plan Act funding to the ARPA Revenue Account and various expense accounts in the Grant Fund. (*Pattie McGinnis*)
- 10.B. Approve budget amendment appropriating expected FEMA revenue in the Grant fund of \$100,895.47 for reimbursable FEMA expenses of \$100,895.47 in various expense accounts in the Grant Fund. (*Pattie McGinnis*)
- 10.C. Approve budget amendment appropriating Community Emergency Needs contributions of \$16,176.96 to the Miscellaneous Expense - Community Emergency Needs expense account. (*Pattie McGinnis*)
- 10.D. Adopt Resolution approving the temporary closure of Main Street between Huntersville-Concord Road and Bigham Street for special events. (*Tracy Houk*)
- 10.E. Accept Streets in the Skybrook West Subdivision for Town maintenance. (*Kevin Fox*)
- 10.F. Accept Street in Bryton Single Family Phase 2 Map 1 for Town maintenance. (*Kevin Fox*)
- 10.G. Call a public hearing for Monday, July 19, 2021 at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #ANNEX 21-01, a request by Beverly Buchanan and Miriam Smith to annex 34.951-acres (Oak Grove Hill) into the Town of Huntersville. (*David Peete*)
- 10.H. Call public hearing for Monday, July 19, 2021 at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #TA21-05, a request by Metrolina Greenhouses, Inc. to allow dormitories as a special use permit in the Rural and Transitional Zoning districts subject to specific criteria. (*Jack Simoneau*)
- 10.I. Call a public hearing for Monday, July 19, 2021 at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #R21-03 Billings Property, a request by Skybrook West LLC to Rezone +/- 21.04-acres north of Eastfield Road, just west of the Cabarrus County boundary to rezone from Rural to Neighborhood Residential - Conditional District for a 47-lot subdivision; (Meck. Co. PIN 02111116 & Cabarrus Co. PIN 46703589660000). (*David Peete*)
- 10.J. Call a public hearing for Monday, July 19, 2021 at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #R21-04 Spring Grove, a request by M/I Homes of Charlotte, LLC to Rezone +/- 62.82-acres south of McCord Road and Hagers Road intersection to rezone from General Residential and Neighborhood Residential - Conditional District to Neighborhood Residential - Conditional District for a 138-lot subdivision; (PINs 01101102, 01101110, 01101114, 01119129 & 01119132). (*David Peete*)

- 10.K. Call a public hearing for Monday, July 19, 2021 at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #R21-06 North Creek Mixed-Use, a request by Magnolia Development, LLC to Rezone +/- 84.00-acres south of NC 73 and Davidson-Concord Road intersection to rezone from Rural to Highway Commercial and Traditional Neighborhood Development - Conditional District for a development consisting of 42,500 commercial sq. ft., 376 multi-family units, 71 attached single-family units and 82 detached single-family units (PINs 01107311, 01126101 & 01126113). (*David Peete*)
- 10.L. Call a public hearing for Monday, August 2, 2021 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, on Petition #TA 21-06, a request by Jason Richardson to amend Article 3.2.1 (e, 6) and Article 3.2.2 (e, 6) of the Huntersville Zoning Ordinance to allow detached garages in the side yard of home lots in farmhouse clusters. (*Lauren Speight*)
- 10.M. Call a public hearing for Monday, August 2, 2021 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, on Petition #R21-09 Caldwell Crossing Mixed Use, a request by CapRock LLC to Rezone +/- 38.1 acres as the Southeast west corner of Hambright Road and Statesville Road to rezone from Corporate Business and Transitional Residential to Traditional Neighborhood Development – Urban Conditional District for a mixed-use development with commercial, apartments, and townhomes; (Parcels:01103103, 01103204, 01103205, 01103206, 01103207, 01103208, 01103209, 01103210, 01103211). (*Brian Richards*)

11. Closing Comments

12. Closed Session

12.A. Closed Session pursuant to NCGS 143-318.11(a)(4), (a)(5), (a)(6).

13. Adjourn

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Stephen Trott, Director

Date: June 21, 2021

Subject: Unopened Street ROW Abandonment (Vermillion Front)

EXPLAIN REQUEST:

Public Hearing on abandonment of an unopened street right-of-way within the Vermillion Front development.

ACTION RECOMMENDED:

Public Hearing

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Staff Report - Vermillion Front ROW Abandonment
2. Petition Attachment A
3. 160A-299 PROCEDURE FOR CLOSING STREETS & ALLEYS
4. Resolution of Intent Attachment C

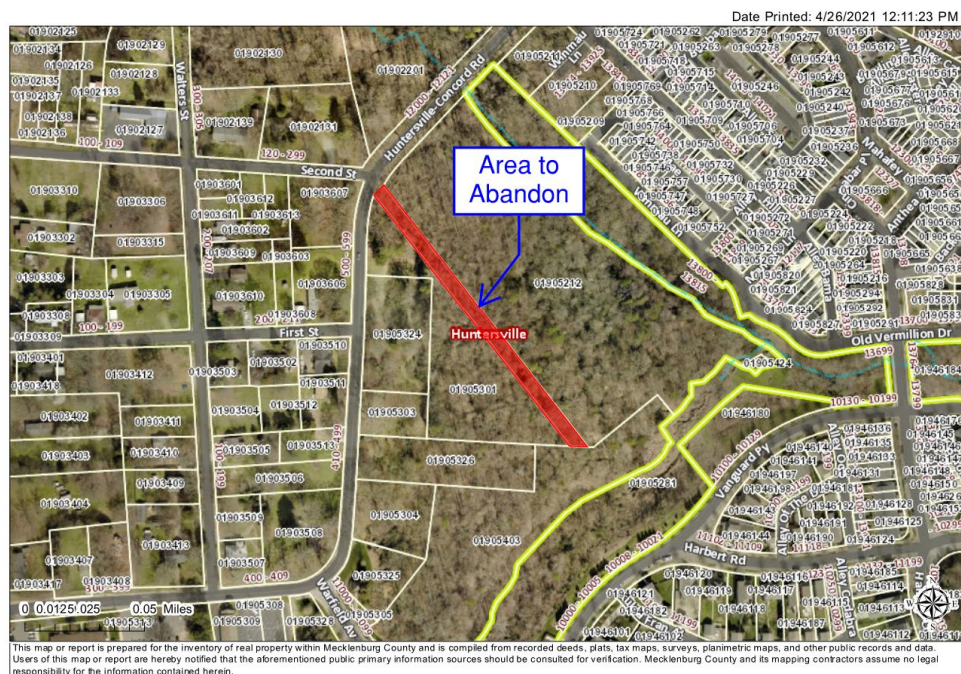
Right-of-Way Abandonment Petition: Unopened Street (Right-of-Way)

PART 1: DESCRIPTION

Right-of-Way Abandonment Petition: Unopened Street (right-of-way) abandonment is a request by Vermillion Front, LLC to abandon public right-of-way within the approved Vermillion Front subdivision (approved sketch plan), see Attachment A. The requested abandonment is of 0.513 acres.

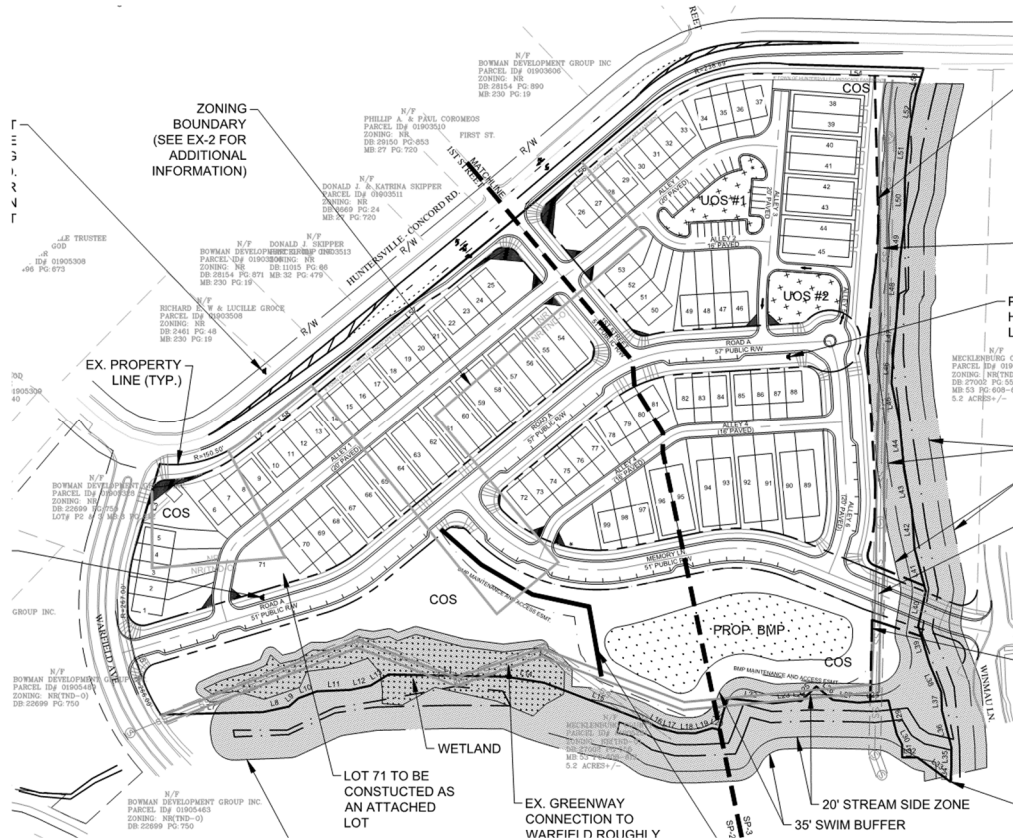
PART 2: LOCATION

Polaris 3G Map – Mecklenburg County, North Carolina



PART 3: BACKGROUND

Vermillion Front, LLC has an approved subdivision sketch plan to construct up to 99 lots on various parcels on and surrounding the proposed right-of-way abandonment. The plans include new public streets to access the lots planned for the subdivision. See plans the plan for the subdivision in the image below.



North Carolina General Statute (NCGS) 160A-299, see Attachment B, gives the Town Board the authority to abandon street Right-of-Way (within the Town Limits) following a public hearing and a determination that the abandonment:

- Is not detrimental to the public interest, or the property rights of any individual.
- Does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property.
- Is contrary to the adopted policy to preserve existing right-of-way for connectivity.

PART 4: STAFF RECOMMENDATION

Staff finds the right-of-way abandonment:

- Is not a detriment to public interest, or property rights of adjacent parcels.
- Does not deprive any individuals a reasonable means of ingress and egress to their property.
- Does not adversely affect connectivity.

Therefore, staff recommends approval of the right-of-way abandonment for this Unopened Street (Right-of-Way).

Pursuant to §160A-299 notice of the intent to close this Unopened Right-of-Way (Street) (see Attachment B) was advertised in the newspaper, copies of the notice were mailed to adjacent property owners, and two signs were posted along the right-of-way. Staff received no comments from adjacent property owners.

PART 6: PUBLIC HEARING

The Public Hearing will be held on June 21, 2021.

PART 7: ATTACHEMENTS

Attachment A: Right-of-Way Abandonment Petition

Attachment B: NCGS 160A-299

Attachment C: Resolution of Intent to Close and Abandon Unopened Street

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG PETITION

TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA

(name of petitioner) Vermillion Front, LLC respectfully files this
Petition and requests that (a portion or all of),

(name of street or location of alley) Unnamed Rd, MB 3 PG 342

lying (general description of location) Lying near the intersection of
Second St + Huntersville-Concord Rd in Huntersville
as shown on the map attached hereto and made a part hereof marked "Exhibit A", be
closed and abandoned in accordance with the provisions of Chapter 160A, Section 299,
subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. (give reason for requested closing)

The road was never constructed and will be
irrelevant after future development

2. The closing of Unnamed Road Street is not
contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity
of Unnamed Road Street or in the subdivision in which it is located will be deprived of
reasonable means of ingress and egress to his or its property by virtue of the closing.

4. The street (or portion thereof) which petitioner requests be closed and
abandoned is more particularly described by interested bounds in "Exhibit B", attached
hereto and made a part hereof.

5. The street (or portion thereof), requested to be closed and abandoned
has not been previously accepted by the North Carolina Department of Transportation
for maintenance.

Wherefore, petitioner respectfully requests the Board of Commissioners of the
Town of Huntersville consider this Petition and set the time for public hearing upon this
matter as required by law.

Respectfully submitted the 7TH day of MAY, 2021


(signature of petitioner)

ROBERT BOUMAN

(Print Name)

Address: 13815 CENNABAR PL
HUNTERSVILLE, NC 28078

Telephone Number: 704-875-9704

**RIGHT-OF-WAY ABANDONMENT
AGREEMENT OF UNDERSTANDING**

The following property owners have parcels that adjoin the public right-of-way

of Unnamed Road
They hereby indicate, by signature, that they agree with the proposal to abandon that right-of-way. They further understand that once abandoned, a portion of that right-of-way becomes their property. The owners will then be responsible for maintenance and any additional property taxes that may result from the increase in the size of their original parcel.

I understand the statement above and agree with the proposed abandonment.

Name/Address of Property Owner	Signature	Parcel Number
<u>Vermillion Front, LLC</u>		<u>01905212</u>
<u>Vermillion Front, LLC</u>		<u>01905301</u>
<u>Vermillion Front, LLC</u>		<u>01905403</u>

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



**RESOLUTION DECLARING INTENT TO ABANDON AND
CLOSE AN UNOPENED RIGHT OF WAY**

WHEREAS, Vermillion Front, LLC has filed a petition to close a part of an unopened right of way in the Town of Huntersville, as designated as “Unopened Street” in the survey attached as Exhibit A; and

WHEREAS, N.C.G.S. § 160A-299 allows for a municipality to permanently close any street or public alley; and

WHEREAS, N.C.G.S. § 160A-299 requires that the Board of Commissioners for the Town of Huntersville (the “Board”) first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

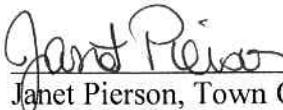
WHEREAS, the Board desires to, pursuant to N.C.G.S. § 160A-299, declare its intent to close an unopened right of way, described as “Unopened Street” in the attached Exhibit A.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board hereby resolves that it intends to close an unopened right of way, described as “Unopened Street” in the survey attached as Exhibit A.
2. The Board hereby calls a public hearing the question of closing the unopened rights-of-way to be held at 6:00pm on Monday, the 21th day of June, 2021, both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, 28078, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>.
3. The Clerk of the Board is hereby directed to publish a copy of this Resolution once a week for four successive weeks prior to the public hearing.
4. This Resolution shall be effective as of the date of its adoption.

Adopted this 17 day of May, 2021.

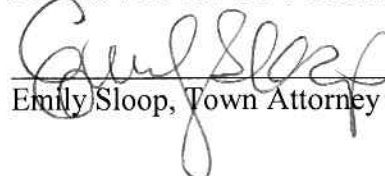
ATTEST:


Janet Pierson, Town Clerk




John Aneralla, Mayor

APPROVED AS TO FORM:


Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: June 21, 2021

Subject: Public Hearing - Unopened Street ROW Abandonment (Huntersville Market)

EXPLAIN REQUEST:

Public Hearing on abandonment of an unopened street right-of-way within the Huntersville Market development.

ACTION RECOMMENDED:

Public Hearing

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Staff Report - Huntersville Market ROW Abandonment
2. Attachment A - ROW Abandonment Petition - Huntersville Market 4-21-2021
3. Attachment B - 160A-299, PROCEDURE FOR CLOSING STREETS & ALLEYS
4. Attachment C - Resolution of intent to close ROW - Huntersville Market
5. Attachment D - Order Closing ROW - Oyster Lane

Right-of-Way Abandonment Petition – Huntersville Market

PART 1: DESCRIPTION

Cambridge-Huntersville, LLC has submitted a petition to consider abandonment of an un-opened public street right-of-way within the approved Huntersville Market - Conditional District subdivision. The request is to abandon a platted, but un-opened, public right-of-way to facilitate development of a senior apartment building. The right-of-way proposed to be abandoned is of 0.47-acres (see below). The right-of-way is un-opened (i.e. no improvements exist) and is not used to access any abutting properties or structures.

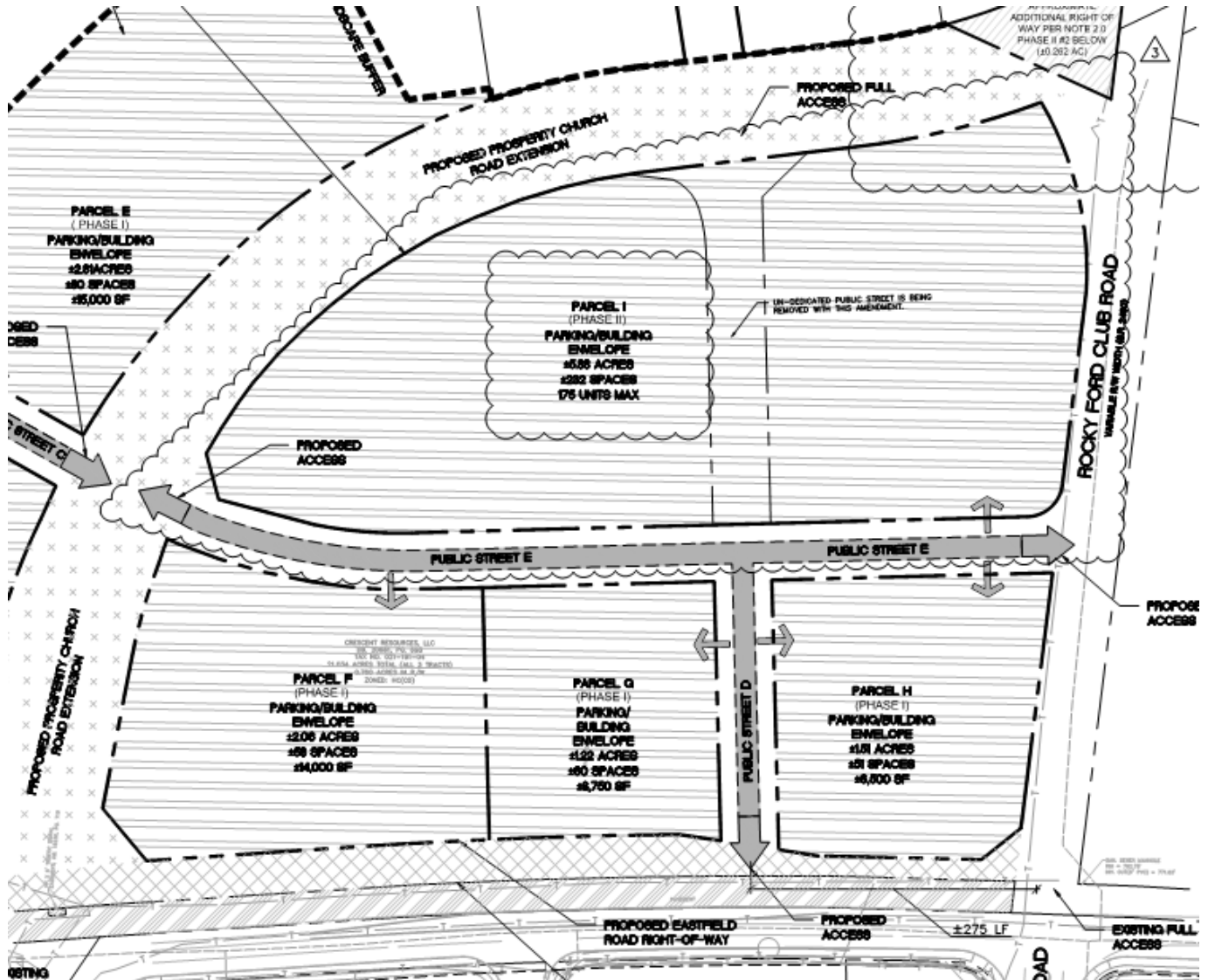
PART 2: LOCATION



PART 3: BACKGROUND

Cambridge-Huntersville, LLC has an approved Conditional-District Rezoning and Subdivision Sketch Plan to construct a senior apartment building on the parcel surrounding the proposed right-of-way abandonment. The

plans will utilize the existing public streets to access the lots planned for the subdivision. See the approved rezoning / subdivision plan below:



North Carolina General Statute (NCGS) 160A-299 (see Attachment B) gives the Town Board the authority to abandon street Right-of-Way (within the Town Limits) following a public hearing and a determination that the abandonment:

- Is not detrimental to the public interest, or the property rights of any individual.
- Does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property.
- Is not contrary to the adopted policy to preserve existing right-of-way for connectivity.

PART 4: STAFF RECOMMENDATION

Staff finds the right-of-way abandonment:

- Is not a detriment to public interest, or property rights of adjacent parcels;
- Does not deprive any individuals a reasonable means of ingress and egress to their property; or
- Does not adversely affect connectivity.

Therefore, staff recommends approval of the right-of-way abandonment for this Unopened Street (Right-of-Way).

Pursuant to §160A-299 (see Attachment B) notice of the intent to close this un-opened right-of-way (Street) was advertised in the newspaper, copies of the notice were mailed to adjacent property owners, and two signs were posted along the right-of-way. Staff received no comments from adjacent property owners.

PART 6: PUBLIC HEARING

The Public Hearing will be held on June 21, 2021.

PART 7: ATTACHEMENTS

Attachment A: Right-of-Way Abandonment Petition

Attachment B: NC General Statute 160A-299

Attachment C: Resolution of Intent to Close and Abandon Unopened Street

Attachment D: Order to Close Right-of-Way – Huntersville Market

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG PETITION

TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA

(name of petitioner) Cambridge-Huntersville, LLC respectfully files this
Petition and requests that (a portion or all of),
(name of street or location of alley) Oyster Lane
lying (general description of location) between Hylas Lane and Prosperity Church Road extension

as shown on the map attached hereto and made a part hereof marked "Exhibit A", be
closed and abandoned in accordance with the provisions of Chapter 160A, Section 299,
subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. (give reason for requested closing)
Hylas Lane was never constructed and its abandonment was approved as a part
of the rezoning of the adjacent property (Petition #R19-18, approved 11/16/20)
2. The closing of Hylas Lane Street is not
contrary to the public interest.
3. No individual, partnership or corporation owning property in the vicinity
of Hylas Lane Street or in the subdivision in which it is located will be deprived of
reasonable means of ingress and egress to his or its property by virtue of the closing.
4. The street (or portion thereof) which petitioner requests be closed and
abandoned is more particularly described by interested bounds in "Exhibit B", attached
hereto and made a part hereof.
5. The street (or portion there of), requested to be closed and abandoned
has not been previously accepted by the North Carolina Department of Transportation
for maintenance.

Wherefore, petitioner respectfully requests the Board of Commissioners of the
Town of Huntersville consider this Petition and set the time for public hearing upon this
matter as required by law.

Respectfully submitted the 21st day of April, 2021


(signature of petitioner)

George Maloomian, Manager of Cambridge-Huntersville, LLC
(Print Name)

Address: 831 E. Morehead Street, Ste. 245

Charlotte, NC 28202

Telephone Number: 704-333-2393

**RIGHT-OF-WAY ABANDONMENT
AGREEMENT OF UNDERSTANDING**

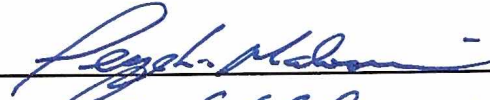
The following property owners have parcels that adjoin the public right-of-way

Cambridge-Huntersville, LLC

They hereby indicate, by signature, that they agree with the proposal to abandon that right-of-way. They further understand that once abandoned, a portion of that right-of-way becomes their property. The owners will then be responsible for maintenance and any additional property taxes that may result from the increase in the size of their original parcel.

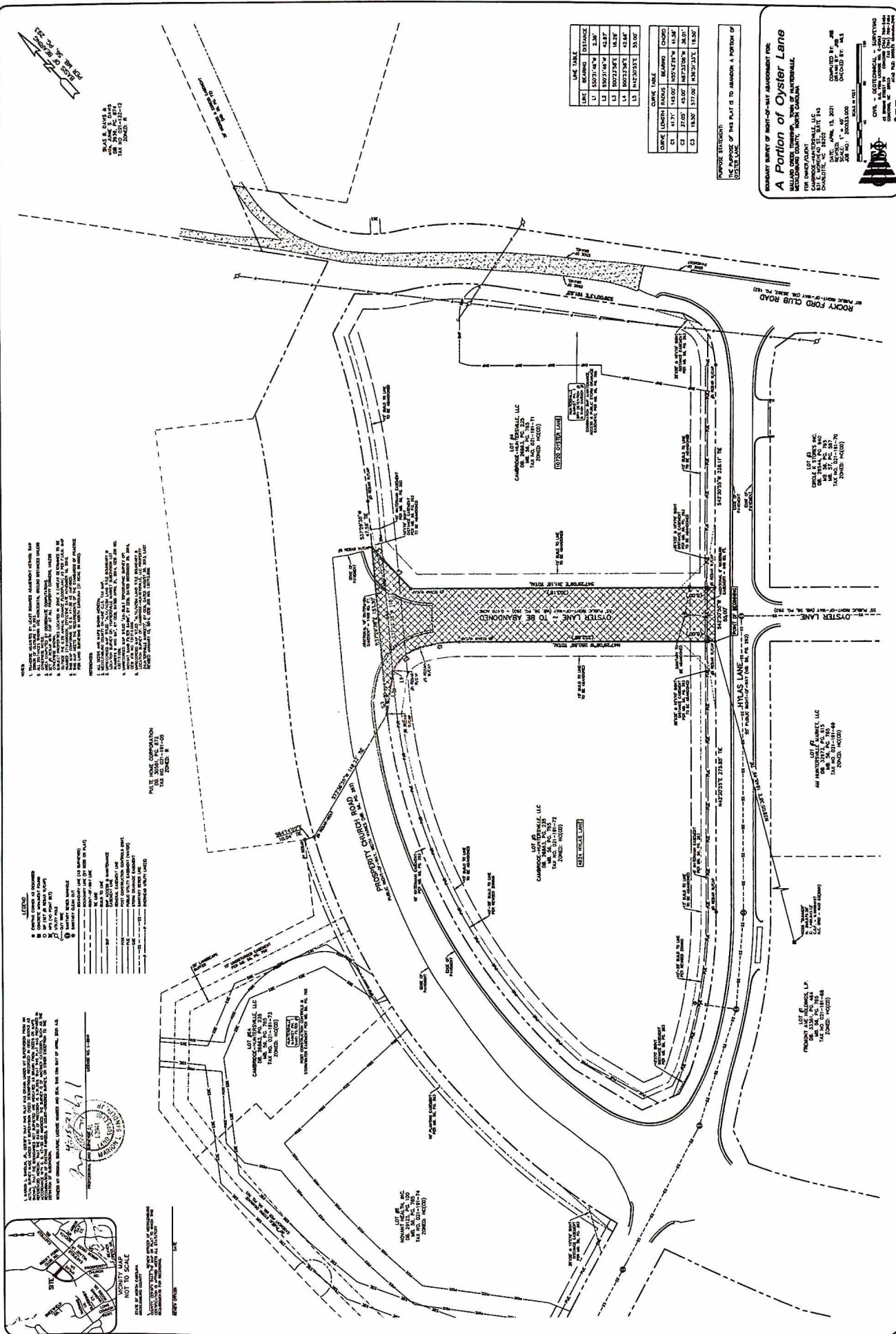
I understand the statement above and agree with the proposed abandonment.

Name/Address of Property Owner	Signature	Parcel Number
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Cambridge-Huntersville, LLC		021-191-072
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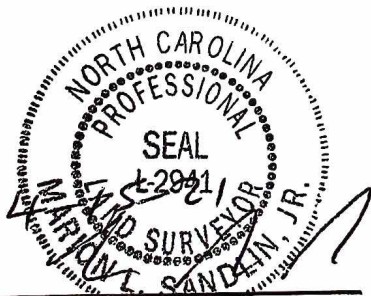
Cambridge-Huntersville, LLC		021-191-71
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Exhibit A



OYSTER LANE ABANDON DESCRIPTION

TO ARRIVE AT THE TRUE POINT OF BEGINNING, COMMENCE AT N.C.G.S. MONUMENT "SUMMER" HAVING THE FOLLOWING N.C. GRID ~ NAD 83(2001) COORDINATES N: 598,879.26'; E: 1,466,845.12', THEN RUN N28°05'38"E 1648.49' (GROUND) TO AN EXISTING #5 REBAR WITH CAP LOCATED ON THE NORTHWEST INTERSECTION CORNER OF HYLAS LANE AND OYSTER LANE, SAID POINT ALSO BEING LOCATED N42°30'55"E 275.85' FROM AN EXISTING #5 REBAR WITH CAP AND BEING THE **TRUE POINT OF BEGINNING**; THENCE FROM THE **TRUE POINT OF BEGINNING** AND RUNNING WITH THE NORTHERN PROPERTY LINES OF LOT #5 (HUNTERSVILLE MARKET; MB. 56, PG. 293; MECKLENBURG COUNTY REGISTRY) THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) N47°29'06"W 260.86' TO AN EXISTING #5 REBAR WITH CAP, 2) A CIRCULAR CURVE TO THE LEFT HAVING AN ARC LENGTH OF 41.71', A RADIUS OF 145.00' AND A CHORD OF N55°43'29"W 41.56' TO AN EXISTING #5 REBAR WITH CAP, 3) A CIRCULAR CURVE TO THE LEFT HAVING AN ARC LENGTH OF 37.05', A RADIUS OF 45.00' AND A CHORD OF N87°33'08"W 36.01' TO AN EXISTING #5 REBAR WITH CAP, AND 4) S50°31'46"W 45.23' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE EASTERN VARIABLE WIDTH PUBLIC RIGHT-OF-WAY LINE FOR PROSPERITY CHURCH ROAD; THENCE WITH NEW LINES RUNNING ALONG THE EASTERN VARIABLE WIDTH PUBLIC RIGHT-OF-WAY LINE FOR SAID PROSPERITY CHURCH ROAD THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) A CIRCULAR CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 19.50', A RADIUS OF 577.00' AND A CHORD OF N36°31'33"E 19.50' TO A COMPUTED POINT, AND 2) N37°29'38"E 153.30' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE NORTHWEST PROPERTY CORNER OF LOT #4 IN HUNTERSVILLE MARKET, SAID POINT ALSO BEING LOCATED S37°29'38"W 47.59' OF AN EXISTING #5 REBAR WITH CAP; THENCE WITH THE SOUTHERN PROPERTY LINES OF SAID LOT #4 THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S00°23'58"E 58.94' TO AN EXISTING #5 REBAR WITH CAP, AND 2) S47°29'06"E 311.18' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE WESTERN 55' PUBLIC RIGHT-OF-WAY LINE FOR HYLAS LANE, SAID POINT ALSO BEING LOCATED S42°30'55"W 228.11' OF AN EXISTING #5 REBAR WITH CAP; THENCE WITH A NEW LINE FOR THE WESTERN 55' PUBLIC RIGHT-OF-WAY LINE FOR SAID HYLAS LANE S42°30'55"W 55.00' TO A POINT, THE **TRUE POINT OF BEGINNING**, CONTAINING 0.478 ACRE, MORE OR LESS, AS SHOWN ON A SURVEY TITLED "BOUNDARY SURVEY OF RIGHT-OF-WAY ABANDONMENT FOR: A PORTION OF OYSTER LANE", BY CESI, DATED APRIL 15, 2021, CESI JOB #200525.000.



Marion L. Sandlin, Jr., PLS L-2941
 CESI Civil-Geotechnical-Surveying
 P.O. Box 268
 45 Spring St. SW
 Concord, NC 28026

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



**RESOLUTION DECLARING INTENT TO ABANDON AND
CLOSE A PART OF OYSTER LANE**

WHEREAS, Cambridge-Huntersville, LLC has filed a petition to close a part of Oyster Lane in the Town of Huntersville, as designated as “Oyster Lane – To Be Abandoned” in the survey attached as Exhibit A; and

WHEREAS, N.C.G.S. § 160A-299 allows for a municipality to permanently close any street or public alley; and

WHEREAS, N.C.G.S. § 160A-299 requires that the Board of Commissioners for the Town of Huntersville (the “Board”) first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

WHEREAS, the Board desires to, pursuant to N.C.G.S. § 160A-299, declare its intent to close a part of Oyster Lane, described as “Oyster Lane – To Be Abandoned” in the attached Exhibit A.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

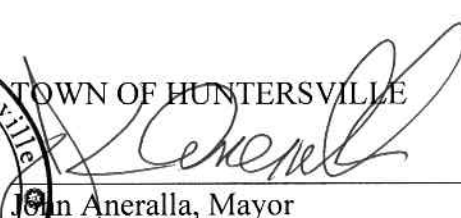
1. The Board hereby resolves that it intends to close a part of Oyster Lane, described as “Oyster Lane – To Be Abandoned” in the survey attached as Exhibit A.
2. The Board hereby calls a public hearing the question of closing the unopened rights-of-way to be held at 6:00pm on Monday, the 7th day of June, 2021, both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, 28078, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>.
3. The Clerk of the Board is hereby directed to publish a copy of this Resolution once a week for four successive weeks prior to the public hearing.
4. This Resolution shall be effective as of the date of its adoption.

Adopted this 17th day of May 2021.

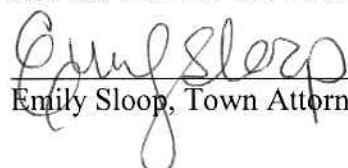
ATTEST:


Janet Pierson, Town Clerk




John Aneralla, Mayor

APPROVED AS TO FORM:


Emily Sloop, Town Attorney

Order to Abandon and Close a part of Oyster Lane

WHEREAS, Cambridge-Huntersville, LLC filed a petition to close a part of Oyster Lane in the Town of Huntersville, as described in the attached Exhibit A; and

WHEREAS, pursuant to N.C.G.S. § 160A-299, on May 17, 2021, the Board of Commissioners for the Town of Huntersville (the “Board”) adopted a resolution declaring its intent to close the street; and

WHEREAS, on June 7, 2021 the Board amended its resolution of intent to close the street and called for a public hearing on June 21, 2021; and

WHEREAS, the resolution declaring the Board’s intent to close the streets was published for a period of once a week for four successive weeks; and

WHEREAS, said resolution of intent was sent by registered or certified mail to all owners of property adjoining the street and a notice of closing and public hearing was prominently posted in at least two places along the street; and

WHEREAS, a public hearing was held on the 21st day of June, 2021, where the Board of Commissioners determined that the closing of the street is not contrary to the public interest, and that no individual, firm, or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

WHEREAS, the Board desires to, through this Order and pursuant to N.C.G.S. § 160A-299, order the closing a part of Oyster Lane described in the attached Exhibit A.

NOW THEREFORE, BE IT RESOVLED AS FOLLOWS:

1. The Board hereby, through this Order, orders the closure of a part of Oyster Lane described in the attached Exhibit A.
2. This Order shall be recorded in the Mecklenburg County Register of Deeds.

Ordered this the 21st day of June, 2021.

Attest:

Clerk to the Board

Mayor, Town of Huntersville

Approved as to Form:

Town Attorney

Exhibit A

TO ARRIVE AT THE TRUE POINT OF BEGINNING, COMMENCE AT N.C.G.S. MONUMENT "SUMMER" HAVING THE FOLLOWING N.C. GRID ~ NAD 83(2001) COORDINATES N: 598,879.26'; E: 1,466,845.12', THEN RUN N28°05'38"E 1648.49' (GROUND) TO AN EXISTING #5 REBAR WITH CAP LOCATED ON THE NORTHWEST INTERSECTION CORNER OF HYLAS LANE AND OYSTER LANE, SAID POINT ALSO BEING LOCATED N42°30'55"E 275.85' FROM AN EXISTING #5 REBAR WITH CAP AND BEING THE **TRUE POINT OF BEGINNING**; THENCE FROM THE **TRUE POINT OF BEGINNING** AND RUNNING WITH THE NORTHERN PROPERTY LINES OF LOT #5 (HUNTERSVILLE MARKET; MB. 56, PG. 293; MECKLENBURG COUNTY REGISTRY) THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) N47°29'06"W 260.86' TO AN EXISTING #5 REBAR WITH CAP, 2) A CIRCULAR CURVE TO THE LEFT HAVING AN ARC LENGTH OF 41.71', A RADIUS OF 145.00' AND A CHORD OF N55°43'29"W 41.56' TO AN EXISTING #5 REBAR WITH CAP, 3) A CIRCULAR CURVE TO THE LEFT HAVING AN ARC LENGTH OF 37.05', A RADIUS OF 45.00' AND A CHORD OF N87°33'08"W 36.01' TO AN EXISTING #5 REBAR WITH CAP, AND 4) S50°31'46"W 45.23' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE EASTERN VARIABLE WIDTH PUBLIC RIGHT-OF-WAY LINE FOR PROSPERITY CHURCH ROAD; THENCE WITH NEW LINES RUNNING ALONG THE EASTERN VARIABLE WIDTH PUBLIC RIGHT-OF-WAY LINE FOR SAID PROSPERITY CHURCH ROAD THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) A CIRCULAR CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 19.50', A RADIUS OF 577.00' AND A CHORD OF N36°31'33"E 19.50' TO A COMPUTED POINT, AND 2) N37°29'38"E 153.30' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE NORTHWEST PROPERTY CORNER OF LOT #4 IN HUNTERSVILLE MARKET, SAID POINT ALSO BEING LOCATED S37°29'38"W 47.59' OF AN EXISTING #5 REBAR WITH CAP; THENCE WITH THE SOUTHERN PROPERTY LINES OF SAID LOT #4 THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S00°23'58"E 58.94' TO AN EXISTING #5 REBAR WITH CAP, AND 2) S47°29'06"E 311.18' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE WESTERN 55' PUBLIC RIGHT-OF-WAY LINE FOR HYLAS LANE, SAID POINT ALSO BEING LOCATED S42°30'55"W 228.11' OF AN EXISTING #5 REBAR WITH CAP; THENCE WITH A NEW LINE FOR THE WESTERN 55' PUBLIC RIGHT-OF-WAY LINE FOR SAID HYLAS LANE S42°30'55"W 55.00' TO A POINT, THE **TRUE POINT OF BEGINNING**, CONTAINING 0.478 ACRE, MORE OR LESS, AS SHOWN ON A SURVEY TITLED "BOUNDARY SURVEY OF RIGHT-OF-WAY ABANDONMENT FOR: A PORTION OF OYSTER LANE", BY CESI, DATED APRIL 15, 2021, CESI JOB #200525.000.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: June 21, 2021

Subject: Public Hearing - Unopened Street ROW Abandonments (Town Center)

EXPLAIN REQUEST:

Public Hearing on abandonment of two (2) unopened street right-of-ways within the Town Center development.

ACTION RECOMMENDED:

Public Hearing

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

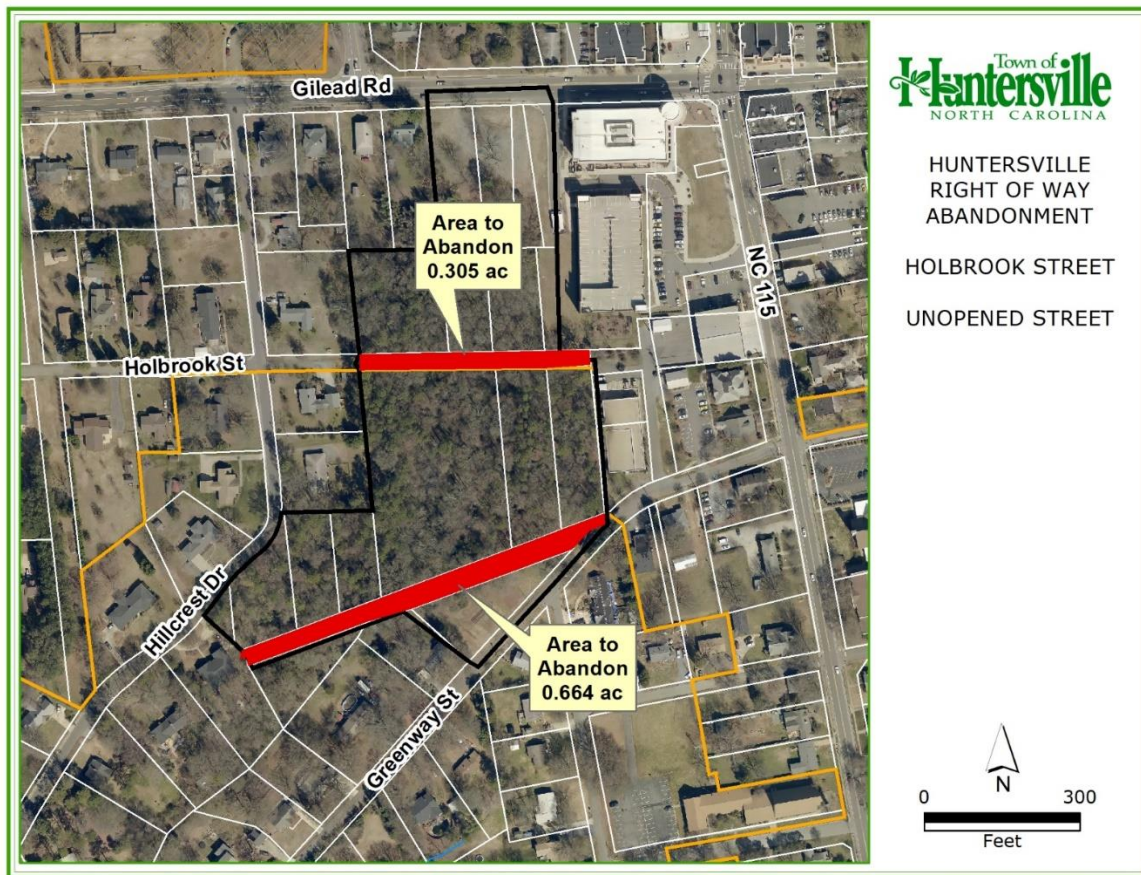
1. Staff Report - Town Center ROW Abandonment
2. Attachment A.1 - Cover letter for ROW abandonment 4-5-21
3. Attachment A.2 - ROW Abandonment Petition 4-5-21
4. Attachment A.3 - ROW Abandonment Petition - Town of Huntersville
5. Attachment A.4 - ROW Abandonment Petition - NorthState
6. Attachment A.5 - ROW Abandonment Petition - Fletemier
7. Attachment A.6 - ROW Abandonment Petition - Angus
8. Attachment B - 160A-299 PROCEDURE FOR CLOSING STREETS & ALLEYS
9. Attachment C - Resolution of intent to close ROW - North State
10. Attachment D - Order Closing ROW - Northstate

Right-of-Way Abandonment Petition - Town Center

PART 1: DESCRIPTION

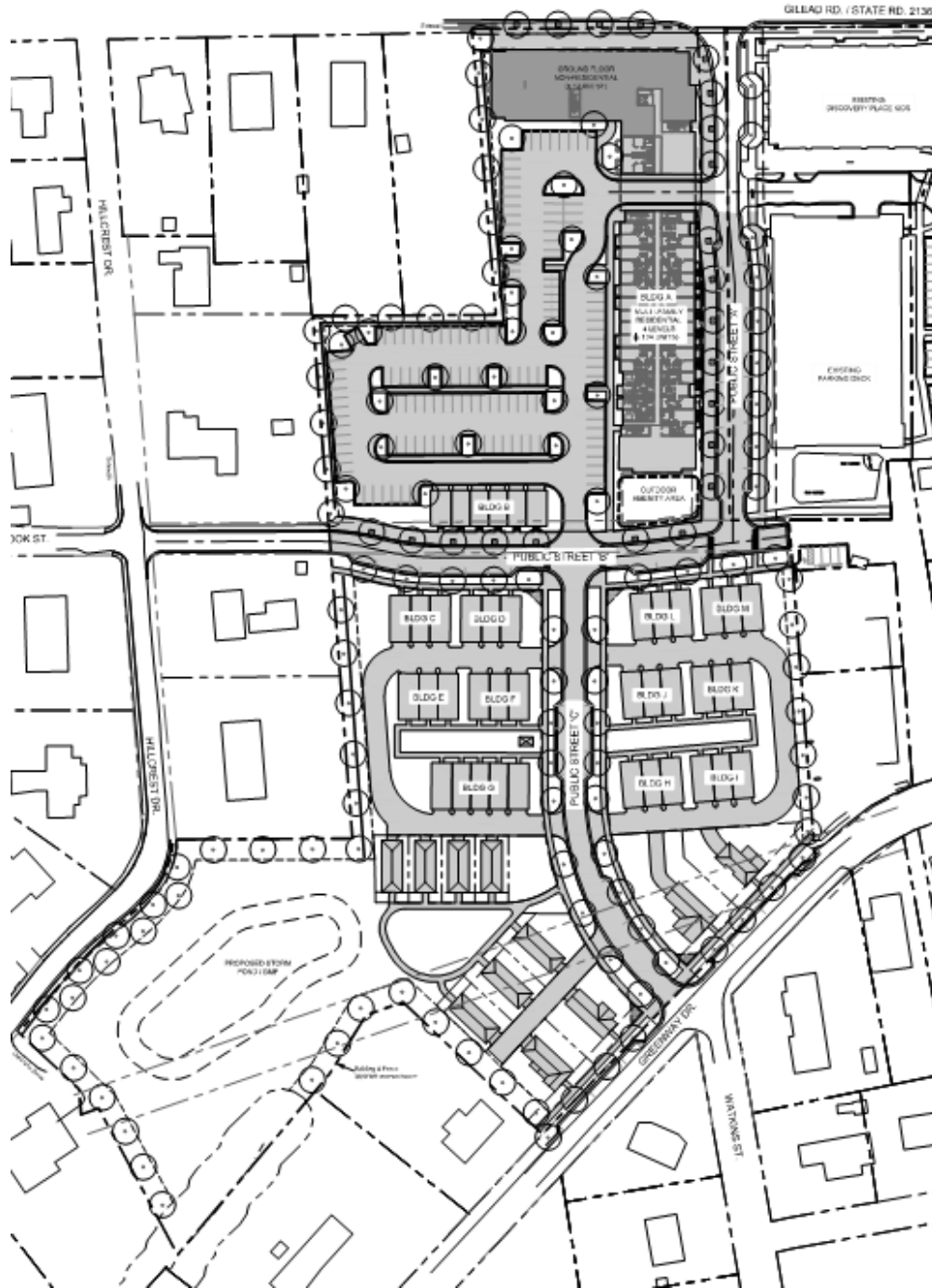
North State HTC, LLC has submitted a petition to consider abandonment of two (2) un-opened public street right-of-ways within the approved Town Center - Conditional District subdivision. The request is to abandon platted, un-opened, public right-of-ways to facilitate development of a mixed-use subdivision. The two (2) abandonments are, more specifically, a 0.305-acre portion of Holbrook Street and a 0.664-acre right-of-way that extends from Greenway Street. Both right-of-ways are un-opened (i.e. no improvements exist) and they are not used to access any abutting properties or structures.

PART 2: LOCATION



PART 3: BACKGROUND

North State HTC, LLC has an approved Conditional District Rezoning and Subdivision Sketch Plan to construct a mixed-use apartment building, townhomes and detached homes on various parcels on and surrounding the proposed right-of-way abandonments. The plans include new public streets to access the lots planned for the subdivision. See the approved rezoning / subdivision plan below:



North Carolina General Statute (NCGS) 160A-299, see Attachment B, gives the Town Board the authority to abandon street Right-of-Way (within the Town Limits) following a public hearing and a determination that the abandonment:

- Is not detrimental to the public interest, or the property rights of any individual;
- Does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property; or
- Is not contrary to the adopted policy to preserve existing right-of-way for connectivity.

PART 4: STAFF RECOMMENDATION

Staff finds the proposed right-of-way abandonments:

- Are not a detriment to public interest, or property rights of adjacent parcels;
- Do not deprive any individuals a reasonable means of ingress and egress to their property; or
- Do not adversely affect connectivity.

Therefore, staff recommends approval of both abandonments of these un-opened public street right-of-ways.

Pursuant to §160A-299 (see Attachment B), notice of the intent to close these un-opened right-of-ways (streets) was advertised in the newspaper, copies of the notice were mailed to all adjacent property owners, and two signs per right-of-way were posted. Staff received no comments from adjacent property owners.

PART 6: PUBLIC HEARING

The Public Hearing will be held on June 21, 2021.

PART 7: ATTACHEMENTS

Attachment A: Right-of-Way Abandonment Petition

Attachment B: NC General Statute 160A-299

Attachment C: Resolution of Intent to Close and Abandon Unopened Street

Attachment D: Order to Close Right-of-Way – Town Center



18825 W. Catawba Ave, Suite 250
Cornelius, NC 28031
Tel: (828) 779-0684
jjones@NorthStateDevelopment.com

www.NorthStateDevelopment.com

Mr. David Peete
Principal Planner
Town of Huntersville
105 Gilead Road
PO Box 664
Huntersville, NC 28078

RE: Right of Way Abandonment Petition
Huntersville Town Center

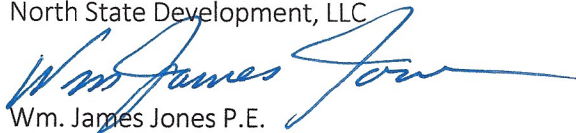
Dear Mr. Peete

Please find attached the signed petition for the Right of Way Abandonment for a portion of Holbrook Street and an unopened street unnamed street within the Huntersville Town Center Project. Also attached is a survey of the property with the ROW to be abandoned and an Agreement of Understanding from the property owners adjacent to the Right of Way being abandoned.

A check in the amount of \$2175.00 payable to the Town of Huntersville for the administration cost is attached.

Please contact me should you have any questions or comments at 828-779-0684.

Sincerely
North State Development, LLC


Wm. James Jones P.E.
Project Manager

Cc: Shane Seagle, North State HTC, LLC

Attachments: Petition for ROW Abandonment
Agreement of Understanding
Survey
Check no 1036

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG PETITION

TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA

(name of petitioner) North State HTC, LLC respectfully files this
Petition and requests that (a portion or all of),

(name of street or location of alley) Holbrook, Unnamed Street

lying (general description of location) Huntersville Town Center

as shown on the map attached hereto and made a part hereof marked "Exhibit A", be
closed and abandoned in accordance with the provisions of Chapter 160A, Section 299,
subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. (give reason for requested closing)

Relocation of a portion of Holbrook Street
Realignment of unnamed Street

2. The closing of unnamed Street Street is not
contrary to the public interest.

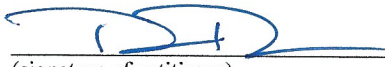
3. No individual, partnership or corporation owning property in the vicinity
of unnamed Street or in the subdivision in which it is located will be deprived of
reasonable means of ingress and egress to his or its property by virtue of the closing.

4. The street (or portion thereof) which petitioner requests be closed and
abandoned is more particularly described by interested bounds in "Exhibit B", attached
hereto and made a part hereof.

5. The street (or portion thereof), requested to be closed and abandoned
has not been previously accepted by the North Carolina Department of Transportation
for maintenance.

Wherefore, petitioner respectfully requests the Board of Commissioners of the
Town of Huntersville consider this Petition and set the time for public hearing upon this
matter as required by law.

Respectfully submitted the 5 day of April, 2021


(signature of petitioner)

David Dupree
(Print Name)

Address: 18825 W. Catawba Av
Suite 250 Cornelius, NC 28031

Telephone Number: 7043614513

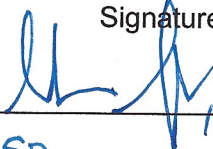
RIGHT-OF-WAY ABANDONMENT AGREEMENT OF UNDERSTANDING

RIGHT-OF-WAY ABANDONMENT AGREEMENT OF UNDERSTANDING

The following property owners have parcels that adjoin the public right-of-way

They hereby indicate, by signature, that they agree with the proposal to abandon that right-of-way. They further understand that once abandoned, a portion of that right-of-way becomes their property. The owners will then be responsible for maintenance and any additional property taxes that may result from the increase in the size of their original parcel.

I understand the statement above and agree with the proposed abandonment.

Name/Address of Property Owner	Signature	Parcel Number
North State HTC, LLC		017111637
18825 W Catawba Ave, Ste 250		017111638
Cornelius, NC 28031		017111639
		017111801
		017111811
		017111621
		017111625
		017111632
		017111633
		017111634

I understand the statement above and agree with the proposed abandonment.

Parcel Number

01711816

Huntersville, NC 28078

Branden A Angus
204 Greenway Drive
Huntersville, NC 28078

§ 160A-299. Procedure for permanently closing streets and alleys.

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(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



**RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE A PART OF
HOLBROOK STREET AND AN UNOPENED RIGHT-OF-WAY**

WHEREAS, North State HTC, LLC has filed a petition to close a part of Holbrook Street in the Town of Huntersville, as designated as Tract "A" and an unopened right-of-way, designated as Tract "B," Tract "C," and Tract "D" in the attached Exhibit A; and

WHEREAS, N.C.G.S. § 160A-299 allows for a municipality to permanently close any street or public alley; and

WHEREAS, N.C.G.S. § 160A-299 requires that the Board of Commissioners for the Town of Huntersville (the "Board") first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

WHEREAS, the Board desires to, pursuant to N.C.G.S. § 160A-299, declare its intent to close a part of Holbrook Street, described as Tract A, and an unopened right-of-way, described as Tract B, Tract C, and Tract D in the attached Exhibit A.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board hereby resolves that it intends to close a part of Holbrook Street, described as Tract A, and an unopened right-of-way, described as Tract B, Tract C, and Tract D in the attached Exhibit A.
2. The Board hereby calls a public hearing the question of closing the unopened rights-of-way to be held at 6:00pm on Monday, the 7th day of June, 2021, both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, 28078, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>.
3. The Clerk of the Board is hereby directed to publish a copy of this Resolution once a week for four successive weeks prior to the public hearing.
4. This Resolution shall be effective as of the date of its adoption.

Adopted this 17th day of May, 2021.

ATTEST:

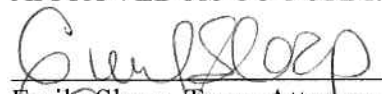

Janet Pierson, Town Clerk



TOWN OF HUNTERSVILLE


John Aneralla, Mayor

APPROVED AS TO FORM:


Emily Sloop, Town Attorney

**Order to Abandon and Close a part of
Holbrook Street and an Unopened Right-of-Way**

WHEREAS, North State HTC, LLC filed a petition to close a part of Holbrook Street in the Town of Huntersville, as designated as Tract “A” and an unopened right-of-way, designated as Tract “B,” Tract “C,” and Tract “D” in the attached Exhibit A; and

WHEREAS, pursuant to N.C.G.S. § 160A-299, on May 17, 2021, the Board of Commissioners for the Town of Huntersville (the “Board”) adopted a resolution declaring its intent to close the streets; and

WHEREAS, on June 7, 2021, the Board amended its resolution of intent to close the streets and called for a public hearing on June 21, 2021; and

WHEREAS, the resolution declaring the Board’s intent to close the streets was published for a period of once a week for four successive weeks; and

WHEREAS, said resolution of intent was sent by registered or certified mail to all owners of property adjoining the streets and a notice of closing and public hearing was prominently posted in at least two places along the streets; and

WHEREAS, a public hearing was held on the 21st day of June, 2021, where the Board of Commissioners determined that the closing of Tract A, Tract B, Tract C, and Tract D is not contrary to the public interest, and that no individual, firm, or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

WHEREAS, the Board desires to, through this Order and pursuant to N.C.G.S. § 160A-299, order the closing a part of Holbrook Street and the unopened rights-of-way described as Tract A Tract B, Tract C, and Tract D in the attached Exhibit A.

NOW THEREFORE, BE IT RESOVLED AS FOLLOWS:

1. The Board hereby, through this Order, orders the closure of a part of Holbrook street and the unopened rights-of-way described as Tract A, Tract B, Tract C, and Tract D in the attached Exhibit A.
2. This Order shall be recorded in the Mecklenburg County Register of Deeds.

Ordered this the 21st day of June 2021.

Attest:

Clerk to the Board

Mayor, Town of Huntersville

Approved as to Form:

Town Attorney



Exhibit A

Tract A right-of-way to be abandoned:

Being a portion of Holbrook Street as shown on Map Book 4 Page 307; and being more particularly described as follows.

Commencing at NCGS monument "MAIN" having NAD 83 (2011) NC grid coordinates Northing: 609,229.78' Easting: 1,451,569.87'; thence a grid bearing and distance, S 75°50'48"W 956.78' to the POINT OF BEGINNING, an existing #4 rebar at the northeast corner of North State HTC, LLC (DB 34948 Pg 39 – Tract B) and in the line of Town of Huntersville (DB 22936 Pg 522) as shown on Map Book 51 Page 639) having NAD 83 (2011) NC grid coordinates Northing: 608,995.83' Easting: 1,450,642.13'; thence with North State, S 88°39'28"W crossing an existing 1" iron pipe at 185.87' for a total distance of 443.70' to an existing 1" iron pipe at the northeast corner of Tuttle (DB 19033 Pg 328); thence crossing Holbrook Street, N 05°26'30"E 30.03' to an existing #5 rebar at the southeast corner of Penaranda (DB 31703 Pg 818) and the southwest corner of North State HTC, LLC (DB 34948 Pg 39 – Tract A); thence with North State, N 88°39'04"E 257.84' to an existing #4 rebar at the southwest corner of Town of Huntersville (DB 30460 Pg 476); thence with Town of Huntersville, N 88°39'04"E crossing an existing #4 rebar at 99.93 for a total distance of 128.91' to an existing #4 rebar at the southwest corner of Town of Huntersville (DB 22936 Pg 522); thence with Town of Huntersville N 88°39'04"E 56.96' to an existing #4 rebar; thence with the terminus of Holbrook Street, S 05°24'38"E 30.08', to the POINT OF BEGINNING, containing 0.305 acres, labeled "Tract A" as shown on a survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated March 23, 2021.

Tract B right-of-way to be abandoned:

Being part of the unopened portion of Hillcrest Drive as shown on Map Book 5 Page 83; and being more particularly described as follows.

Commencing at NCGS monument "MAIN" having NAD 83 (2011) NC grid coordinates Northing: 609,229.78' Easting: 1,451,569.87'; thence a grid bearing and distance, S 75°50'48"W 956.78' to an existing #4 rebar at the northeast corner of North State HTC, LLC (DB 34948 Pg 39 – Tract B) and in the line of Town of Huntersville (DB 22936 Pg 522) as shown on Map Book 51 Page 639 having NAD 83 (2011) NC grid coordinates Northing: 608,995.83' Easting: 1,450,642.13'; thence with North State, S 05°24'38"E 276.56' to the POINT OF BEGINNING, a point on the northern right-of-way of Greenway Street (MB 5 Pg 83); thence, S 05°24'38"E 20.69' to an existing #4 rebar; thence, S 69°46'41"W 12.74' to an existing magnail; thence, S

42°48'38"W 44.10' to a point; thence, S 69°46'41"W 358.43' to a point in the line of Angus (DB 35478 Pg 648); thence with Angus, N 47°33'46"W 22.52' to an existing 1/2" iron pipe at the north corner of Angus and in the line of North State; thence with Angus and North State, S 69°46'41"W 37.36' to an existing #7 rebar at a corner of Angus and North State; thence with Angus and North State, S 31°01'23"W 31.95' to a point in the line of Angus and North State; thence, S 69°46'41"W 244.98' to a point in the line of Fletemier (DB 32077 Pg 621); thence with Fletemier, N 29°18'21"W 21.98' to a point; thence, N 47°49'16"W 20.65' to a point; thence, N 69°46'41"E 749.27' to the POINT OF BEGINNING, containing 0.634 acres, labeled "Tract B" as shown on a survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated March 23, 2021.

Tract C right-of-way to be abandoned:

Being part of the unopened portion of Hillcrest Drive as shown on Map Book 5 Page 83; and being more particularly described as follows.

BEGINNING at an existing 1/2" iron pipe at the north corner of Angus (DB 35478 Pg 648); thence with Angus, S 47°33'46"E 22.52' to a point; thence, S 69°46'41"W 72.62' to a point in the line of North State (DB 35641 Pg 950 – Tract D); thence with North State, N 31°01'23"E 31.95' to an existing #7 rebar at the northeast corner of North State; thence, N 69°46'41"E 37.36' to the POINT OF BEGINNING, containing 0.025 acres, labeled "Tract C" as shown on a survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated March 23, 2021.

Tract D right-of-way to be abandoned:

Being part of the unopened portion of Hillcrest Drive as shown on Map Book 5 Page 83; and being more particularly described as follows.

BEGINNING at an existing #4 rebar at the northwest corner of North State (DB 35641 Pg 950 – Tract D) and a corner of Fletemier (DB 32077 Pg 621); thence, S 69°46'41"W 18.01' to an existing #4 rebar; thence, N 05°21'36"W 20.69' to a point; thence, N 69°46'41"E 2.87' to a point; thence, S 47°49'16"E 20.65' to a point; thence, S 29°18'21"E 1.72' to the POINT OF BEGINNING, containing 0.005 acres, labeled "Tract D" as shown on a survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated March 23, 2021.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: June 21, 2021

Subject: Unopened Street ROW Abandonments - Town Center

EXPLAIN REQUEST:

Decision on Abandonment of two (2) un-opened street right-of-ways within the Town Center development.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Order Closing ROW Northstate

**Order to Abandon and Close a part of
Holbrook Street and an Unopened Right-of-Way**

WHEREAS, North State HTC, LLC filed a petition to close a part of Holbrook Street in the Town of Huntersville, as designated as Tract “A” and an unopened right-of-way, designated as Tract “B,” Tract “C,” and Tract “D” in the attached Exhibit A; and

WHEREAS, pursuant to N.C.G.S. § 160A-299, on May 17, 2021, the Board of Commissioners for the Town of Huntersville (the “Board”) adopted a resolution declaring its intent to close the streets; and

WHEREAS, on June 7, 2021, the Board amended its resolution of intent to close the streets and called for a public hearing on June 21, 2021; and

WHEREAS, the resolution declaring the Board’s intent to close the streets was published for a period of once a week for four successive weeks; and

WHEREAS, said resolution of intent was sent by registered or certified mail to all owners of property adjoining the streets and a notice of closing and public hearing was prominently posted in at least two places along the streets; and

WHEREAS, a public hearing was held on the 21st day of June, 2021, where the Board of Commissioners determined that the closing of Tract A, Tract B, Tract C, and Tract D is not contrary to the public interest, and that no individual, firm, or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

WHEREAS, the Board desires to, through this Order and pursuant to N.C.G.S. § 160A-299, order the closing a part of Holbrook Street and the unopened rights-of-way described as Tract A Tract B, Tract C, and Tract D in the attached Exhibit A.

NOW THEREFORE, BE IT RESOVLED AS FOLLOWS:

1. The Board hereby, through this Order, orders the closure of a part of Holbrook street and the unopened rights-of-way described as Tract A, Tract B, Tract C, and Tract D in the attached Exhibit A.
2. This Order shall be recorded in the Mecklenburg County Register of Deeds.

Ordered this the 21st day of June 2021.

Attest:

Clerk to the Board

Mayor, Town of Huntersville

Approved as to Form:

Town Attorney



Exhibit A

Tract A right-of-way to be abandoned:

Being a portion of Holbrook Street as shown on Map Book 4 Page 307; and being more particularly described as follows.

Commencing at NCGS monument "MAIN" having NAD 83 (2011) NC grid coordinates Northing: 609,229.78' Easting: 1,451,569.87'; thence a grid bearing and distance, S 75°50'48"W 956.78' to the POINT OF BEGINNING, an existing #4 rebar at the northeast corner of North State HTC, LLC (DB 34948 Pg 39 – Tract B) and in the line of Town of Huntersville (DB 22936 Pg 522) as shown on Map Book 51 Page 639) having NAD 83 (2011) NC grid coordinates Northing: 608,995.83' Easting: 1,450,642.13'; thence with North State, S 88°39'28"W crossing an existing 1" iron pipe at 185.87' for a total distance of 443.70' to an existing 1" iron pipe at the northeast corner of Tuttle (DB 19033 Pg 328); thence crossing Holbrook Street, N 05°26'30"E 30.03' to an existing #5 rebar at the southeast corner of Penaranda (DB 31703 Pg 818) and the southwest corner of North State HTC, LLC (DB 34948 Pg 39 – Tract A); thence with North State, N 88°39'04"E 257.84' to an existing #4 rebar at the southwest corner of Town of Huntersville (DB 30460 Pg 476); thence with Town of Huntersville, N 88°39'04"E crossing an existing #4 rebar at 99.93 for a total distance of 128.91' to an existing #4 rebar at the southwest corner of Town of Huntersville (DB 22936 Pg 522); thence with Town of Huntersville N 88°39'04"E 56.96' to an existing #4 rebar; thence with the terminus of Holbrook Street, S 05°24'38"E 30.08', to the POINT OF BEGINNING, containing 0.305 acres, labeled "Tract A" as shown on a survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated March 23, 2021.

Tract B right-of-way to be abandoned:

Being part of the unopened portion of Hillcrest Drive as shown on Map Book 5 Page 83; and being more particularly described as follows.

Commencing at NCGS monument "MAIN" having NAD 83 (2011) NC grid coordinates Northing: 609,229.78' Easting: 1,451,569.87'; thence a grid bearing and distance, S 75°50'48"W 956.78' to an existing #4 rebar at the northeast corner of North State HTC, LLC (DB 34948 Pg 39 – Tract B) and in the line of Town of Huntersville (DB 22936 Pg 522) as shown on Map Book 51 Page 639 having NAD 83 (2011) NC grid coordinates Northing: 608,995.83' Easting: 1,450,642.13'; thence with North State, S 05°24'38"E 276.56' to the POINT OF BEGINNING, a point on the northern right-of-way of Greenway Street (MB 5 Pg 83); thence, S 05°24'38"E 20.69' to an existing #4 rebar; thence, S 69°46'41"W 12.74' to an existing magnail; thence, S

42°48'38"W 44.10' to a point; thence, S 69°46'41"W 358.43' to a point in the line of Angus (DB 35478 Pg 648); thence with Angus, N 47°33'46"W 22.52' to an existing 1/2" iron pipe at the north corner of Angus and in the line of North State; thence with Angus and North State, S 69°46'41"W 37.36' to an existing #7 rebar at a corner of Angus and North State; thence with Angus and North State, S 31°01'23"W 31.95' to a point in the line of Angus and North State; thence, S 69°46'41"W 244.98' to a point in the line of Fletemier (DB 32077 Pg 621); thence with Fletemier, N 29°18'21"W 21.98' to a point; thence, N 47°49'16"W 20.65' to a point; thence, N 69°46'41"E 749.27' to the POINT OF BEGINNING, containing 0.634 acres, labeled "Tract B" as shown on a survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated March 23, 2021.

Tract C right-of-way to be abandoned:

Being part of the unopened portion of Hillcrest Drive as shown on Map Book 5 Page 83; and being more particularly described as follows.

BEGINNING at an existing 1/2" iron pipe at the north corner of Angus (DB 35478 Pg 648); thence with Angus, S 47°33'46"E 22.52' to a point; thence, S 69°46'41"W 72.62' to a point in the line of North State (DB 35641 Pg 950 – Tract D); thence with North State, N 31°01'23"E 31.95' to an existing #7 rebar at the northeast corner of North State; thence, N 69°46'41"E 37.36' to the POINT OF BEGINNING, containing 0.025 acres, labeled "Tract C" as shown on a survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated March 23, 2021.

Tract D right-of-way to be abandoned:

Being part of the unopened portion of Hillcrest Drive as shown on Map Book 5 Page 83; and being more particularly described as follows.

BEGINNING at an existing #4 rebar at the northwest corner of North State (DB 35641 Pg 950 – Tract D) and a corner of Fletemier (DB 32077 Pg 621); thence, S 69°46'41"W 18.01' to an existing #4 rebar; thence, N 05°21'36"W 20.69' to a point; thence, N 69°46'41"E 2.87' to a point; thence, S 47°49'16"E 20.65' to a point; thence, S 29°18'21"E 1.72' to the POINT OF BEGINNING, containing 0.005 acres, labeled "Tract D" as shown on a survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated March 23, 2021.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: June 21, 2021

Subject: Unopened Street ROW Abandonment - Huntersville Market

EXPLAIN REQUEST:

Decision on Abandonment of an unopened street right-of-way within the Huntersville Market development.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Order Closing Oyster Lane

Order to Abandon and Close a part of Oyster Lane

WHEREAS, Cambridge-Huntersville, LLC filed a petition to close a part of Oyster Lane in the Town of Huntersville, as described in the attached Exhibit A; and

WHEREAS, pursuant to N.C.G.S. § 160A-299, on May 17, 2021, the Board of Commissioners for the Town of Huntersville (the “Board”) adopted a resolution declaring its intent to close the street; and

WHEREAS, on June 7, 2021 the Board amended its resolution of intent to close the street and called for a public hearing on June 21, 2021; and

WHEREAS, the resolution declaring the Board’s intent to close the streets was published for a period of once a week for four successive weeks; and

WHEREAS, said resolution of intent was sent by registered or certified mail to all owners of property adjoining the street and a notice of closing and public hearing was prominently posted in at least two places along the street; and

WHEREAS, a public hearing was held on the 21st day of June, 2021, where the Board of Commissioners determined that the closing of the street is not contrary to the public interest, and that no individual, firm, or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

WHEREAS, the Board desires to, through this Order and pursuant to N.C.G.S. § 160A-299, order the closing a part of Oyster Lane described in the attached Exhibit A.

NOW THEREFORE, BE IT RESOVLED AS FOLLOWS:

1. The Board hereby, through this Order, orders the closure of a part of Oyster Lane described in the attached Exhibit A.
2. This Order shall be recorded in the Mecklenburg County Register of Deeds.

Ordered this the 21st day of June, 2021.

Attest:

Clerk to the Board

Mayor, Town of Huntersville

Approved as to Form:

Town Attorney

Exhibit A

TO ARRIVE AT THE TRUE POINT OF BEGINNING, COMMENCE AT N.C.G.S. MONUMENT "SUMMER" HAVING THE FOLLOWING N.C. GRID ~ NAD 83(2001) COORDINATES N: 598,879.26'; E: 1,466,845.12', THEN RUN N28°05'38"E 1648.49' (GROUND) TO AN EXISTING #5 REBAR WITH CAP LOCATED ON THE NORTHWEST INTERSECTION CORNER OF HYLAS LANE AND OYSTER LANE, SAID POINT ALSO BEING LOCATED N42°30'55"E 275.85' FROM AN EXISTING #5 REBAR WITH CAP AND BEING THE **TRUE POINT OF BEGINNING**; THENCE FROM THE **TRUE POINT OF BEGINNING** AND RUNNING WITH THE NORTHERN PROPERTY LINES OF LOT #5 (HUNTERSVILLE MARKET; MB. 56, PG. 293; MECKLENBURG COUNTY REGISTRY) THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) N47°29'06"W 260.86' TO AN EXISTING #5 REBAR WITH CAP, 2) A CIRCULAR CURVE TO THE LEFT HAVING AN ARC LENGTH OF 41.71', A RADIUS OF 145.00' AND A CHORD OF N55°43'29"W 41.56' TO AN EXISTING #5 REBAR WITH CAP, 3) A CIRCULAR CURVE TO THE LEFT HAVING AN ARC LENGTH OF 37.05', A RADIUS OF 45.00' AND A CHORD OF N87°33'08"W 36.01' TO AN EXISTING #5 REBAR WITH CAP, AND 4) S50°31'46"W 45.23' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE EASTERN VARIABLE WIDTH PUBLIC RIGHT-OF-WAY LINE FOR PROSPERITY CHURCH ROAD; THENCE WITH NEW LINES RUNNING ALONG THE EASTERN VARIABLE WIDTH PUBLIC RIGHT-OF-WAY LINE FOR SAID PROSPERITY CHURCH ROAD THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) A CIRCULAR CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 19.50', A RADIUS OF 577.00' AND A CHORD OF N36°31'33"E 19.50' TO A COMPUTED POINT, AND 2) N37°29'38"E 153.30' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE NORTHWEST PROPERTY CORNER OF LOT #4 IN HUNTERSVILLE MARKET, SAID POINT ALSO BEING LOCATED S37°29'38"W 47.59' OF AN EXISTING #5 REBAR WITH CAP; THENCE WITH THE SOUTHERN PROPERTY LINES OF SAID LOT #4 THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S00°23'58"E 58.94' TO AN EXISTING #5 REBAR WITH CAP, AND 2) S47°29'06"E 311.18' TO AN EXISTING #5 REBAR WITH CAP BEING LOCATED ON THE WESTERN 55' PUBLIC RIGHT-OF-WAY LINE FOR HYLAS LANE, SAID POINT ALSO BEING LOCATED S42°30'55"W 228.11' OF AN EXISTING #5 REBAR WITH CAP; THENCE WITH A NEW LINE FOR THE WESTERN 55' PUBLIC RIGHT-OF-WAY LINE FOR SAID HYLAS LANE S42°30'55"W 55.00' TO A POINT, THE **TRUE POINT OF BEGINNING**, CONTAINING 0.478 ACRE, MORE OR LESS, AS SHOWN ON A SURVEY TITLED "BOUNDARY SURVEY OF RIGHT-OF-WAY ABANDONMENT FOR: A PORTION OF OYSTER LANE", BY CESI, DATED APRIL 15, 2021, CESI JOB #200525.000.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Stephen Trott, Director

Date: June 21, 2021

Subject: Unopened Street ROW Abandonment - Vermillion Front

EXPLAIN REQUEST:

Decision on Abandonment of unopened street right-of-way within the Vermillion Front development.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Order Closing ROW - Vermillion

Order to Abandon and Close an unopened right of way

WHEREAS, Vermillion Front, LLC filed a petition to close a part of an unopened right of way in the Town of Huntersville, as described in the attached Exhibit A; and

WHEREAS, pursuant to N.C.G.S. § 160A-299, on May 17, 2021, the Board of Commissioners for the Town of Huntersville (the “Board”) adopted a resolution declaring its intent to close the street; and

WHEREAS, said resolution of intent to close the street was published for a period of once a week for four successive weeks; and

WHEREAS, said resolution of intent was sent by registered or certified mail to all owners of property adjoining the streets, and a notice of closing and public hearing was prominently posted in at least two places along the streets; and

WHEREAS, a public hearing was held on the 21st day of June, 2021, where the Board of Commissioners determined that the closing of Tract A is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

WHEREAS, the Board desires to, through this Order and pursuant to N.C.G.S. § 160A-299, order the closing the unopened right of way described in the attached Exhibit A.

NOW THEREFORE, BE IT RESOVLED AS FOLLOWS:

1. The Board hereby, through this Order, orders the closure of the unopened right of way described in the attached Exhibit A.
2. This Order shall be recorded in the Mecklenburg County Register of Deeds.

Ordered this the 21st day of June, 2021.

Attest:

Clerk to the Board

Mayor, Town of Huntersville

Approved as to Form:

Town Attorney

Exhibit A

BEING ALL OF THAT UNNAMED ROAD AS DEPICTED ON MAP BOOK 3 PAGE 342 AS RECORDED IN THE MECKLENBURG COUNTY REGISTER OF DEEDS, SAID ROAD LYING IN THE TOWN OF HUNTERSVILLE, COUNTY OF MECKLENBURG, AND STATE OF NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT NGS MONUMENT "HEDRICK" HAVING NORTH CAROLINA GEODETIC COORDINATES OF NORTH=586,835.04' AND EAST =1,437,162.95' (NAD'83), THENCE N34°13'40"E FOR A DISTANCE OF 27,952.42' TO A POINT ON THE UNNAMED ROAD, SAID POINT BEING THE POINT OF BEGINNING (POB); THENCE, FROM THE POB, AND ALONG THE LINE OF THE UNNAMED ROAD, THE FOLLOWING 4 CALLS; 1)N38°10'54"W FOR A DISTANCE OF 682.85' TO A POINT ON THE 60' PUBLIC R/W OF HUNTERSVILLE-CONCORD RD, SAID POINT BEING ON THE BEGINNING OF CURVE 2)WITH SAID CURVE, HAVING A RADIUS OF 238.69', AN ARC LENGTH OF 38.67', AND A CHORD BEARING AND DISTANCE OF N19°01'50"E AND 38.63' TO A POINT ON SAID R/W 3)LEAVING SAID R/W, S38°02'46"E FOR A DISTANCE OF 728.80' TO A POINT 4)S89°02'07"E FOR A DISTANCE OF 39.65' TO THE POB, CONTAINING 22,333 SQ FT (0.513 ACRES), MORE OR LESS.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Jack Simoneau, Director

Date: June 21, 2021

Subject: R20-05 TC-CD Vermillion Village Rezoning

EXPLAIN REQUEST:

Consider decision on R20-05, a TC-CD rezoning petition modifying R16-12 that allowed a mix of 400 units (apartments + townhomes) and up to 165,000 sq. ft. of non-residential **TO** 292 apartments, 49 townhomes, and 70,000 sq. ft. of non-residential on 30-acres generally located at 404 N. Church Street.

ACTION RECOMMENDED:

Take Action

FINANCIAL IMPLICATIONS:

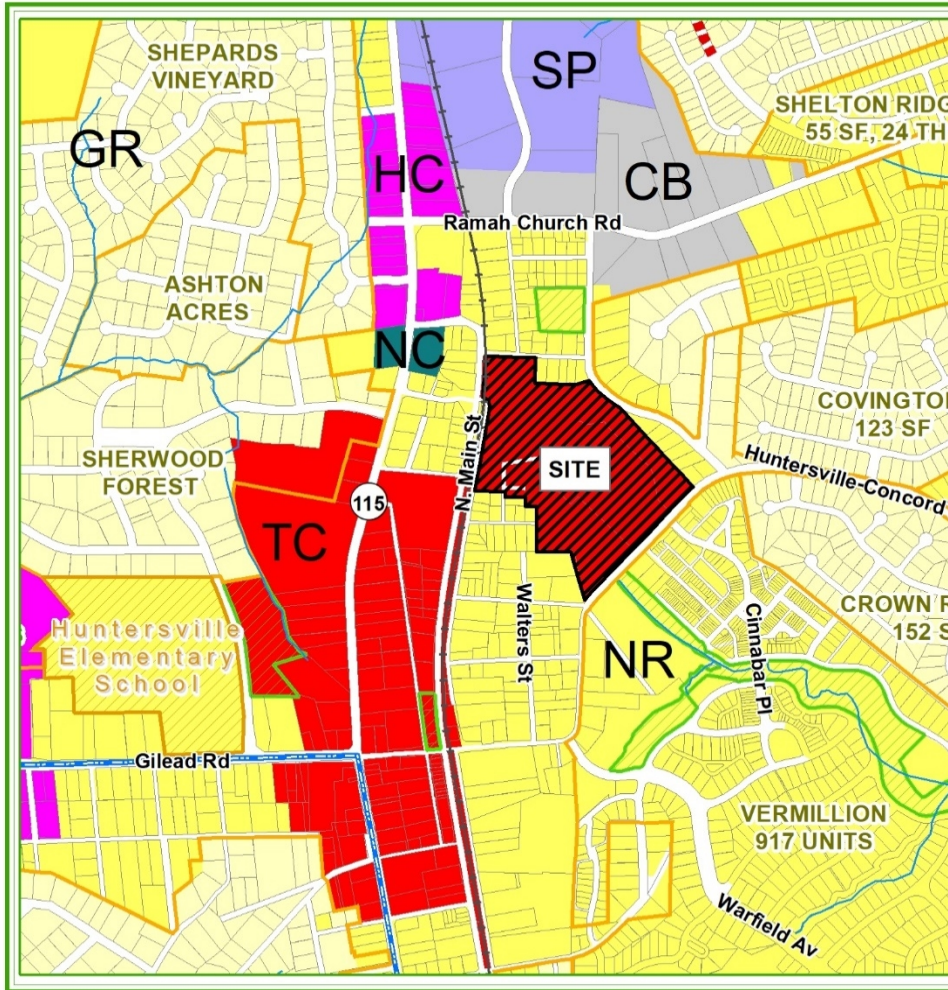
N/A

ATTACHMENTS:

1. R20-05 Town Board Action Staff Report
2. General_Application_-_Town_of_Huntersville_-_Signed
3. General_Application_Applicant-Owner_Signature_Addendum_-_SIGNED
4. Sketch_&_Rezoning_Plans_4-26-21
5. Vermillion Village Neighborhood Meeting 3-25-21
6. CMS Report

Petition R20-05 Vermillion Village Mixed-Use Conditional District Rezoning

PART 1: PROJECT SUMMARY



Applicant: Vermillion Anchor Mill Village, LLC

Property Owner: Vermillion Anchor Mill Village, LLC and Vermillion Village, LLC

Property Address: 404 N. Church Street

Project Size: (+/-) 30-acres

Parcel Numbers: 01902201 and 01902202

Current Zoning: Town Center – Conditional District (TC-CD)

Current Land Use: vacant

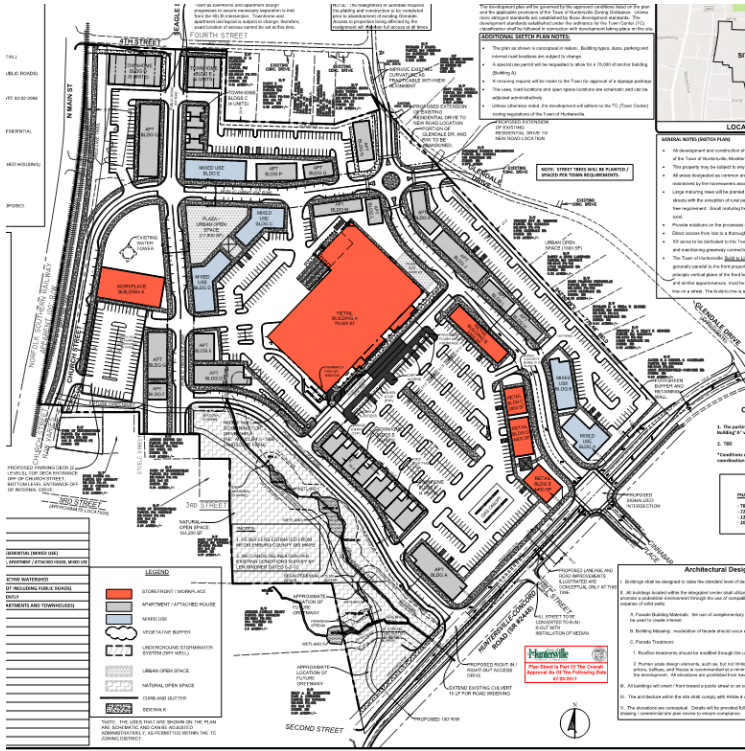
Proposed Zoning: Town Center—Conditional District (TC-CD)

Proposed Land Use: Amend R16-12 to revise the uses to: 292 apartments, 49 townhomes & 70,000 Sq. Ft. non-residential uses (TC permitted uses)

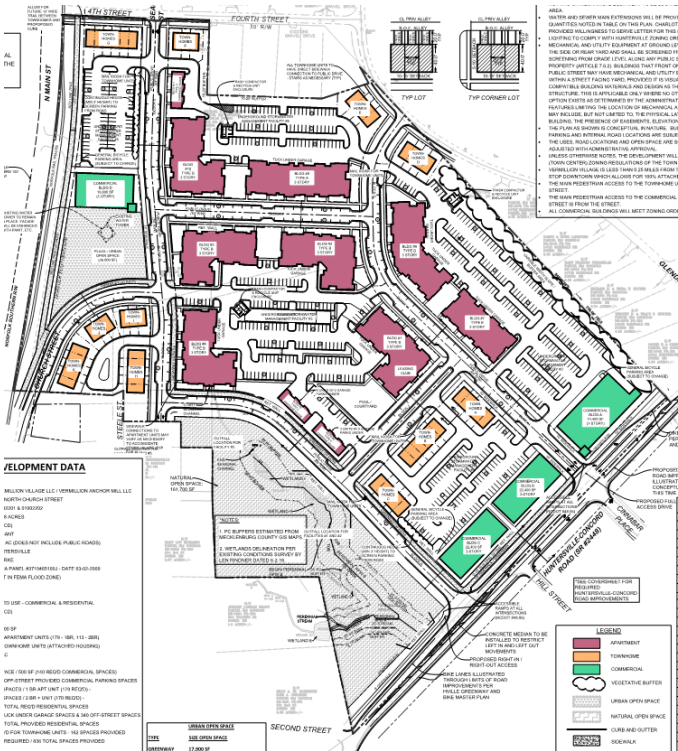
1. Purpose: Petition to modify the approved rezoning (R16-12) that includes a mix of 400 units (apartments + townhomes) and up to 165,000 sq. ft. of non-residential TO 292 apartments, 49 townhomes, and minimum 70,000 sq. ft. of non-residential on 30-acres generally located at 404 N. Church Street (see Attachment B). If the CD Rezoning amendment is approved, a corresponding Subdivision Sketch Plan will be reviewed by staff for compliance.
2. Adjoining Zoning and Land Uses.
 - North: Neighborhood Residential (NR) – single-family Mill Village
 - South: Neighborhood Residential (NR) - single-family lots
 - East: Neighborhood Residential – Traditional Neighborhood Development Overlay (NR TND- O) – mixed use development (Vermillion Subdivision)
 - West: Neighborhood Residential (NR) – single-family and Town Center (TC) – Civic and Residential development

3. This rezoning plan would replace an existing rezoning plan approved in 2017 (R16-12). Below is the approved rezoning plan (on the left) and the current proposed rezoning plan (on the right) as well as the differences of each:

Approved Rezoning Plan R16-12 (2017)



Proposed Rezoning Plan R20-05 (5-2021)



Site Details:	R16-12	R20-05
Apartment Units	400 (apartments + townhomes)	292
Townhome Units	See above	49
Commercial Square Footage	Up to 165,000 sq. ft.	70,000 sq. ft.
Urban Open Space	2 Plazas, 0.87 acres Mooresville to Charlotte Trail	Plaza Portion of Mooresville to Charlotte Trail Portion of approved County greenway

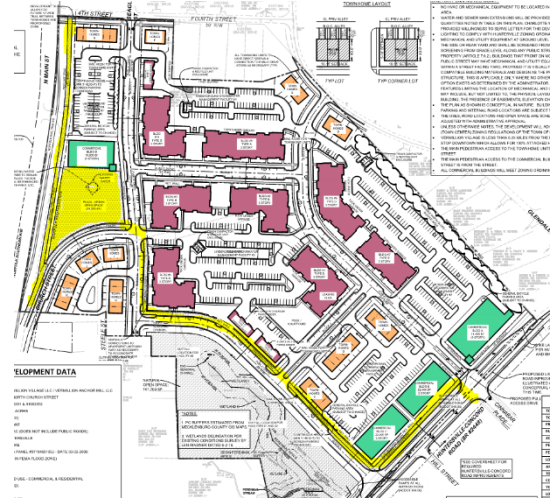
4. A neighborhood meeting was held on March 25, 2021. The meeting summary is attached.
5. Notice of this CD-Rezoning request was provided via postcards sent to all property owners within 250 ft. of the project; a legal ad placed in the Charlotte Observer; public hearing signs were posted on the property. All notification requirements have been met.

PART 2: REZONING/SITE PLAN ISSUES

The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Ordinance and Subdivision Regulations. Significant elements include:

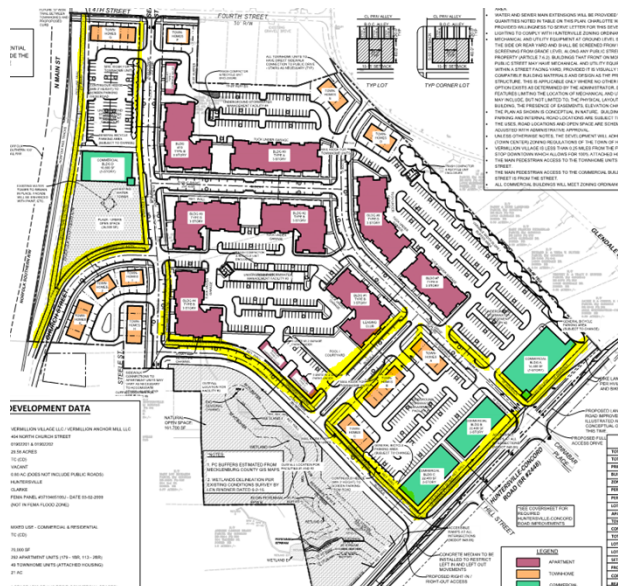
- Proposed Uses: 292 Apartments, 49 Townhomes and minimum 70,000 sq. ft. of non-residential space.

- Three (3) Urban Open Spaces are proposed – Plaza, Mecklenburg County Greenway Trail and a section of the Mooresville to Charlotte Trail shown (yellow highlight).
- The original plan showed the creek area south of the site as being dedicated to Mecklenburg County for the greenway. The County has now asked the applicant in lieu of donating the creek area south of the property, to use proposed sidewalks within the development as connections from Huntersville-Concord Road to Church Street. The reason for this request is the County would not be able to build the greenway connection shown on the plans due to topography. The applicant has agreed and is providing 10' sidewalks through the development (shown in yellow).
- Public Street connections are being made to Huntersville-Concord Road, Fourth Street, North Church Street, Seagle/Walters Street and Glendale Drive.
- Revocation of the previously approved Special Use Permit to allow a shopfront building over 50,000 sq. ft. has been submitted and will be coordinated with the rezoning request.
- Minimum Tree Preservation for Specimen Trees in the Town Center zoning district is 30%. The proposed TC-CD Rezoning Plan saves 45% of existing specimen trees. In addition, the applicant is saving 20% of the tree canopy (0% is req. in this district).
- If the Rezoning Plan is approved, Staff, at the construction document phase, will review the plans for compliance with the Water Quality Ordinance, Erosion Control Ordinance and Stream Buffer Requirements, and all other Zoning and Subdivision standards as found in the Zoning Ordinance.
- The rezoning request is to be developed in phases. The first phase would be construction of all building pads and residential units. Commercial would be incorporated in the second phase.



Staff has noted several items on the Conditional District Rezoning Plan:

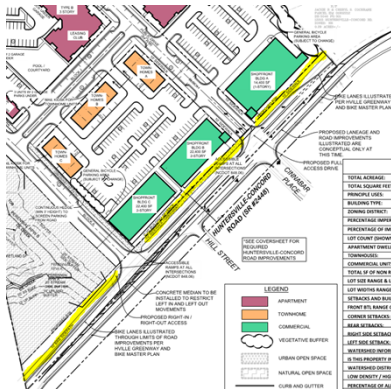
- The Ordinance calls for 7' sidewalks for mixed-used areas. However, the project is providing 10'+ sidewalks in the sections shown highlighted in yellow and 12'-wide path on the Red Line Trail With these accommodations, staff recommends the applicant provide 5' sidewalks for the remaining sections serving only residential areas.



- The previous rezoning plan's TIA recommended a traffic signal at the Cinnabar Place Intersection. The revised rezoning plan's TIA does not warrant a traffic signal and therefore providing a safe route for pedestrians to cross Huntersville-Concord Road to access the greenway system is critical. Staff will work with NCDOT and Huntersville Engineering to come up with techniques/solutions to address this issue.
- All other minor outstanding comments to be addressed

PART 3: TRANSPORTATION ISSUES

The Huntersville Bike Plan Update was adopted in December 2021. That plan recommended a sidepath (i.e. 10-wide path) adjacent to Huntersville Concord Road in this area. The proposed plan shows a 10'-wide sidepath along Huntersville-Concord Road



A revised Traffic Impact Analysis (TIA), sealed 4/9/2021 and received 4/12/2021, was completed for the proposed Vermillion Village development. The TIA has been reviewed and is acceptable as a final version. The TIA identifies two intersections, NC115 at Gilead Road/Huntersville Concord Road and Huntersville Concord Road at Cinnabar Place/Site Driveway #1, that exceed the ICU percentage criteria in Article 14 of the Zoning Ordinance.

The mitigation identified in the TIA for the intersection of NC115 at Gilead Road/Huntersville Concord Road is the addition of protected/permitted signal phasing for the existing southbound left-turn lane. The identified mitigation improvement satisfies the mitigation criteria standards in Article 14.4 of the Zoning Ordinance. The Main Street project (U-5908), with anticipated construction start in July 2021, and the NCDOT Gilead widening project (U-5807), with anticipated construction start in 2031, will both likely impact traffic conditions at the intersection. Engineering staff would not be opposed to the applicant offering funding towards a future improvement project at the intersection in-lieu of the additional protected/permitted signal phasing construction.

The mitigation identified in the TIA for the intersection of Huntersville Concord Road at Cinnabar Place/Site Driveway #1 is the following:

- Construct an eastbound left-turn lane on Huntersville Concord Road with 100 feet of storage
- Construct a westbound left-turn lane on Huntersville Concord Road with 100 feet of storage
- Construct a westbound right-turn lane on Huntersville Concord Road with 75 feet of storage

Based on the TIA results and recommendations for improvements in the TIA, engineering staff recommends the following improvements be constructed by the developer (NOTE: NCDOT concurred with Huntersville Engineering recommendations:

NC115 at Gilead Road/Huntersville Concord Road

- Addition of protected/permitted signal phasing for the existing southbound left-turn lane or applicant funding towards a future improvement project at the intersection

Huntersville-Concord Road at Cinnabar Place/Driveway #1

- Construct an eastbound left-turn lane on Huntersville Concord Road with 100 feet of storage
- Construct a westbound left-turn lane on Huntersville Concord Road with 100 feet of storage
- Construct a westbound right-turn lane on Huntersville Concord Road with 100 feet of storage

Huntersville Concord Road at Site Driveway #2

- Construct a westbound right-turn lane on Huntersville Concord Road with 100 feet of storage
- Right-in/out only access (concrete median along Huntersville Concord Road)

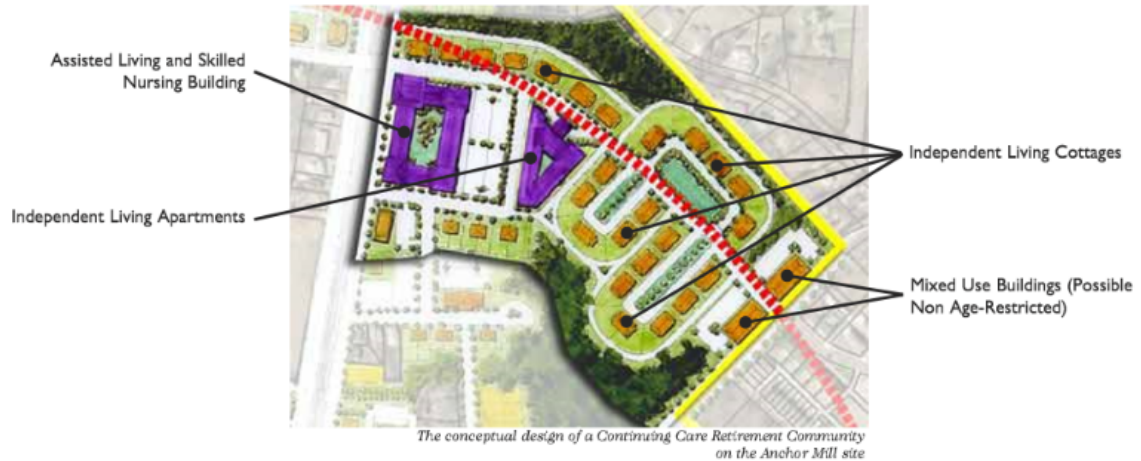
PART 4: REZONING CRITERIA

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

Anchor Mill Charrette Master Plan (not an adopted plan) was completed in 2000 showing the importance of a grid street network, combination of uses and an increase in density were prescribed to aid development. This area was believed to be the location of a transit station. Through the incorporation of parks, greenway connections and green space a sense of place was to be created. The design promoted multi-modal development with a focus on walkability.



In 2005, the adopted Downtown Master Plan indicated the Anchor Mill property would be appropriate for higher density, mixed-use development with highest density development sited closer to the transit station platform proposed at the time. Based on a market study that showed a housing gap for active adults, the plan showed an example of a Continuing Care Retirement Community (CCRC) for the Anchor Mill property.



The East Huntersville Plan adopted in 2007 indicated the Anchor Mill site should be consistent with the transit-oriented development design principles found in the Zoning Ordinance. Among the principles found are:

- Project should be divided into blocks, streets, lots, and open space
- Proposed Streets should connect to existing streets and blocks should break up long segments of streets.
- Buildings should front streets and share a frontage line; the buildings shall comply with the lot types in Article 4.
- Designs of Urban Open Space and Parking Lot landscaping shall meet Ordinance standards.
- Semi-opaque buffers shall be constructed along adjacent development.



STAFF COMMENT – The 2040 Huntersville Community Plan DOES SUPPORT this project through the following sections:

- **Policy LU 2.1:** Higher intensity residential uses will be focused generally within 2 miles of the I77/NC115 corridor and future activity centers in the eastern and western areas of Huntersville zoning jurisdiction.
Comment: The proposed project is within the I-77/NC-115 core.
- **Policy LU 6.2:** Commercial uses are encouraged in the Town Core and as specified in the adopted Small Area Plans.
Comment: This project will provide a mixture of land uses, including a minimum of 70,000 sq. ft. of non-residential. Applicable Small Area Plans suggest mixed-use development for this area and that is achieved.
- **Policy LU 7.1:** In Mixed Use Centers, Activity Center, Town Core and moderate Density Areas, street and sidewalks are meant to be attractive and inviting.
Comment: This project will provide buildings that front the street; sidewalks that are activated as connections to greenways; blocks are short and provide connectivity for both vehicles, pedestrians, and bicyclists; parking lots are generally behind buildings and include landscape features; and there is a mix of uses and housing types.

- Policy LU 9.1:** In high intensity areas including Mixed Use Centers, Activity Centers, the Town Core, and Moderate Density areas neighborhoods should adhere to the following principles:
 - All homes must front a public street or open space
 - Front porches and recessed garages are encouraged
 - On-street parking is required in new developments that have lot widths below 60'
 - Alley-loading is also encouraged in these cases

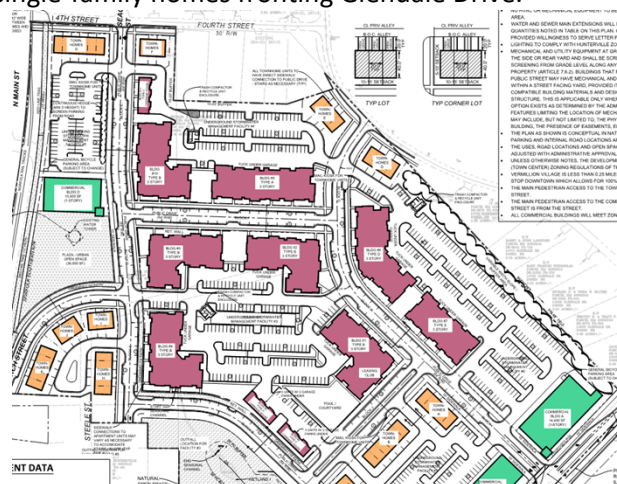
Comment: The proposed development shows homes fronting public streets including the apartment units and townhome units. On-street parking is provided throughout as well as alley-fed townhome units.
- Policy LU 10.1:** Align housing options with resident needs and promote attainable housing options.

Comment: the proposed development provides a mix of housing types (apartments and townhomes) as well as a mix of for sale and for rent units.
- Policy EV 2.3:** Attract businesses to Downtown.
- Policy EOS 10.1:** Implement Bicycle and Pedestrian Committee's 30 by 30 plan.

Comment: The proposed development is adding to the Town's bikeway network, providing bike a sidepath along Huntersville-Concord Road. The plan also provides for the Clarke Creek Greenway trail and the Red Line Trail.
- Policy DT 1.3:** In Tier 1 areas, encourage multistory buildings and allow for a mix of uses including commercial, office, residential.

Comment: The project is providing a mix of uses including residential (townhomes and apartments) as well as commercial space.
- Policy DT 2:** Step down in intensity and density near established residential neighborhoods.

Comment: The project provided a mix of both apartments and townhomes. The townhomes (brown) are generally located on the exterior of the project adjacent to an established single-family area with several facing Fourth Street and Glendale Drive. A 20'-wide buffer is proposed between adjoining properties at the northern property line and the apartment parking. The site plan shows a vegetated buffer varying in width from 30' to 50' along the eastern property line. The apartment parking lot is approximately 15' lower than the adjoining single-family homes fronting Glendale Drive.



- **Policy DT 6.2:** Pursue street connections and upgrades Downtown to facilitate Town goals including Church Street/Walters Street upgrades.
- **Policy DT 8.2:** Encourage reuse and integration of key historical structures into programming and redevelopment plans Downtown including the water tower.
- **Policy DT 11.1:** Allow and encourage residential development in Downtown Huntersville, including for-sale and rental housing integrated with commercial uses.
Comment: The project provides a mix of for sale and rental housing as well as commercial space.
- **Policy T 3.2:** Improve multimodal connectivity by coordinating with other departments to implement the Huntersville Bicycle Master plan, expanding the greenway network, and supporting enhanced pedestrian connections.
Comment: The project provides an integrated street network system that provides connectivity for vehicles as well as pedestrians. It also provides a greenway connection and installation of the Carolina Thread Trail (Mooresville to Charlotte Trail) as prescribed in the Town of Huntersville Greenway and Bikeway Master Plan.

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

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

STAFF COMMENT:

The proposed Conditional District Rezoning for the Vermillion Village Mixed-Use Conditional District Rezoning is supported by the Huntersville 2040 Community Plan and all other applicable Small Area Plans, as the property is located within the area eligible for higher intensity. The overall proposed density for Vermillion Village is 11-units per acre, which is higher than nearby developments, however the stated goals of the referenced Plans is to permit increased density, where appropriate, while ensuring that adequate transitions in land use and densities are provided. For-sale townhome units are proposed fronting Fourth Street and Glendale Drive where single-family homes are located.

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

STAFF COMMENT:

- A Transportation Impact Analysis was required – see Part 3 of this report.
- The storm water plan concept plan has been approved. A Willingness-to-Serve letter has been issued by Charlotte Water.
- The Conditional District Rezoning site plan was reviewed by Charlotte-Mecklenburg School District (CMS). CMS indicates the proposed Rezoning Plan would add approximately 48 students to the schools in this area and indicate approval of the project “may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above” (see below & see Attachment D for the full CMS report).

While CMS schools are over-crowded, the proposal is consistent with the Huntersville 2040 Community Plan call for higher intensity downtown, as well as the Downtown Master Plan redevelopment recommendations.

This development may add 48 students to the schools in this area.
The following data is as of 20th Day of the 2019-20 school year.

Schools Affected	Total Classroom Teachers	Building Classrooms/Teacher Stations	20 th Day Enrollment (non-ec)	Building Classroom/Adjusted Capacity (Without Mobiles)	20 th Day Building Utilization (Without Mobiles)	Additional Students As a result of this development	Utilization As a result of this development (Without Mobiles)
BLYTHE ELEMENTARY	55	50	918	866	110%	22	112%
J. M. ALEXANDER MIDDLE	47.2	54	964	1103	87%	12	87%
NORTH MECKLENBURGH HIGH	123.5	108	2151	1881	114%	14	115%

The total estimated capital cost of providing the additional school capacity for this new development is \$1,364,000; calculated as follows:

Elementary School: $22 \times \$34,000 = \$748,000$
High School: $14 \times \$44,000 = \$616,000$

RECOMMENDATION
Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.

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

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, historical or cultural resources.

PART 5: STAFF RECOMMENDATION

Staff could support approval of the Vermillion Village Mixed-Use CD-Rezoning with the following addressed:

- All required TIA/Town/NCDOT required improvements are provided (see Part 3);
- All outstanding Transportation comments are addressed;
- All outstanding redline comments are addressed;
- The Town Board approves the Special Use Permit revocation to allow buildings over 50,000 sq. ft.

PART 6: PUBLIC HEARING COMMENTS

Public Hearing was held on Monday, May 3, 2021. Discussion on R20-05 starts at the 1 hour 15 minute stage of that hearing found here: <https://www.facebook.com/HuntersvilleNCTownGovernment/videos/307941484038677/>

During the hearing, multiple residents expressed their support for the grocery store and other commercial uses in the original rezoning R16-12. They also expressed concern about the smaller amount of commercial area being proposed and no commitment by the developer on what type of uses will be on the first floor. In response, the developer has agreed to put the following statement on the rezoning plan for R20-05:

“1st floor uses will be limited to commercial uses permitted by right, except that offices will be limited to health care services only.”

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board hearing is on May 25, 2021

PART 8: ATTACHMENTS/ENCLOSURES

Attachments

- A - Rezoning Application & Addendum
- B – Proposed CD Rezoning Plan
- C – March 25, 2021 Neighborhood Meeting
- D – CMS Report

PART 9: CONSISTENCY STATEMENT – R20-05 Vermillion Village Rezoning Amendment

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering proposed rezoning application R20-05; Vermillion Village Rezoning Amendment, the Planning Staff recommends approval as it is consistent with LU 2.1, 6.2, 7.1, 9.1, 10.1, EV 2.3, EOS 10.1, DT 1.3, 2, 6.2, 8.2, 11.1, and T 3.1 of the 2040 Community Plan. It is reasonable and in the public interests to approve the rezoning plan because it is providing a variety of housing types and 70,000 sq. ft. of non-residential development in the downtown area consistent with long range plans.	APPROVAL: In considering the proposed rezoning application R20-05 Vermillion Village, the Planning Board recommends approval as it is consistent with, but not limited to, the following policies: LU2-1, LU6-2, LU7.1, LU9.1, EV2.3, DT1.3 of the Huntersville 2040 Community Plan. The Planning Boards approval is subject to the following recommendations: all required TIA Town & NCDOT required improvements are provided; all outstanding transportation comments are addressed; all outstanding redline Huntersville Planning Staff comments are addressed; and the Town Board approving the revocation of the Special Use Permit. It is reasonable and in the public interest to rezone because the updated plan is better suited to the potential businesses that might move into this property.	APPROVAL: In considering the proposed rezoning application R20-05; Vermillion Village Amendment, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
		DENIAL: In considering the proposed rezoning application R20-05; Vermillion Village Amendmntn, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



General Application

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

1. Application Type

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

- | | |
|---|--|
| ☐ Change of Use
☐ Commercial Site Plan
☒ Conditional Rezoning
☐ General Rezoning
☐ Master Signage Program
☐ Special Use Permit
☒ Revision to <u>Sketch/Concept – Major Revision</u>
<u>Original Project # 371497 & 372304</u>
☐ Other _____ | SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
☒ Sketch Plan
☐ Preliminary Plan
☐ Final Plat (Includes Minor Subdivision)
☐ Exempt Subdivision
☐ Final Plat Revision
☐ Farmhouse Cluster |
|---|--|

2. Project Data

Date of Application 09.01.20
Name of Project Vermillion Village Phase # (if subdivision) _____
Project Address 404 N. Church Street / Huntersville, NC
Parcel Identification Number(s) (PIN) 01902201 & 01902202
Current Zoning District TC(CD) Proposed District (for rezoning only) TC(CD)
Property Size (acres) 29.58ac Street Frontage (feet) _____
Current Land Use Vacant
Proposed Land Use(s) Residential & one (1) commercial use
Is the ☒ project within Huntersville's corporate limits?
Yes ☒ No ☐ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

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

Current TC-CD use is more dense with commercial and mixed use building. The proposed development will be comprised of a central apartment core, townhomes around the perimeter and 1 commercial (restaurant).

4. Site Plan Submittals

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

5. Outside Agency Information

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

6. Applicant

Printed Name Vermillion Anchor Mill Village, LLC

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

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

Signature _____

Title _____

MANAGER Email natebowman15@gmail.com

Address of Applicant 13815 Cinnabar Place / Huntersville, NC / 28078

7. Property Owner (if different than applicant)

* Printed Name _____

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

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

Signature _____

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.

7. Development/Design Firm Contact Information

Vermillion Anchor Mill Village, LLC	Nate Bowman	704-875-9704	natebowman15@gmail.com
Development Firm	Name of Contact	Phone	Email
CSS, Inc.	Gene Hinkle	864-855-5200, ext. 302	ghinkle@css-eng.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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



General Application
Owner/Applicant Signature Addendum

Application Information

Date of Application 09.01.20 Application Number EPM#413507

Name of Project Vermillion Village Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Vermillion Village, LLC Phone Number 704-367-5002

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

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

Signature [Signature] Parcel ID(s): 01902202

Title Managing Partner Email svermillion@mpvre.com

Address of Property Owner/Applicant 2400 South Boulevard, Suite 300 / Charlotte, NC / 28203

* ^ Printed Name _____ Phone Number _____

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

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

Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

* ^ Printed Name _____ Phone Number _____

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

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

Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

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

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

REZONING/SKETCH PLANS FOR VERMILLION VILLAGE

404 NORTH CHURCH STREET HUNTERSVILLE, NC EPM #413507

MECKLENBURG COUNTY FIRE MARSHALL REQUIREMENTS:

- Road width 20' per NCDOT.
- Fire Apparatus Turning Radius - 30' inner & 42' outer.
- Water Utilities - Water lines and/or fire hydrant location
 - No more than 750 feet from any structures remote point.
 - FDC required within 200' for NFPA# and 750' for NFPA13R sprinkler system.
- Dead End Roads: max length of any dead end road shall be 150 feet without an approved fire apparatus turnaround.
- Road Surfaces: All roads / commercial driveways for fire apparatus access shall be capable to support the imposed load of 80,000 lbs.
- Secondary Access - Development of one or two- family dwellings where the number of dwelling units exceed 30 and commercial structures 62,000 sf (no sprinklers) and 124,000 sf (with sprinklers) shall be provided with separate and approved fire apparatus access road.

*ALL FIRE MARSHALL REQUIREMENTS WILL BE MET WITH THIS PROPOSED DEVELOPMENT.

NOTES:

1) Retaining Walls: All retaining walls requiring special inspections (>5' in height) shall meet the requirements of MCSBC chapter 17 - special inspections as detailed per the Mecklenburg County Code Enforcement Special Inspections Process. Additionally, copies of the retaining wall plans shall be submitted to the Huntersville Engineering Department for review and approval. The Town of Huntersville shall be copied on all statements of special inspections, special inspections final reports, and design principal in responsible charge (DPIRC) letters.

2) The Town of Huntersville requires that all streets proposed to be taken over by the Town for maintenance be reviewed, inspected, and certified by a licensed professional engineer registered in the state of North Carolina for adequate construction. Review of street construction by the certifying Engineer is required throughout the construction process. Refer to the Town of Huntersville Engineering Standards and Procedures Manual for additional information including the required certification form.

PROPOSED ROAD IMPROVEMENTS

Huntersville-Concord Road / Site Driveway #1 (Main Access Drive)

- Westbound left-turn lane with 100' of full storage and appropriate taper. NCDOT REQ.
- Westbound right-turn lane with 100' of full storage and appropriate taper. NCDOT REQ

Huntersville-Concord Road / Site Driveway #2 (Right-In / Right Out Access Drive)

- Concrete median to restrict left-in and left-out movements. NCDOT REQ.

Site Driveways - connections to Huntersville-Concord Road

- 100' of internal protected stems. No curb openings or on-street parking allowed within protected stem. NCDOT REQ.

*Building / Unit modifications within development may necessitate minor adjustments to proposed road improvements.

PRELIMINARY
NOT FOR
CONSTRUCTION



LOCATION MAP

PARCEL ID NUMBER: 01902201 & 01902202

GENERAL INFORMATION:

REZONING DEVELOPMENT DATA

LOCATION / LOT INFORMATION

PROPERTY OWNER (CURRENT): VERMILLION VILLAGE LLC / VERMILLION ANCHOR MILL LLC
SITE ADDRESS: 404 NORTH CHURCH STREET
PARCEL ID NUMBER: 01902201 & 01902202
PARCEL SIZE: 29.58 ACRES
EXISTING ZONING: TC (CD)
EXISTING USE: VACANT
EXISTING IMPERVIOUS SURFACE: 0.80 AC (DOES NOT INCLUDE PUBLIC ROADS)
PCCO DISTRICT: HUNTERSVILLE
WATERSHED: CLARKE
FLOOD PLAIN: FEMA PANEL #3710465100J - DATE 03-02-2009
(NOT IN FEMA FLOOD ZONE)

PROPOSED / REQUIRED SITE DATA

PROPOSED USE: MIXED USE - COMMERCIAL & RESIDENTIAL
PROPOSED ZONING: TC (CD)
BUILDING USE:
COMMERCIAL / OFFICE: 70,000 SF
RESIDENTIAL: 292 APARTMENT UNITS (179 - 1BR, 113 - 2BR)
49 TOWNHOME UNITS (ATTACHED HOUSING)
PROPOSED IMPERVIOUS COVERAGE: 21 AC
REQUIRED PARKING:
COMMERCIAL / OFFICE: 1 SPACE / 500 SF (140 REQ'D COMMERCIAL SPACES)
PROVIDED (COMMERCIAL): 257 OFF-STREET PROVIDED COMMERCIAL PARKING SPACES
RESIDENTIAL: 1.0 SPACES / 1 BR APT UNIT (179 REQ'D) -
1.5 SPACES / 2 BR + UNIT (170 REQ'D) -
349 TOTAL REQ'D RESIDENTIAL SPACES
PROVIDED (RESIDENTIAL): 77 TUCK UNDER GARAGE SPACES & 340 OFF-STREET SPACES
417 TOTAL PROVIDED RESIDENTIAL SPACES
ON-STREET PARKING (ALL USES): REQ'D FOR TOWNHOME UNITS - 162 SPACES PROVIDED
TOTAL (REQ'D / PROPOSED): 489 REQUIRED / 836 TOTAL SPACES PROVIDED

URBAN OPEN SPACE: 1.77 ACRES (77,120 SF)
NATURAL OPEN SPACE: 3.72 ACRES (161,700 SF)

SITE PLAN DATA TABLE

TOTAL ACREAGE:	29.58 ACRES	
TOTAL SQUARE FEET:	1,338,320 SF	
PRINCIPLE USES:	RESIDENTIAL AND LIMITED COMMERCIAL	
BUILDING TYPE:	APARTMENTS, TOWNHOMES & COMMERCIAL	
ZONING DISTRICT:	TC-CD	
PERCENTAGE IMPERVIOUS ALLOWED:	N/A - NOT IN A RESTRICTIVE WATERSHED	
PERCENTAGE OF IMPERVIOUS SHOWN	60% (17.75 ACRES - NOT INCLUDING EXISTING PUBLIC ROADS)	
LOT COUNT (SHOWN CURRENTLY)	55 PROPOSED	
APARTMENT DWELLINGS	292	
TOWNHOUSES:	49	
COMMERCIAL UNITS:	4	
TOTAL SF OF NON RESIDENTIAL:	70,000	
LOT SIZE RANGE & LOTS IN EACH (TOWNHOMES):	10805F - 5000 SF	49 LOTS
LOT WIDTHS RANGE & LOTS IN EACH (TOWNHOMES):	20' - 72'	49 LOTS
SETBACKS AND BUILD-TO-LINES		
FRONT BTL RANGE OR SETBACK:	5' - 25' FOR RESIDENTIAL / 0-20' FOR COMMERCIAL	
CORNER SETBACKS:	5' - 25' FOR RESIDENTIAL / 0-20' FOR COMMERCIAL	
REAR SETBACKS:	0	
RIGHT SIDE SETBACK:	0	
LEFT SIDE SETBACK:	0	
WATERSHED INFORMATION		
IS THIS PROPERTY IN A REGULATED DISTRICT?	NO	
WATERSHED DISTRICT:	CLARKE	
LOW DENSITY / HIGH DENSITY:	HIGH DENSITY	
PERCENTAGE OF ALLOWABLE IMPERVIOUS AREA:	N/A	
PERCENTAGE OF IMPERVIOUS AREA SHOWN ON PLANS:	60%	
AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS:	N/A	

*NOTE: THE USES THAT ARE SHOWN ON THE PLAN ARE SCHEMATIC AND CAN BE ADJUSTED ADMINISTRATIVELY, AS PERMITTED WITHIN THE TC ZONING DISTRICT.

DRAWING LIST

COVER SHEET
EXISTING CONDITIONS
REZONING PLAN
TREE SURVEY / PRESERVATION PLAN
STREET SECTION PLANS
GRADING PLAN
CONCEPT UTILITY PLAN
CONCEPT LANDSCAPE PLAN
APARTMENT ELEVATIONS
APARTMENT AMENITY AREA RENDERING

SHEET

SP-0.0
SP-1.0
SP-1.1
SP-1.2
SP-1.3
SP-2.0
SP-3.0
LP-1.0
BY OTHERS
BY OTHERS

MECKLENBURG COUNTY APPROVAL WITH CONDITIONS NOTE:

APPROVAL OF THIS SKETCH / CONCEPT PLAN DOES NOT IMPLY OR GUARANTEE VESTING OR APPROVAL OF THE FINAL CONSTRUCTION PLAN. FINAL CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE PER ALL TOWN, COUNTY AND STATE REGULATIONS IN EFFECT AT THE TIME OF SUBMITTAL.

REVISIONS/SUBMITTALS:

09-01-2020 Initial Rezoning Plan Submittal
10-28-2020 Rezoning Plan Resubmittal
12-04-2020 Rezoning Plan Resubmittal
02-26-2021 Rezoning Plan Resubmittal
04-26-2021 Rezoning Plan Resubmittal

OWNER/DEVELOPER:

Vermillion Anchor Mill Village, LLC

13815 Cinnabar Place
Huntersville, NC 28078
Phone: 704-875-9704
Email: bowman31@gmail.com

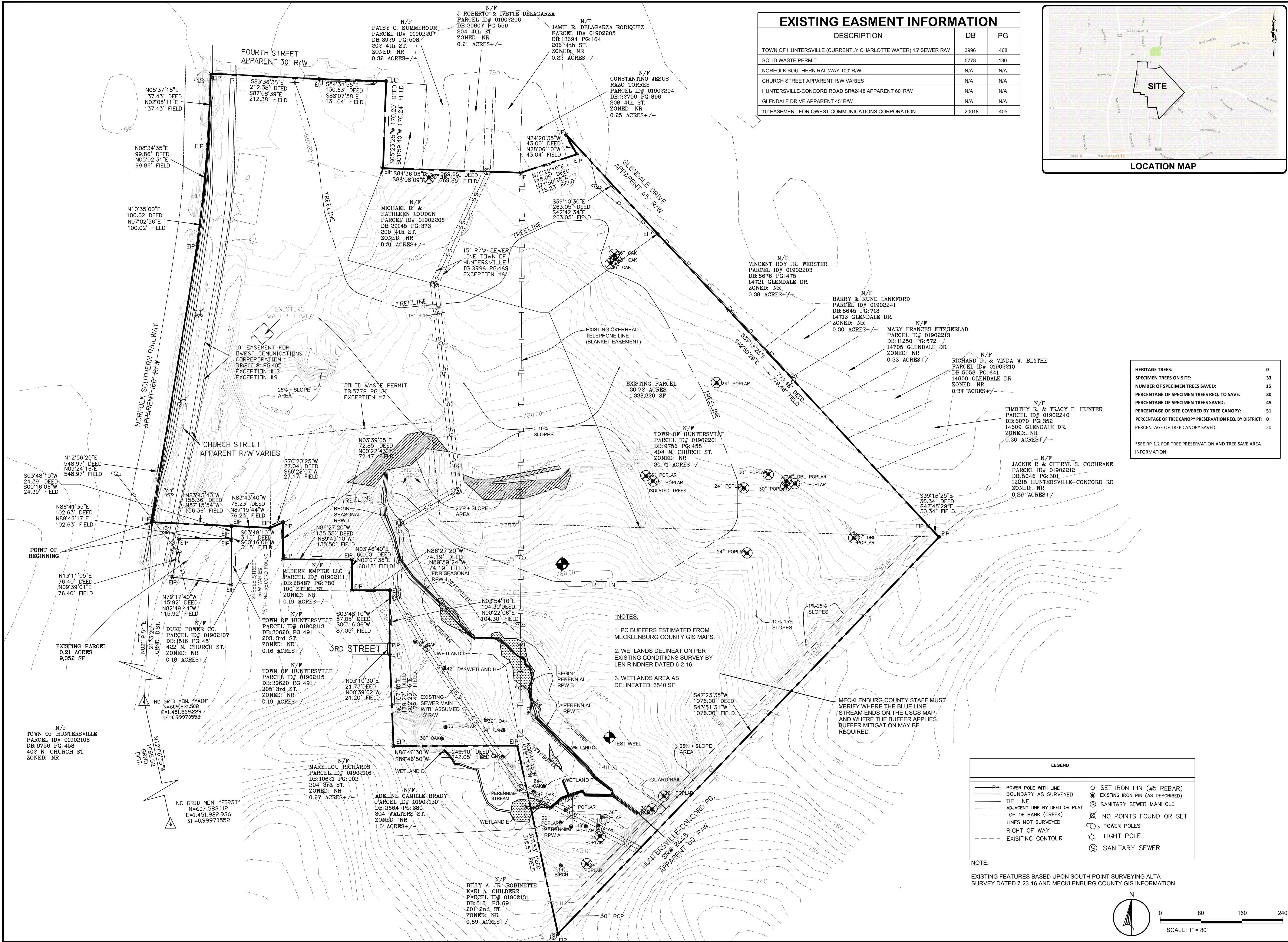
ENGINEER:



Commercial Site Solutions, Inc.
Firm License # C-3123

402 East 1st Avenue
Easley, SC 29640
PH: 864-855-5200
Contact: Gene Hinkle, PE
Email: ghinkle@css-eng.com

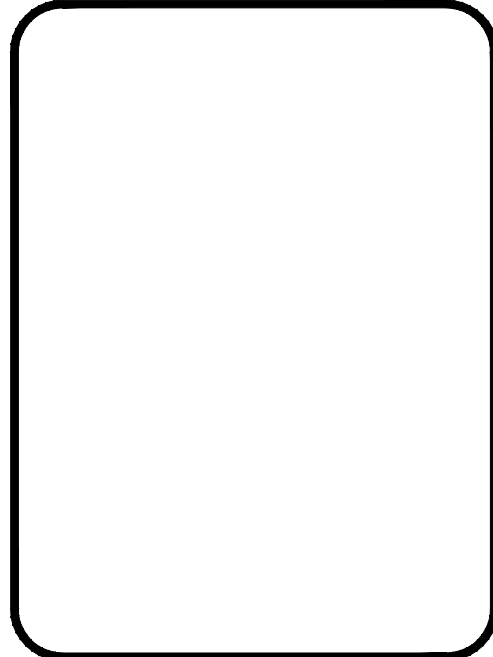




REVISIONS	
ISSUED	COMMENT
10-28-20	PER TOWN COMMENTS



CSS, INC.
NORTH CAROLINA
COA #C-3123



EXISTING FEATURES
PLAN

VERMILLION VILLAGE

404 NORTH CHURCH STREET
HUNTERVILLE, NC 28078

Date:	9-1-2020
Drawn:	BDB
Checked:	GDH
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Sheet	

PHASING NOTE:

PHASE 1 WILL INCLUDE RESIDENTIAL PORTION. PHASE 2 WILL INCLUDE THE COMMERCIAL PORTION OF THE DEVELOPMENT.

BLOCK LENGTH TABLE

BLOCK A	380 LF
BLOCK B	488 LF
BLOCK C	504 LF
BLOCK D	195 LF
BLOCK E	445 LF
BLOCK F	511 LF
BLOCK G	248 LF
BLOCK H	412 LF
BLOCK I	376 LF
BLOCK J	405 LF

REZONING DEVELOPMENT DATA

LOCATION / LOT INFORMATION

PROPERTY OWNER (CURRENT):	VERMILLION VILLAGE LLC / VERMILLION ANCHOR MILL LLC
SITE ADDRESS:	404 NORTH CHURCH STREET
PARCEL ID NUMBER:	01902201 & 01902202
PARCEL SIZE:	29.58 ACRES
EXISTING ZONING:	TC (CD)
EXISTING USE:	VACANT
EXISTING IMPERVIOUS SURFACE:	0.80 AC (DOES NOT INCLUDE PUBLIC ROADS)
PCOD DISTRICT:	HUNTERSVILLE
WATERSHED:	CLARKE
FLOOD PLAIN:	FEMA PANEL #3710465100J - DATE 03-02-2009 (NOT IN FEMA FLOOD ZONE)

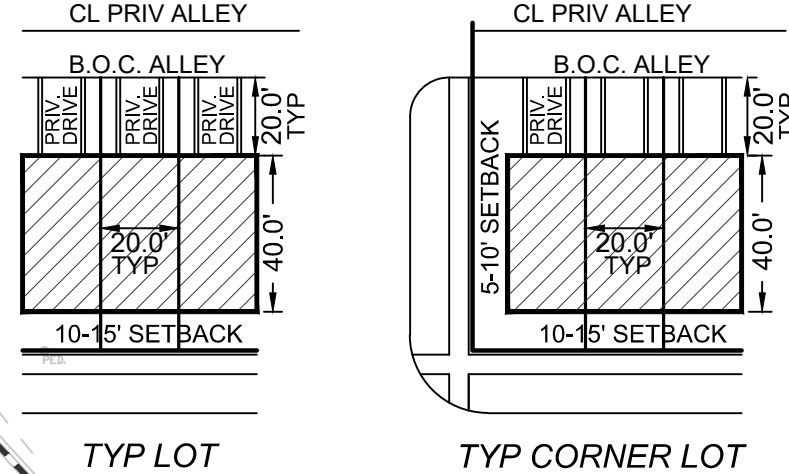
PROPOSED / REQUIRED SITE DATA

PROPOSED USE:	MIXED USE - COMMERCIAL & RESIDENTIAL
PROPOSED ZONING:	TC (CD)
BUILDING USE:	
COMMERCIAL / OFFICE:	70,000 SF
RESIDENTIAL:	292 APARTMENT UNITS (179 - 1BR, 113 - 2BR) 49 TOWNHOME UNITS (ATTACHED HOUSING)
PROPOSED IMPERVIOUS COVERAGE:	21 AC
REQUIRED PARKING:	
COMMERCIAL / OFFICE:	1 SPACE / 500 SF (140 REQ'D COMMERCIAL SPACES)
PROVIDED (COMMERCIAL):	257 OFF-STREET PROVIDED COMMERCIAL PARKING SPACES
RESIDENTIAL:	1.0 SPACES / 1 BR APT UNIT (179 REQ'D) - 1.5 SPACES / 2 BR + UNIT (170 REQ'D) - 349 TOTAL REQ'D RESIDENTIAL SPACES
PROVIDED (RESIDENTIAL):	77 TUCK UNDER GARAGE SPACES & 340 OFF-STREET SPACES 417 TOTAL PROVIDED RESIDENTIAL SPACES
ON-STREET PARKING (ALL USES):	REQ'D FOR TOWNHOME UNITS - 162 SPACES PROVIDED
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URBAN OPEN SPACE:	1.77 ACRES (77,120 SF)
NATURAL OPEN SPACE:	3.72 ACRES (161,700 SF)

URBAN OPEN SPACE

TYPE	SIZE OPEN SPACE
GREENWAY	17,900 SF
RED LINE TRAIL	11,220 SF
PLAZA	36,000 SF
GREEN	12,000 SF

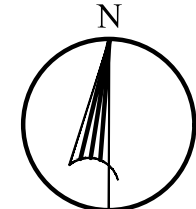
TOWNHOME LAYOUT



SKETCH PLAN NOTES CONT.:

- NO HVAC OR MECHANICAL EQUIPMENT TO BE LOCATED IN THE FRONT YARD AREA.
- WATER AND SEWER MAIN EXTENSIONS WILL BE PROVIDED WITH ESTIMATED QUANTITIES NOTED IN TABLE ON THIS PLAN. CHARLOTTE WATER HAS PROVIDED WILLINGNESS TO SERVE LETTER FOR THIS DEVELOPMENT.
- LIGHTING TO COMPLY WITH HUNTERSVILLE ZONING ORDINANCE ARTICLE 8.26
- 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 PRINCIPLE 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
- THE PLAN AS SHOWN IS CONCEPTUAL IN NATURE. BUILDING TYPES, SIZES, PARKING AND INTERNAL ROAD LOCATIONS ARE SUBJECT TO CHANGE.
- THE USES, ROAD LOCATIONS AND OPEN SPACE ARE SCHEMATIC AND CAN BE ADJUSTED WITH ADMINISTRATIVE APPROVAL.
- UNLESS OTHERWISE NOTES, THE DEVELOPMENT WILL ADHERE TO THE TC (TOWN CENTER) ZONING REGULATIONS OF THE TOWN OF HUNTERSVILLE.
- VERMILLION VILLAGE IS LESS THAN 0.25 MILES FROM THE FUTURE TRANSIT STOP DOWNTOWN WHICH ALLOWS FOR 100% ATTACHED HOUSING.
- THE MAIN PEDESTRIAN ACCESS TO THE TOWNHOME UNITS IS FROM THE STREET.
- THE MAIN PEDESTRIAN ACCESS TO THE COMMERCIAL BUILDING ON CHURCH STREET IS FROM THE STREET.
- ALL COMMERCIAL BUILDINGS WILL MEET ZONING ORDINANCE REQUIREMENTS.
- COUNTY GREENWAY SHALL INCLUDE SIGNAGE TO MARK GREENWAY & INSURE AVAILABILITY OF PUBLIC USE.

LOCATION MAP



0 80 160 240
SCALE: 1" = 80'

SKETCH PLAN NOTES:

- ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
- THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY ON RECORD.
- ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
- ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING) RIGHT-OF-WAY AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
- LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
- MAIL DELIVERY FOR APARTMENTS SHALL OCCUR INSIDE BUILDINGS & GARBAGE PICKUP WITH BE PRIVATE AT COMPACTOR / RECYCLING ENCLOSURE ILLUSTRATED ON PLAN. A MAIL KIOSK WILL BE PROVIDED FOR THE TOWNHOMES AT LOCATIONS CONVENIENT TO PICKUP & DELIVERY. TOWNHOME TRASH PICKUP WILL BE THROUGH THE TOWN AND ALONG PUBLIC STREETS.
- PER ARTICLE 8.16.1 & 2 - Alleys are provided for Townhouse lots that are 50' wide and less with onsite parking.
- DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED.
- ALL ALLEYS SHALL BE OPEN FROM GENERAL USAGE BY THE GENERAL PUBLIC BUT SHALL NOT BE ACCEPTED BY THE PUBLIC FOR MAINTENANCE. MAINTENANCE SHALL BE THE RESPONSIBILITY OF DEVELOPER/ASSOCIATIONS OF HOMEOWNERS
- 0.5 ACRES (OR AS NECESSARY) TO BE DEDICATED TO THE TOWN OF HUNTERSVILLE FOR THE PURPOSES OF ESTABLISHING AND MAINTAINING GREENWAY CONNECTIONS WITHIN THE TOWN AND COUNTY PLANS.
- THE TOWN OF HUNTERSVILLE BUILD TO LINE IS A LINE EXTENDING THROUGH A LOT WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATION, EXCLUSIVE OF PORCHES, BAY WINDOWS AND SIMILAR APPURTENANCES, MUST BE ERECTED; INTENDED TO CREATE AN EVEN BUILDING FAÇADE LINE ON A

SITE PLAN DATA TABLE

TOTAL ACREAGE:	29.58 ACRES
TOTAL SQUARE FEET:	1,338,320 SF
PRINCIPLE USES:	RESIDENTIAL AND LIMITED COMMERCIAL
BUILDING TYPE:	APARTMENTS, TOWNHOMES & COMMERCIAL
ZONING DISTRICT:	TC-CD
PERCENTAGE IMPERVIOUS ALLOWED:	N/A - NOT IN A RESTRICTIVE WATERSHED
PERCENTAGE OF IMPERVIOUS SHOWN	60% (17.75 ACRES - NOT INCLUDING EXISTING PUBLIC ROADS)
LOT COUNT (SHOWN CURRENTLY)	55 PROPOSED
APARTMENT DWELLINGS	292
TOWNHOUSES:	49
COMMERCIAL UNITS:	4
TOTAL SF OF NON RESIDENTIAL:	70,000
LOT SIZE RANGE & LOTS IN EACH (TOWNHOMES):	1080SF - 5000 SF 49 LOTS
LOT WIDTHS RANGE & LOTS IN EACH (TOWNHOMES):	20' - 72' 49 LOTS
SETBACKS AND BUILD-TO-LINES	
FRONT BTL RANGE OR SETBACK:	5' - 25' FOR RESIDENTIAL / 0-20' FOR COMMERCIAL
CORNER SETBACKS:	5' - 25' FOR RESIDENTIAL / 0-20' FOR COMMERCIAL
REAR SETBACKS:	0
RIGHT SIDE SETBACK:	0
LEFT SIDE SETBACK:	0
WATERSHED INFORMATION	
IS THIS PROPERTY IN A REGULATED DISTRICT?	NO
WATERSHED DISTRICT:	CLARKE
LOW DENSITY / HIGH DENSITY:	HIGH DENSITY
PERCENTAGE OF ALLOWABLE IMPERVIOUS AREA:	N/A
PERCENTAGE OF IMPERVIOUS AREA SHOWN ON PLANS:	60%
AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS:	N/A

*NOTE: THE USES THAT ARE SHOWN ON THE PLAN ARE SCHEMATIC AND CAN BE ADJUSTED ADMINISTRATIVELY, AS PERMITTED WITHIN THE TC ZONING DISTRICT.

LEGEND

	APARTMENT
	TOWNHOME
	COMMERCIAL
	VEGETATIVE BUFFER
	URBAN OPEN SPACE
	NATURAL OPEN SPACE
	CURB AND GUTTER
	SIDEWALK

REVISIONS

ISSUED	COMMENT



CSS, INC.
NORTH CAROLINA
COA #C-3123



402 East First Avenue
Easley, South Carolina 29640
(864) 855-5200
www.css-eng.com

SKETCH PLAN

VERMILLION VILLAGE
404 NORTH CHURCH STREET
HUNTERSVILLE, NC 28078

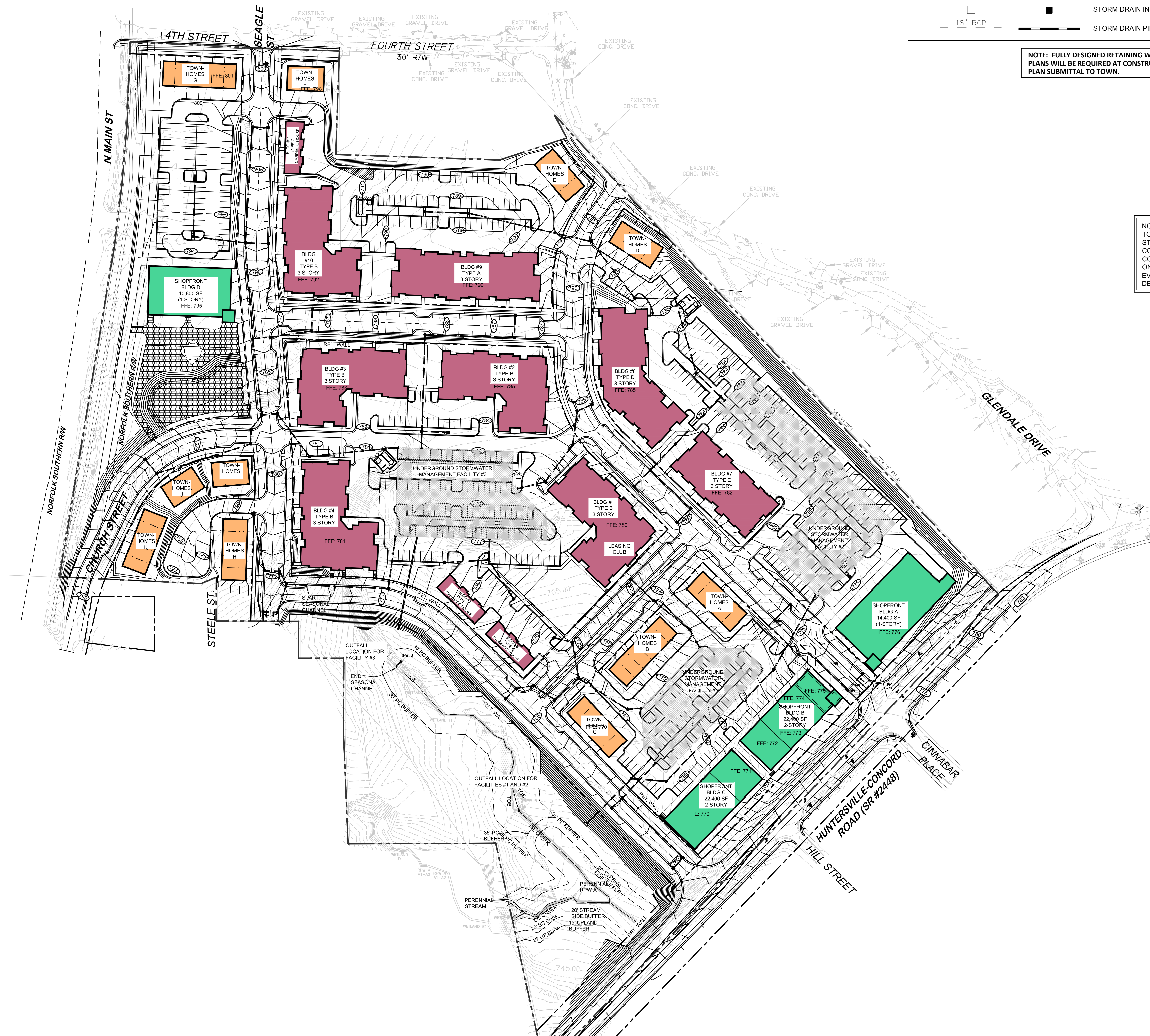
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EXISTING

680

PROPOSED

680

680.0

18" RCP

LEGEND

DESCRIPTION

CONTOUR LINE

SPOT ELEVATION

STORM DRAIN INLET

STORM DRAIN PIPE

NOTE: FULLY DESIGNED RETAINING WALL PLANS WILL BE REQUIRED AT CONSTRUCTION PLAN SUBMITTAL TO TOWN.

LOCATION MAP

NOTE: THIS GRADING PLAN IS CONCEPTUAL IN NATURE. ADDITIONAL STUDIES ARE UNDERWAY TO ENSURE THAT THIS CONCEPTUAL PLAN WILL BE FEASIBLE. IF THE RESULT OF THOSE STUDIES PROVIDE INFORMATION CONTRARY TO THE ABILITY TO PROVIDE THE STORMWATER CONTROL MEASURES AS SHOWN IN THIS CONCEPTUAL PLAN, THE DESIGNER/OWNER WILL CONTACT THE LAND DEVELOPMENT REVIEW ENGINEER IMMEDIATELY TO BEGIN A DISCUSSION ON HOW TO ALTERNATIVELY MEET THE TOWN'S STORMWATER CONTROL ORDINANCES. IN THE EVENT THAT ALTERNATIVES REQUIRE A SURFACE LAYOUT MODIFICATION, THE DESIGNER/OWNER WILL CONTACT THE TOWN PLANNER TO DETERMINE AVAILABLE OPTIONS.

UNDERGROUND STORMWATER TABLE

	DRAINAGE AREA	APPROXIMATE SIZE
FACILITY #1	±3.85 AC	32,300 CF
FACILITY #2	±10.81 AC	90,800 CF
FACILITY #3	±12.80 AC	107,400 CF

REVISIONS

ISSUED	COMMENT

CSS, INC.

NORTH CAROLINA

COA #C-3123

402 East First Avenue
Easley, South Carolina 29640
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SKETCH GRADING
PLAN

VERMILLION VILLAGE
404 NORTH CHURCH STREET
HUNTERSVILLE, NC 28078

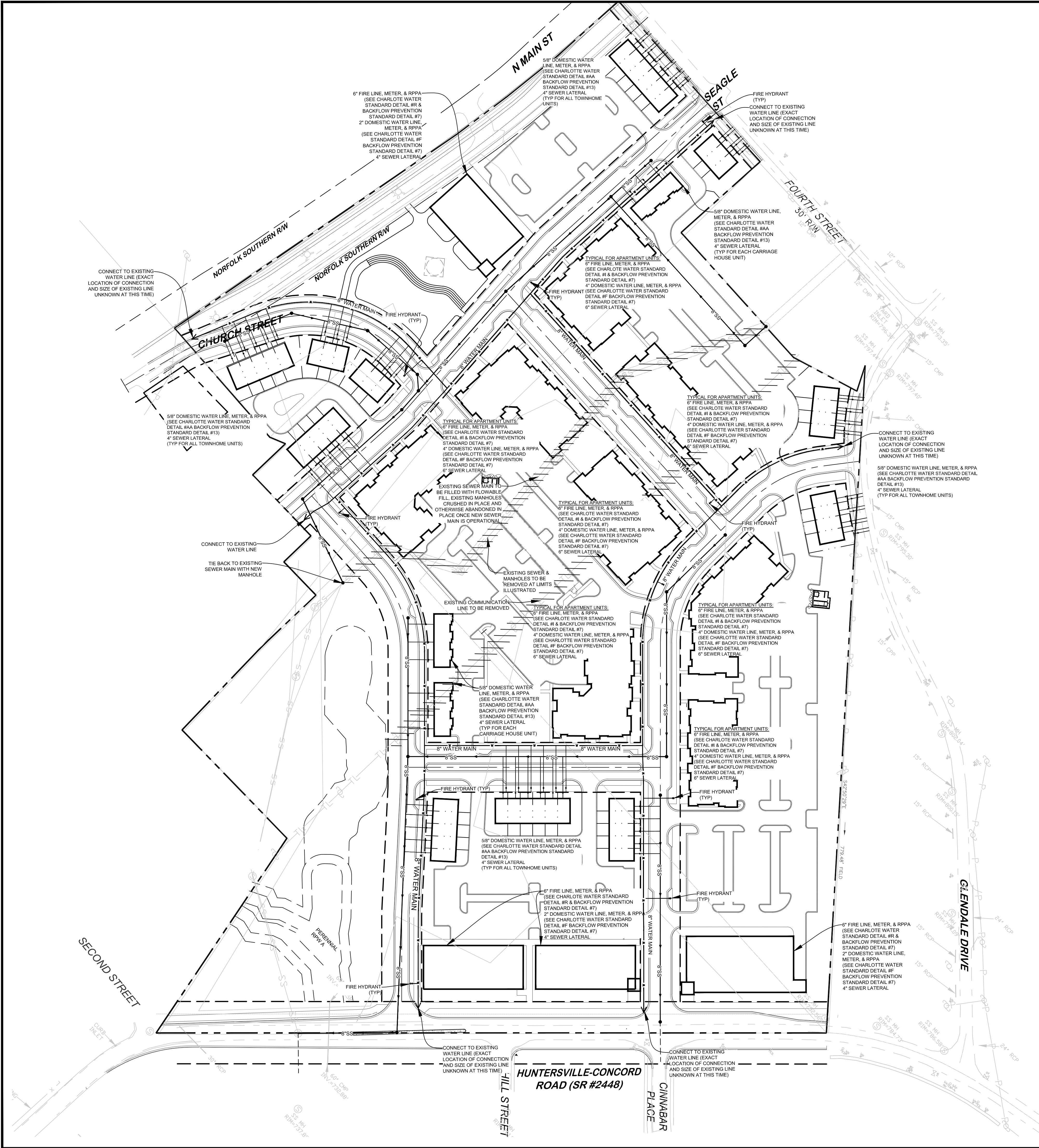
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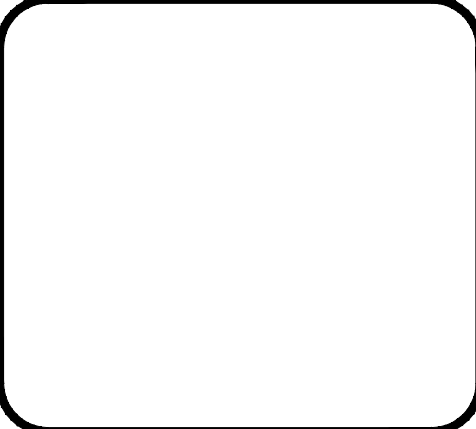
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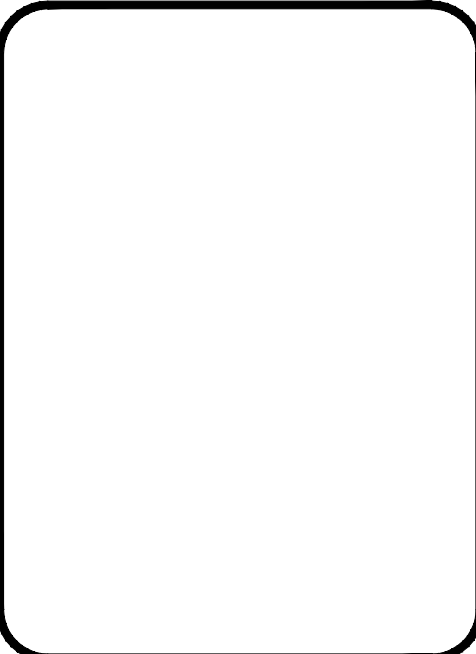
CONCEPT UTILITIES QUANTITY TABLE	
8" SANITARY SEWER MAIN	3600 LF
SANITARY SEWER MANHOLES	21 EA
4" LATERALS	62 EA / 1800 LF
6" LATERALS	6 EA / 200 LF
8" WATER MAIN	4200 LF
6" METERS / FIRE SERVICE LINE	12 EACH / 300 LF
FIRE HYDRANTS	10 EA
WATER MAIN CONNECTIONS	6 EA
5/8" TAPS & METERS / SERVICE	58 EA / 1700 LF
2" TAPS & METERS / SERVICE	4 EA / 100 LF
4" TAPS / METERS / SERVICE	8 EA / 200 LF

*NOTE - PROPOSED UTILITY INFORMATION IS CONCEPTUAL ONLY AT THIS TIME.

REVISIONS	
ISSUED	COMMENT



402 East First Avenue
Easley, South Carolina 29640
(864) 855-5200
www.css-eng.com



SKETCH UTILITY PLAN

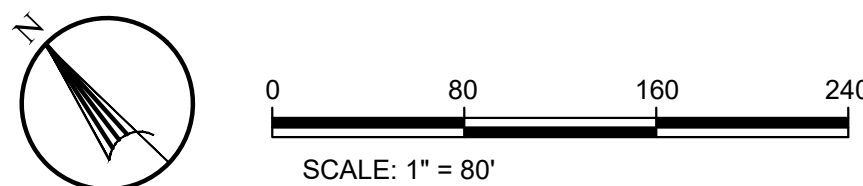
VERMILLION VILLAGE
404 NORTH CHURCH STREET
HUNTERSVILLE, NC 28078

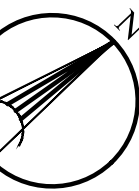
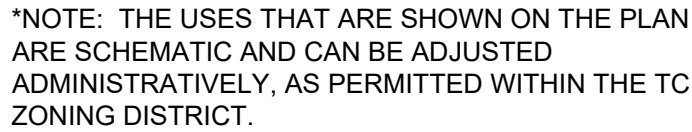
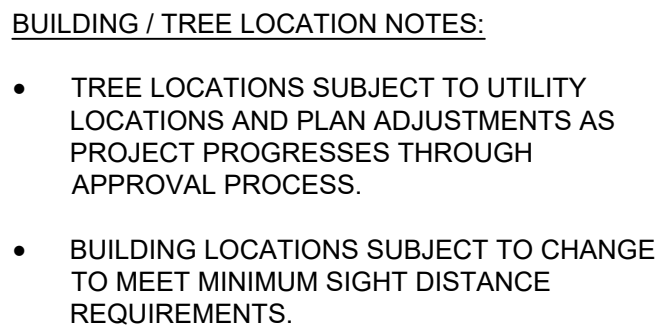
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CSS, INC.
NORTH CAROLINA
COA #C-3123



LANDSCAPE NOTES

- Street tree locations are conceptual - final locations will be determined during construction document phase.
- All trees shall be a minimum of 2 inches in caliper and 8 feet in height at the time of planting, unless otherwise specified.
- All shrubs shall be a minimum of 3 feet in height at the time of planting with an expected minimum height of at least 6 feet at maturity unless otherwise specified.
- Once streets have been accepted by the town or the state, street trees shall be maintained and cared for by the property owner adjacent to the tree except in subdivisions where the property owners association provides maintenance and care. Prior to street acceptance, the developer shall be responsible for ensuring maintenance and care. Maintenance shall include replacement and trimming as necessary. A maintenance responsibility statement shall be provided on the Final Plat and documented within the homeowners association articles of incorporation or the restrictive covenants / deed restrictions for the development.
- All tree save areas must be specified on the recorded plat, individual recorded deeds, and all property association documents for land held in common.

- Lots less than 10,000 sf. 1 Front Yard, 1 Rear Yard Tree Required.
- Lots less than 10,000-15,000 sf. 1 Front Yard, 2 Rear Yard Trees Required.
- Lots less than 15,001-20,000 sf. 2 Front Yard, 2 Rear Yard Trees Required.
- More than 20,000 sf. 3 Front Yard, 3 Rear Yard Trees Required.

PERIMETER PARKING LOT LANDSCAPING REQUIREMENTS

- Screening shall be provided by installing along the perimeter of the parking lot a continuous row of evergreen shrubs max. separation 6' on center (minimum height 3' at installation, expected height at maturity at least 6') and/or masonry wall 3' to 6' in height. This screen may be penetrated for access between parking lots.
- As an alternative screening requirement for parking lot edge(s) which abut street rights of way, a 3' masonry wall to provide casual seating may be installed in place of the continuous row of shrubs described in A., above.

ADDITIONAL SCREENING REQUIREMENTS:

- Dumpsters shall be set on a concrete bed and shall be hidden by an opaque fence or wall of sufficient height to screen the bin and any appearances, but not less than 6' in height.
- Trash containers / dumpsters shall not be located abutting residential property.
- Wherever used, fences and walls should be constructed to match the architectural detail of the main building(s).
- All mechanical equipment shall be screened from view with an opaque screen.
- All tree/shrub types shall be listed as an approved type on the Town of Huntersville Tree & Shrub List.

<u>URBAN OPEN SPACE</u>	
<u>TYPE</u>	<u>SIZE OPEN SPACE</u>
GREENWAY	17,900 SF
RED LINE TRAIL	11,220 SF
PLAZA	36,000 SF
GREEN	12,000 SF

SKETCH LANDSCAPE
PLAN
VERMILLION VILLAGE
404 NORTH CHURCH STREET
HUNTERSVILLE, NC 28078

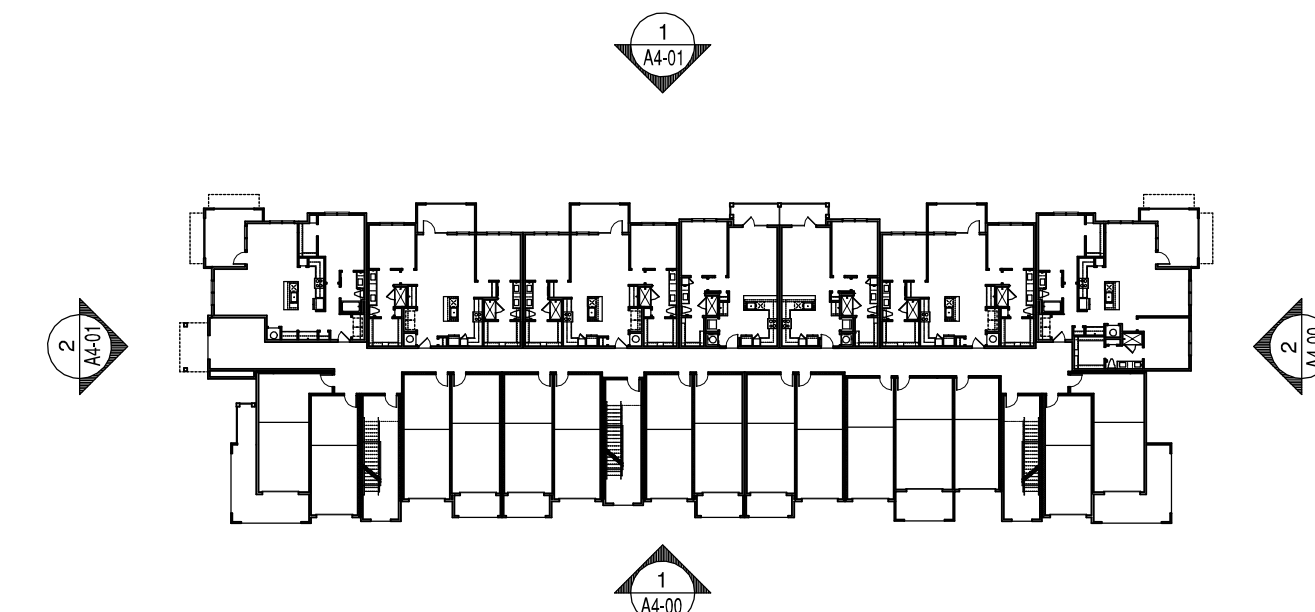
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1 BUILDING TYPE 'A' ELEVATION
SCALE: 1/8" = 1'-0"



2 BUILDING TYPE 'A' ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING KEY
SCALE: NTS

ELEVATION LEGEND:

- SCUPPER AND DOWN SPOUT LOCATIONS INSIDE CORNER WHEN POSSIBLE
- WINDOW KEY
- BRICK
- FIBER CEMENT PANEL
- BOARD AND BATTEN 1X4 TRIM 16 O.C.
- FIBER CEMENT SIDING

GENERAL NOTES:

- WALL MOUNTED SERVICE EQUIPMENT AND SERVICE LINES TO BE PAINTED TO MATCH BUILDING.
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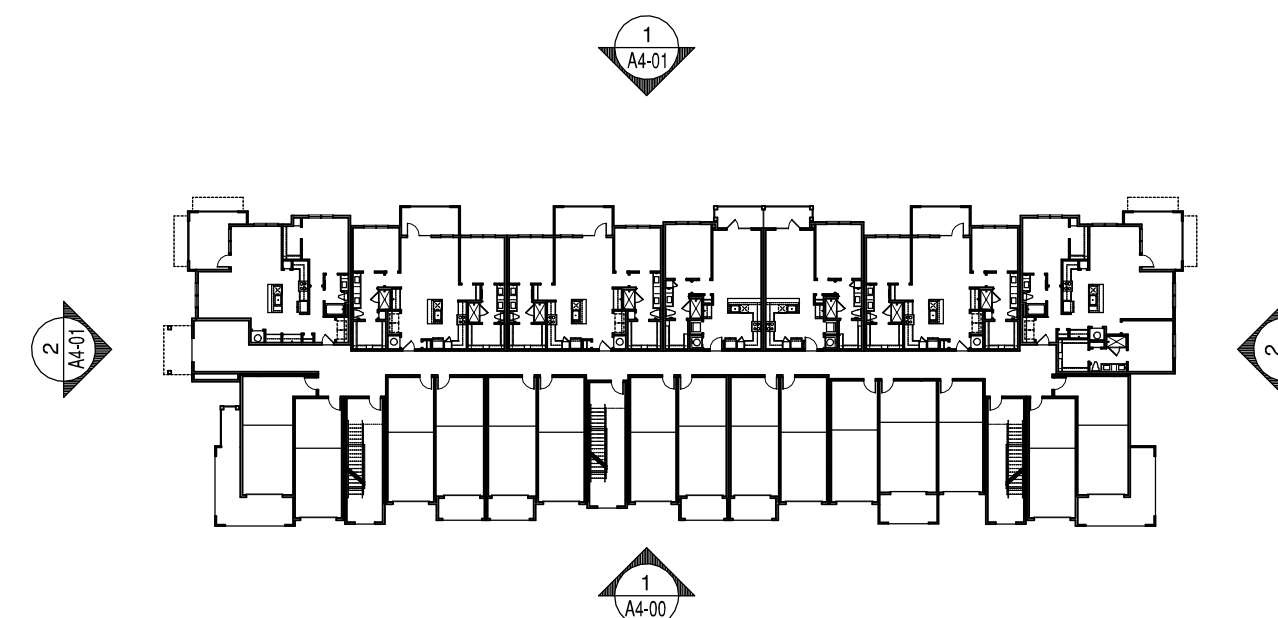
1 BUILDING TYPE 'A' ELEVATION

SCALE: 1/8" = 1'-0"



2 BUILDING TYPE 'A' ELEVATION

SCALE: 1/8" = 1'-0"



3 BUILDING KEY

SCALE: NTS

ELEVATION LEGEND:

- SCUPPER AND DOWN SPOUT LOCATIONS (indicated by dashed lines)
- WINDOW KEY (indicated by a circle with an 'X')
- BRICK (indicated by a brick pattern)
- FIBER CEMENT PANEL (indicated by a solid gray fill)
- BOARD AND BATTEN 1X4 TRIM 16 O.C. (indicated by a horizontal line pattern)
- FIBER CEMENT SIDING (indicated by a diagonal line pattern)

GENERAL NOTES:

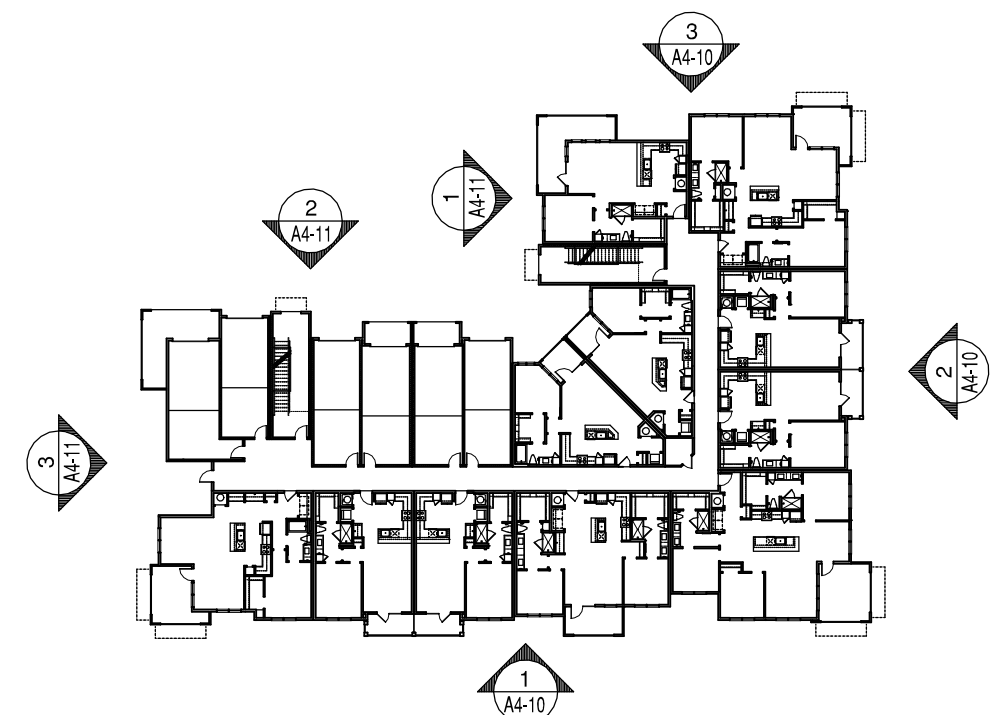
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	APARTMENTS IN HUNTERSVILLE, NORTH CAROLINA FOR EMBREY DEVELOPMENT COMPANY				XX-XX-2020	A4-01
					PROJECT	BUILDING 'A' ELEVATIONS
					20159	



1 BUILDING TYPE 'B' ELEVATION
SCALE: 1/8" = 1'-0"



4 BUILDING KEY
SCALE: NTS



2 BUILDING TYPE 'B' ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING TYPE 'B' ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION LEGEND:

- SCUPPER AND DOWN SPOUT LOCATIONS INSIDE CORNER WHEN POSSIBLE
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					XX-XX-2020
		PROJECT		20159	
				A4-10 BUILDING 'B' ELEVATIONS	



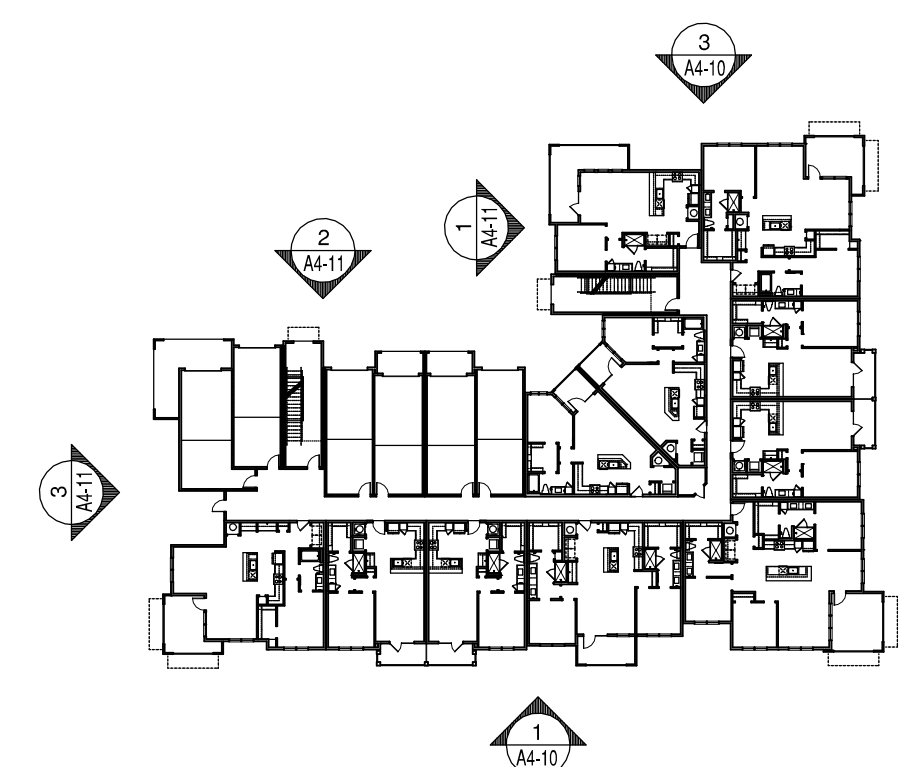
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SCALE: 1/8" = 1'-0"



2 BUILDING TYPE 'B' ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING TYPE 'B' ELEVATION
SCALE: 1/8" = 1'-0"



4 BUILDING KEY
SCALE: NTS

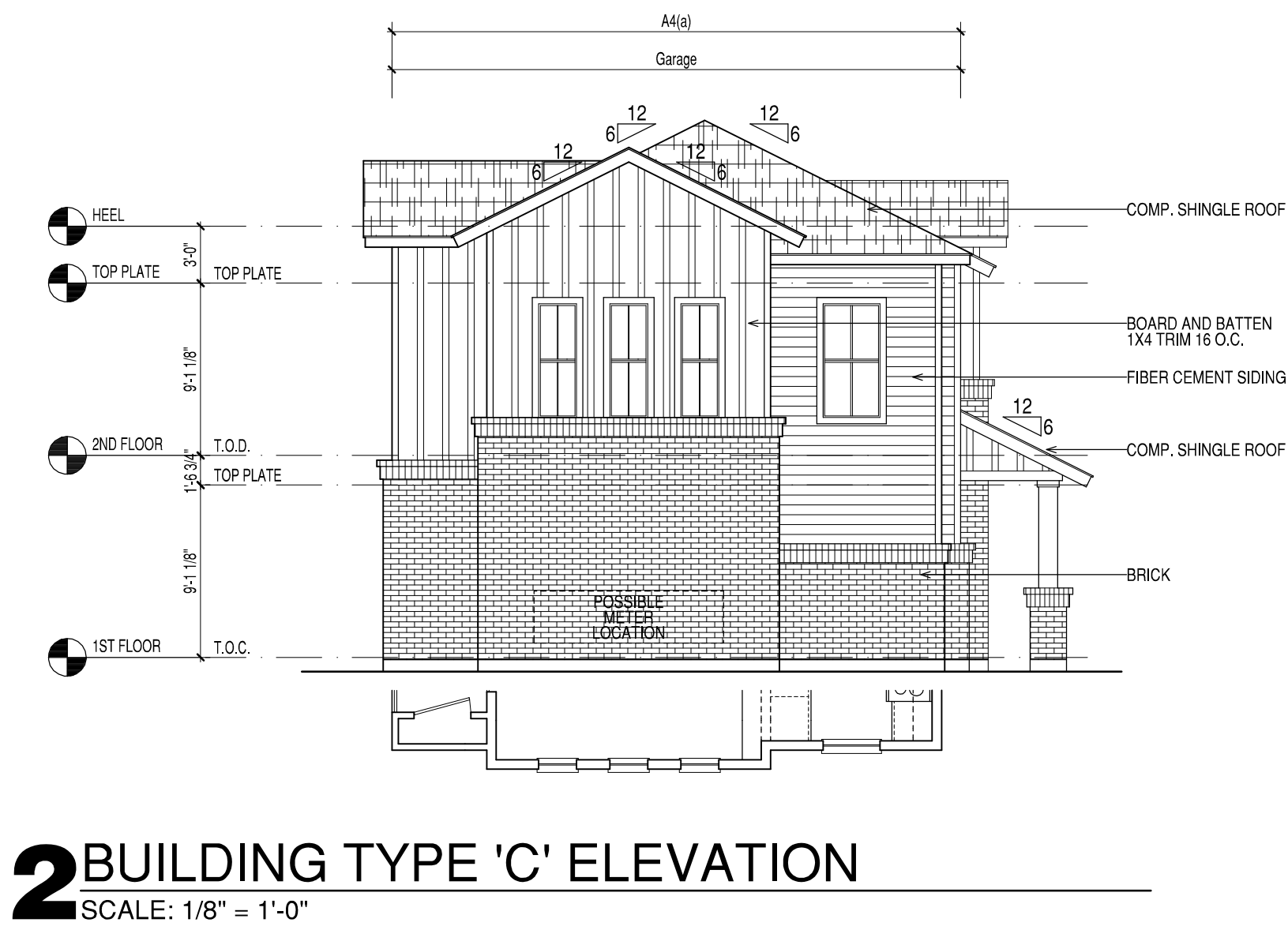
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						XX-XX-2020	A4-11
						PROJECT	BUILDING 'B' ELEVATIONS
						20159	



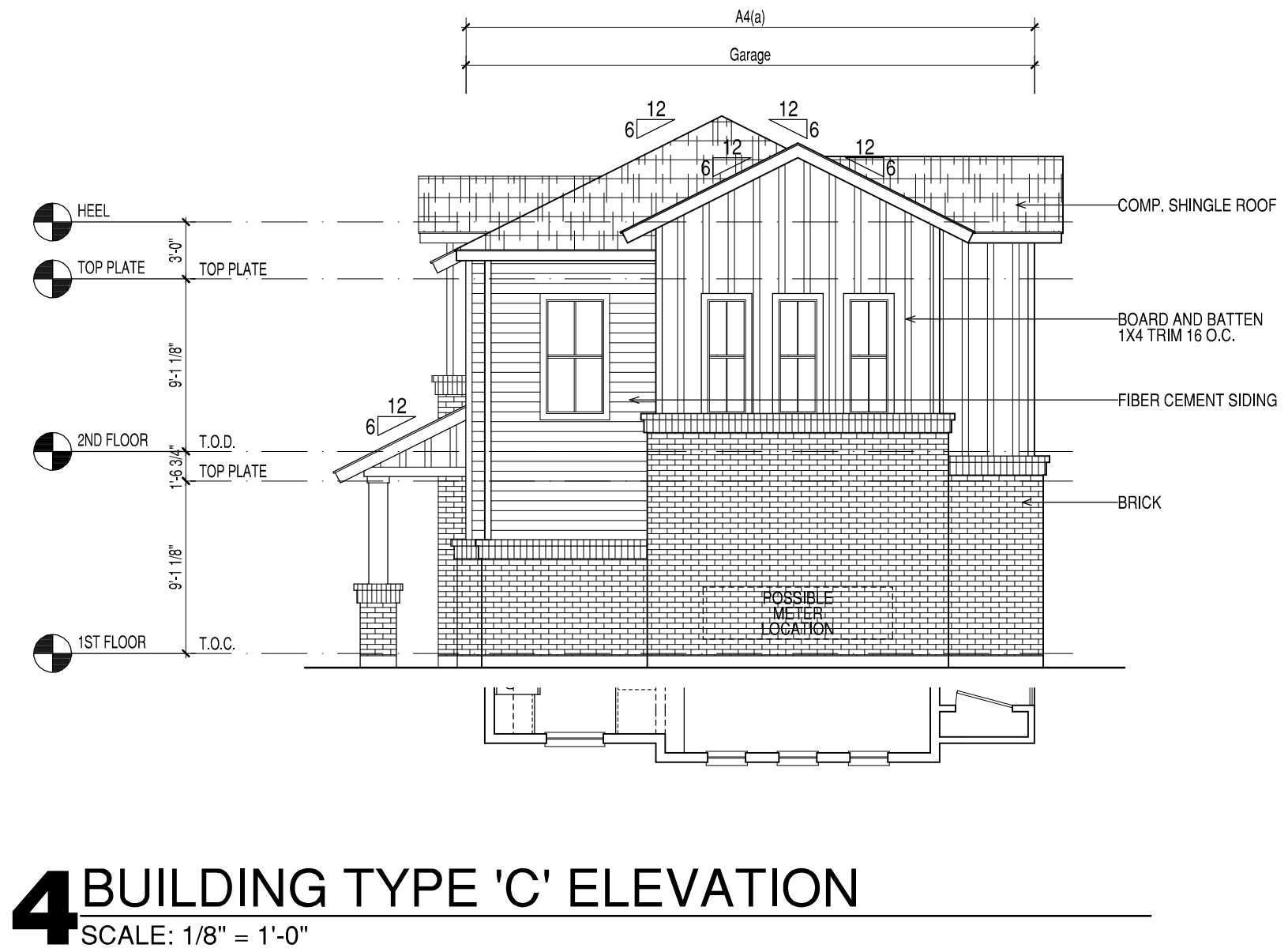
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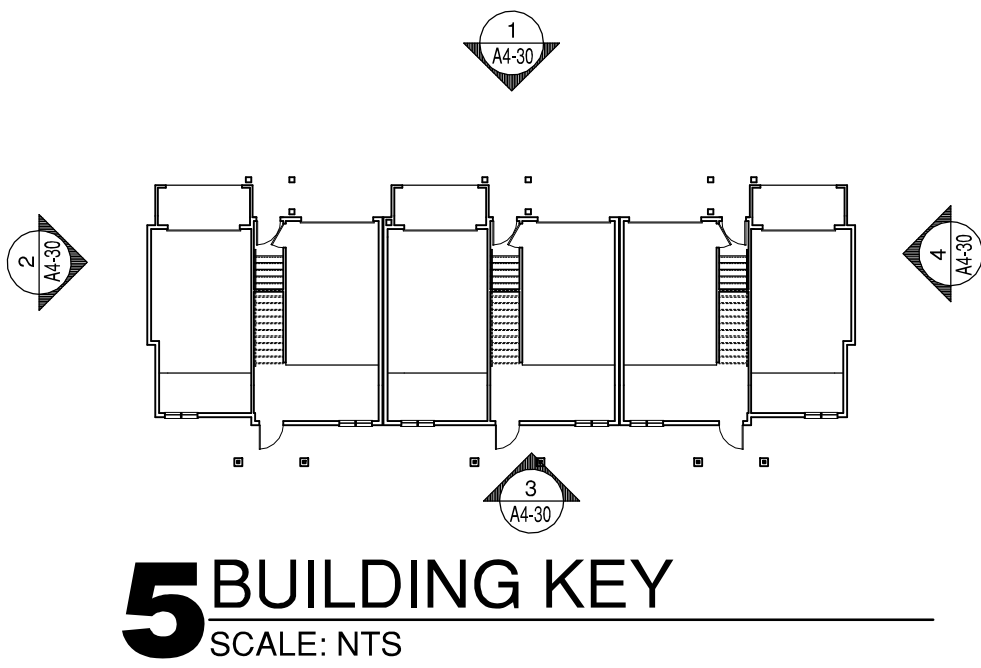
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SCALE: 1/8" = 1'-0"



3 BUILDING TYPE 'C' ELEVATION
SCALE: 1/8" = 1'-0"



4 BUILDING TYPE 'C' ELEVATION
SCALE: 1/8" = 1'-0"



5 BUILDING KEY
SCALE: NTS

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REVISIONS

HUNTERSVILLE

APARTMENTS IN HUNTERSVILLE, NORTH CAROLINA FOR
EMBREY DEVELOPMENT COMPANY

REVIEW SET NOT TO
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HECK ARCHITECTS

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214.520.8878 heck.com

DATE
XX-XX-2020

PROJECT
20159

SHEET NUMBER

A4-20

BUILDING 'C'
ELEVATIONS



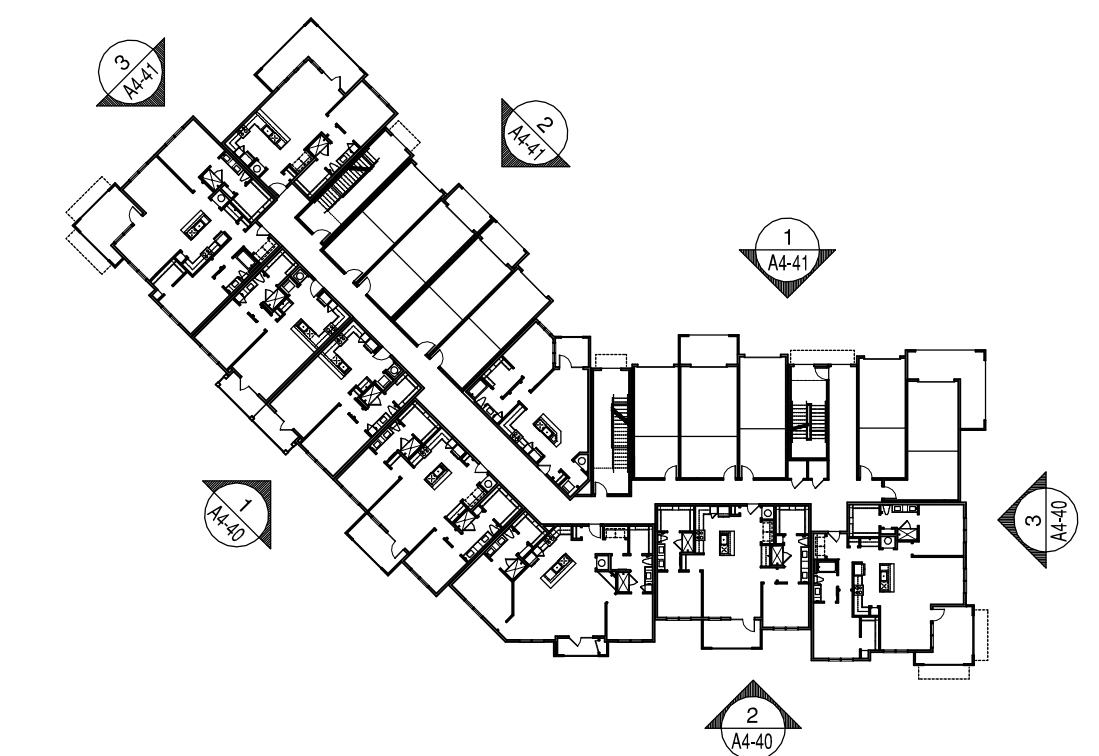
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SCALE: 1/8" = 1'-0"

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4 BUILDING KEY
SCALE: NTS



2 BUILDING TYPE 'D' ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING TYPE 'D' ELEVATION
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					PROJECT	BUILDING 'D' ELEVATIONS
					20159	



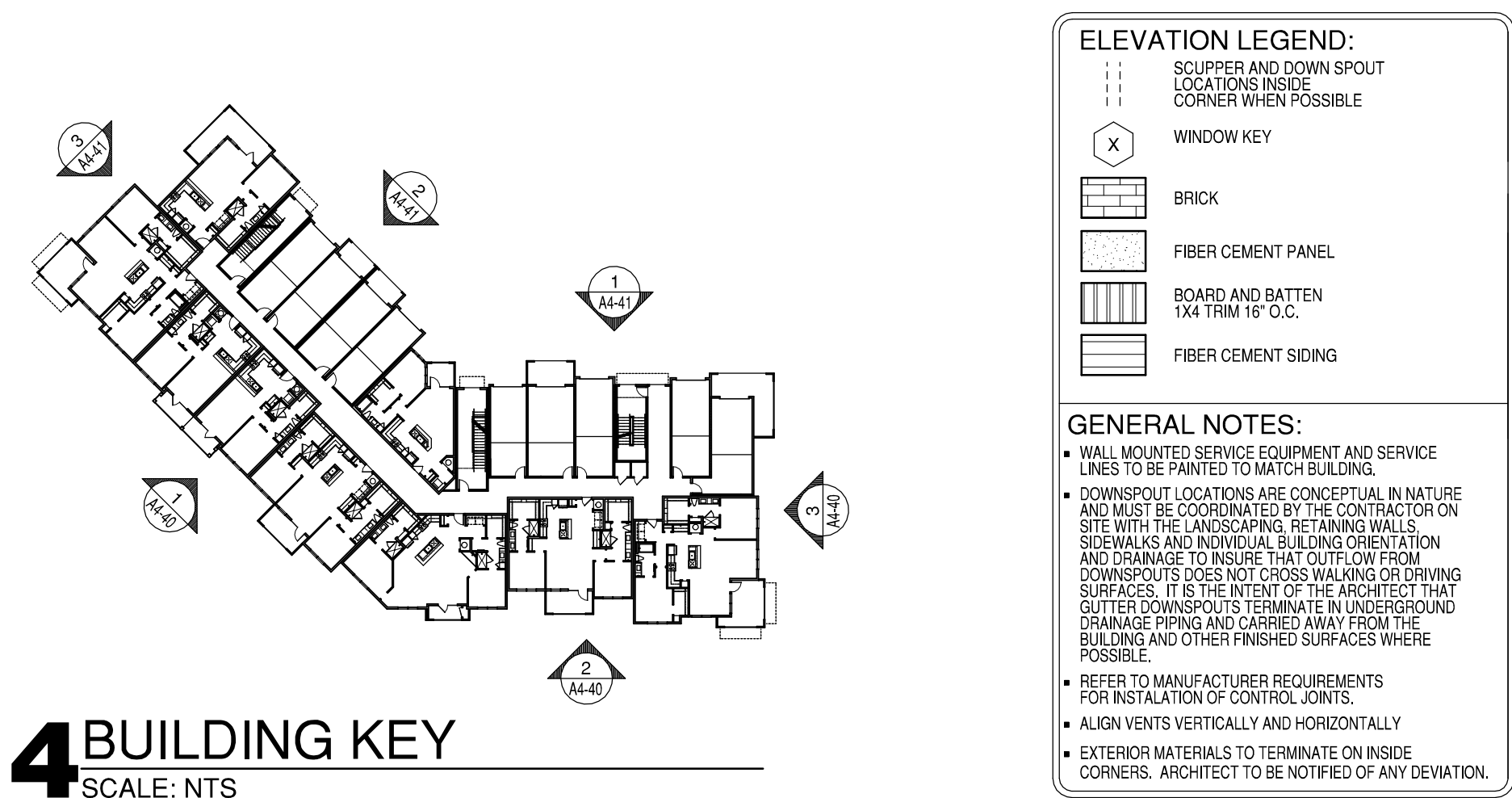
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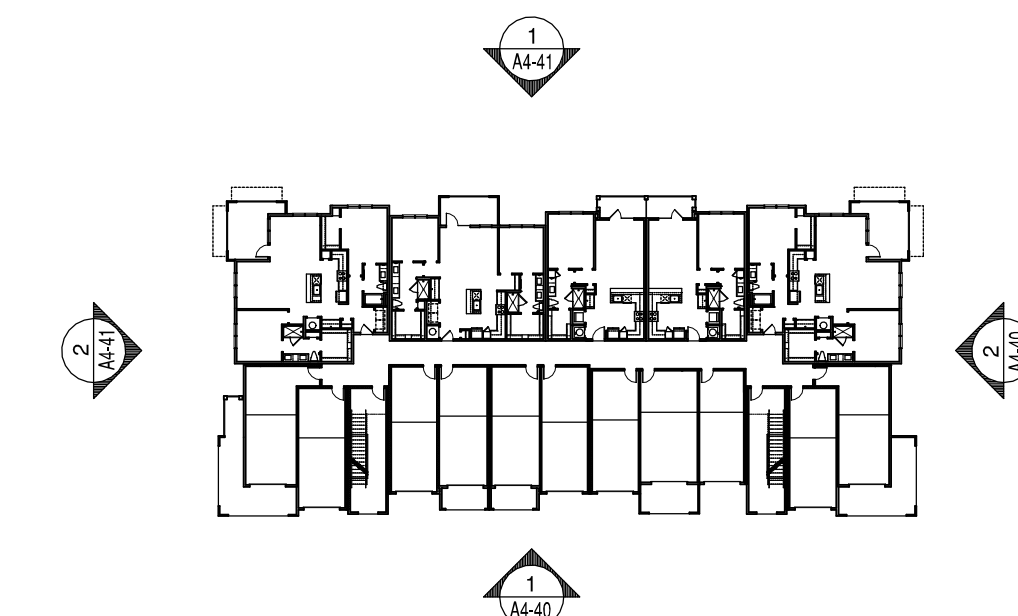
4 BUILDING KEY
SCALE: NTS



1 BUILDING TYPE 'E' ELEVATION
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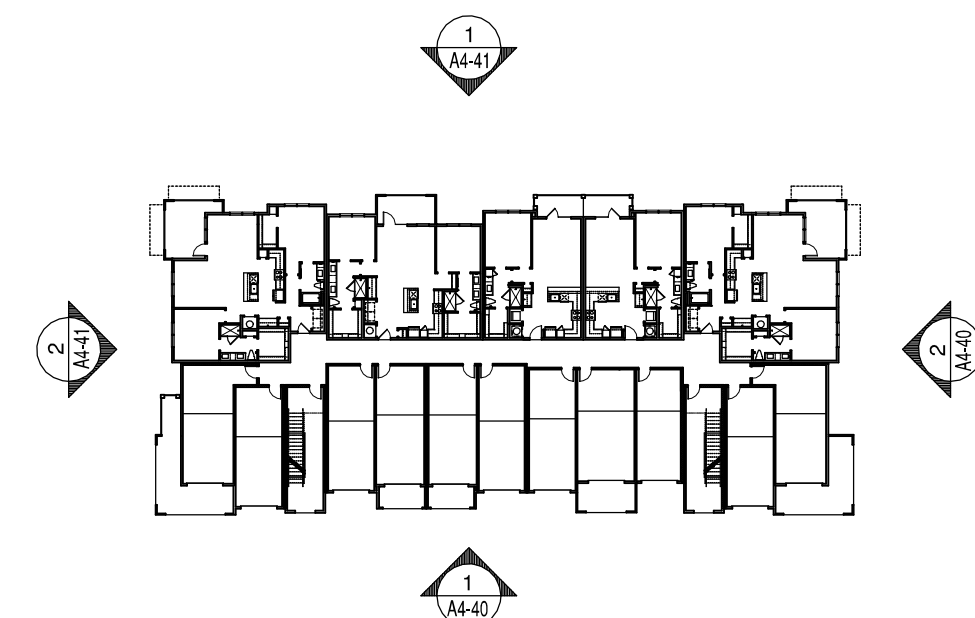
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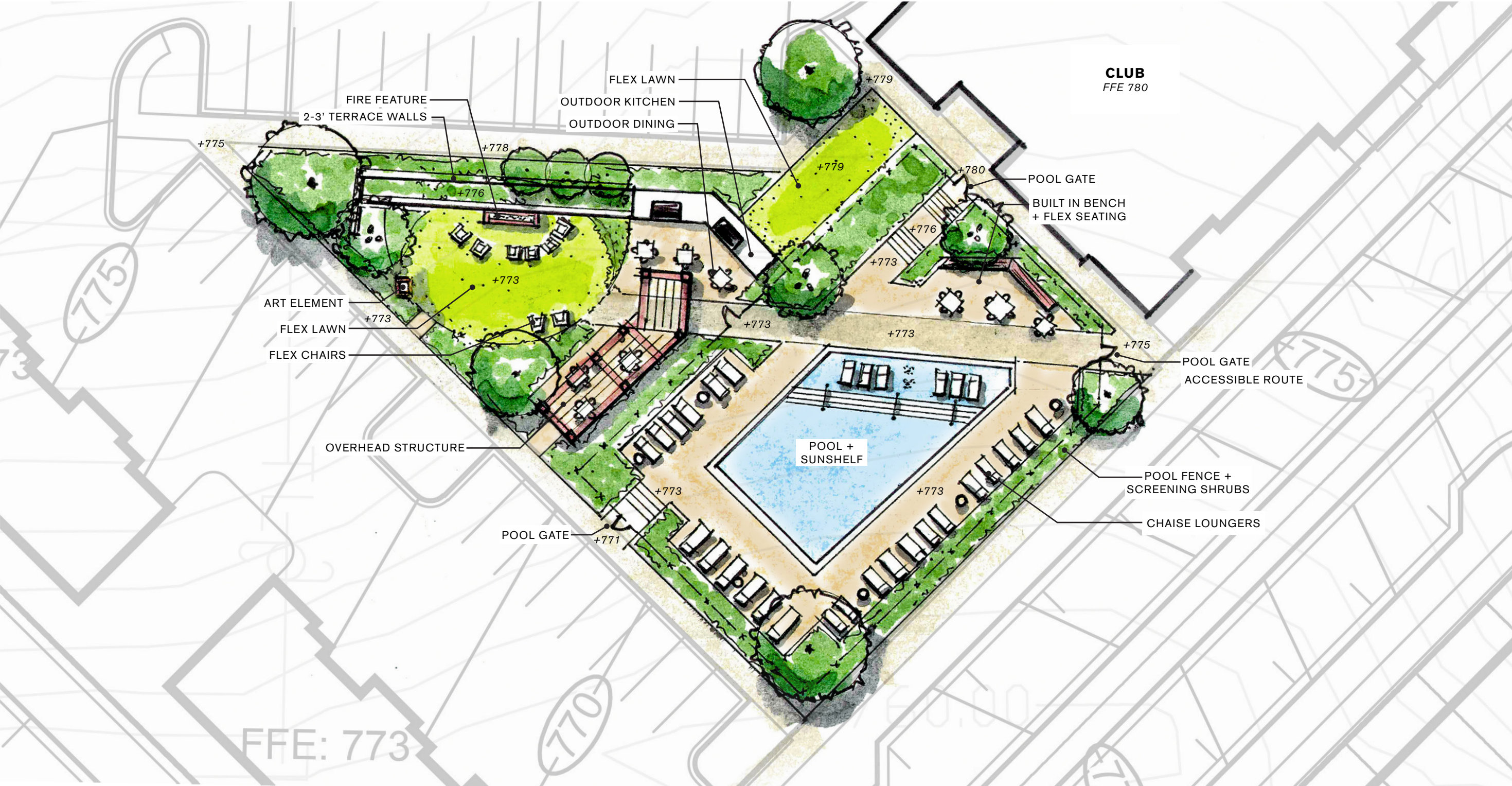
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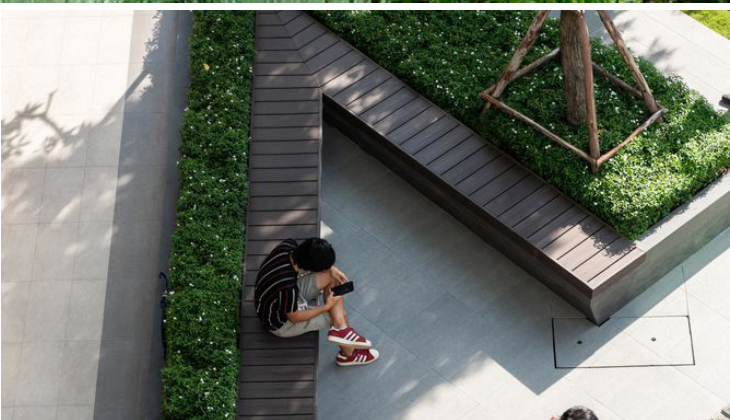
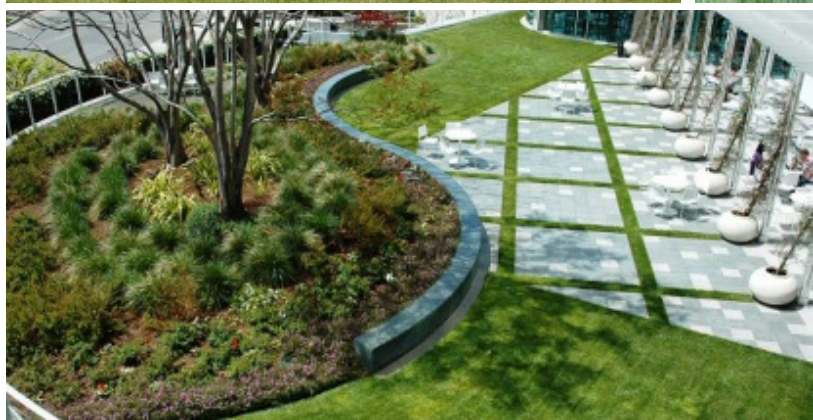
VERMILLION VILLAGE

AMENITY CONCEPT PLAN



VERMILLION VILLAGE

AMENITY CONCEPT IMAGERY



Vermillion Village Neighborhood Meeting 3/25/21

NAME	ADDRESS	PHONE #	EMAIL
1- Ron Julian	110 Maxwell	704-607-9642	ronaldjulian@gmail.com
2- Stacy/Gordon Walker	204 Walters St	704-947-0230	swalker442@gmail.com
3- Joe Simmons	114 Glendale Dr	704-400-8765	jsimmons@timberlake.com
4- Kathy Jones	104 Walters St		Kathymariejones@bellsouth.net
5- Amy/Lee Hallman	100 Cambridge Rd	704-875-8763	hallmans@roadrunner.com
6- Lindsay/Eric Krone	10416 Drake Hill Dr	704-351-7032	lindsay.krone@gmail.com
7- Amber Kovacs	207 Greenway St		alhauk@gmail.com
8- James Twitty	12105 Memory Ln		jamestwitty@gmail.com
9- Fran Cairo	11824 Warfield Av		
10- Mary Mowry	20434 Deep Cove Ct	704-875-2434	mary.e.mowry@gmail.com
11- Carmen Rao	13402 Serenity St		
Sierra	Town Planning		
Jack Simoneau	Town Planning		
Melinda Bales	Town Board		
Nick Walsh	Town Board		
Lance Munger	Town Board		
Stacy Phillips	Town Board		

- Kathy Jones - Q - What is the retail? Any Guarantee?

A - Our goal is for the first floor retail with office above. We are targeting a small market for the building at Huntersville-Concord and Cinnabar and a restaurant/brewery at the water tower along the railroad.

- Amy/Lee Hallman - Q - Why is grocer out at the road now? Will you see parking from Glendale?

A - Need visibility for a smaller store so we moved it to the road. The bigger grocery store we had in the center of the site because it was a draw of traffic. The smaller store is not the same draw, so it needs more visibility. The grading of the site puts the parking below the elevation of the houses along Glendale Dr and with the additional buffer that we will plant the parking should be hidden.

- Lindsay Krone - Q - Have you contacted a general store like Dollar General?

A - At this point we have not but we are open to contacting them if we can't get the small market we want.

- Amber Kovacs - Q - What do you see in the use of the brewery building?

A - We want a combo brewery/restaurant but open to anything. It might be 2 separate uses or one that runs both the brewery and restaurant components

- Mary Mowry - Q - What is in the "Natural UOS"

A - The county did not want the greenway trail through this area so there are no plans to have anything in it. There might be a nature trail but there would be no grading or clearing for this.

- Ron Julian - Q - How does this line up with Walters St?

A - We have aligned out internal street to align with Walters St which continues through our property to line up with Seagle St. We are not connecting to current Walters St but just lining up for a future connection.

- Amber Kovacs - Q - Will the number of apartments go up or down? Are you worried about competition? Have you looked at doing condos?

A - As of now these are our final numbers. There is a chance when going through engineering we could lose units. Embrey is not concerned about competition with other apartments. Condos are not an option for us.

- Carmen Rao - Q - Are condos not the same as Townhomes? Are they using Vermillion Pool? Where is Grocer?

A - Condos and townhomes are different. No the apartments have their own pool. We couldn't get the big grocer so we are trying to get a small market and the building for it is at the corner of Huntersville-Concord Dr and Cinnabar Pl

- Stacy Walker - Q - What will the apartments rent for?

A - The average will be around \$1,500.

- Eric Krone - Q - Are you partnered with Commercial Developer?

A - Yes, Steve Vermillion with MPV.

- Ron Julian - "I think Main Street Project will catalize retail downtown.

- Mary Mowry - Q - What is the townhome price point and size?

A - Average townhome is around 1,600 SF and price will probably start around \$250,000 and up.

- Lance Munger - Q - Will Vermillion HOA contribute to the greenway? Will Vermillion Village have its own HOA?

A - No the county maintains greenway and owns it. We have donated most of the property for the greenway through Vermillion. We think it will be somehow tied to or part of the overall Vermillion HOA but might be some kind of sub area. We still need to look at how this works and what is best for the Vermillion HOA.

- Kathy Jones - Q - When do you plan to start?

A - We look to break ground at the end of 2021/beginning of 2022 and it would be 24-30 months for full buildout.

Town of Huntersville: Vermillion Village

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: 300 multi-family dwellings and 61 single-family attached townhomes under TC(CD) zoning.

CMS Planning Area: North

Average Student Yield per Unit: 0.1225 (multi-family) = 37
0.1812 (single-family attached) = 11

This development may add 48 students to the schools in this area.

The following data is as of 20th Day of the 2019-20 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
BLYTHE ELEMENTARY	55	50	918	866	110%	22	112%
J. M. ALEXANDER MIDDLE	47.2	54	964	1103	87%	12	87%
NORTH MECKLENBURGH HIGH	123.5	108	2151	1881	114%	14	115%

The total estimated capital cost of providing the additional school capacity for this new development is \$1,364,000; calculated as follows:

Elementary School: **22**x \$34,000 = \$748,000

High School: **14**x \$44,000 = \$616,000

RECOMMENDATION

Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Jack Simoneau, Director

Date: June 21, 2021

Subject: Special Use Permit Removal - Vermillion Village

EXPLAIN REQUEST:

Request by Vermillion Village to remove Special Use Permit 17-01 that allowed a shopfront building over 50,000 sq. ft. in the Town Center zoning district

ACTION RECOMMENDED:

Take action

FINANCIAL IMPLICATIONS:

N/A

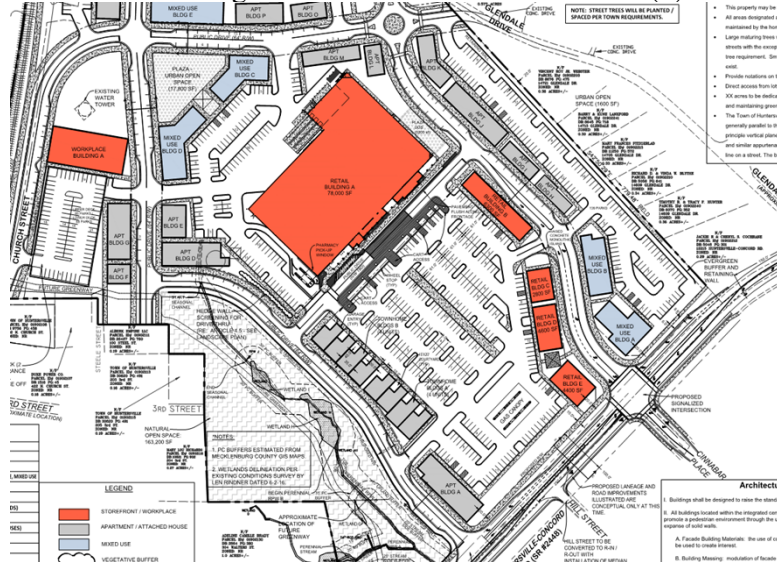
ATTACHMENTS:

1. SUP17-01 Revocation Staff Analysis BOC - 6.21.21
2. SUP - Special Use Permit Plan - Approved

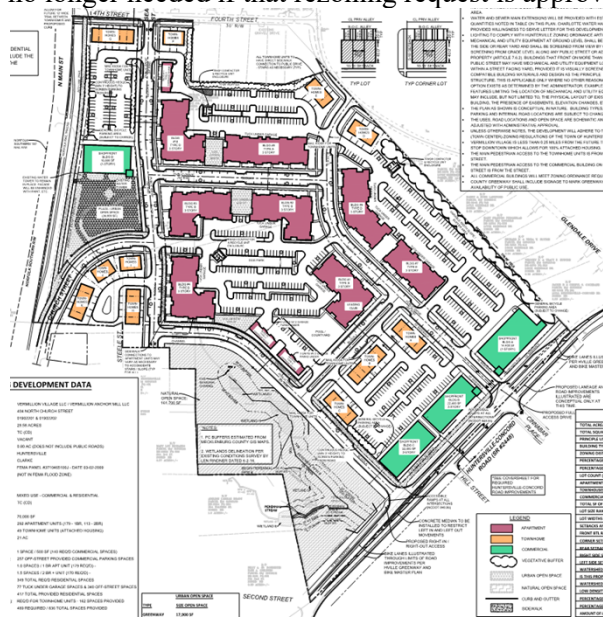
REQUEST:

Revocation of Special Use Permit 17-01 Issued to Nate Bowman for Vermillion Village Shopfront building over 50,000 sq. ft. in Town Center

On June 5, 2017, The Huntersville Town Board issued a special use permit for a shopfront building to exceed 50,000 sq. ft. (76,000 sq. ft. approved) at Vermillion Village in accordance with Section 3.2.6(b) of the Zoning Ordinance.



Rezoning request R-20-05 (below) modifies the plan for Vermillion Village and the Special Use Permit for a Shopfront Building to exceed 50,000 sq. ft. is no longer needed if that rezoning request is approved.



STAFF RECOMMENDATION:

If rezoning R-20-05 is approved, staff recommends Special Use Permit 17-01 be removed as requested by the applicant.

PLANNING BOARD RECOMMENDATION

On May 25, 2021 the Planning Board unanimously recommended removal of the Special Use Permit.

ATTACHMENTS:

A – Approved Special Use Permit Site Plan

REZONING DEVELOPMENT DATA

LOCATION / LOT INFORMATION

PROPERTY OWNER (CURRENT):	TOWN OF HUNTERSVILLE
SITE ADDRESS:	404 NORTH CHURCH STREET
PARCEL ID NUMBER:	01902201
PARCEL SIZE:	29.58 ACRES
EXISTING ZONING:	NR (NEIGHBORHOOD RESIDENTIAL)
EXISTING USE:	VACANT
EXISTING IMPERVIOUS SURFACE:	0.80 AC (DOES NOT INCLUDE PUBLIC ROADS)
PCCO DISTRICT:	HUNTERSVILLE
WATERSHED:	CLARKE
FLOOD PLAIN:	FEMA PANEL #3710465100J - DATE 03-02-2009 (NOT IN FEMA FLOOD ZONE)

PROPOSED / REQUIRED SITE DATA

PROPOSED USE:	MIXED USE - COMMERCIAL & RESIDENTIAL
PROPOSED ZONING:	TC (TOWN CENTER)
BUILDING USE:	
COMMERCIAL:	165,000 SF
RESIDENTIAL:	400 UNITS (APT. BLDGS, ATTACHED HOUSING)
PROPOSED IMPERVIOUS COVERAGE:	22.80 AC
REQUIRED PARKING:	
COMMERCIAL / OFFICE:	1 SPACE / 500 SF (330 REQ'D)
RESIDENTIAL:	1.5 SPACES / UNIT (267 REQ'D)
TOTAL (REQ'D / PROPOSED):	597 TOTAL REQUIRED / 841 PROPOSED
URBAN OPEN SPACE:	0.87 ACRES
NATURAL OPEN SPACE:	3.75 ACRES

PROPOSED ROAD IMPROVEMENTS

Huntersville-Concord Road at Cinnabar / Site Driveway

- Install an exclusive eastbound left-turn lane on Huntersville-Concord Road with 250 feet of storage with a 6' positive offset.
- Install an exclusive westbound right-turn lane on Huntersville-Concord Road with 150 feet of storage.
- Install an exclusive westbound left-turn lane on Huntersville-Concord Road with 150 feet of storage and with 6' positive offset.
- Install an exclusive westbound left-turn lane on Cinnabar Place with 50 feet of storage.
- Install an exclusive southbound left-turn lane on Site Driveway with 300 feet of storage.
- Dedicate right-of-way on Site Driveway for an exclusive southbound right-turn lane with 150 feet of storage and taper.
- Install traffic signal.

Huntersville-Concord Road at Right-In / Right-Out Driveway

- Install an exclusive westbound right-turn lane on Huntersville-Concord Road with 100 feet of storage.
- Install a raised concrete median on Huntersville-concord Road to extend past Hill Street.

Huntersville-Concord Road at Glendale Drive

- Install an exclusive eastbound left-turn lane on Huntersville-Concord Road with 100 feet of storage.
- Install an exclusive westbound right-turn lane on Huntersville-Concord Road with 100 feet of storage.

Ramah Church Road at Glendale Drive

- Install an exclusive westbound left-turn lane on Ramah Church Road with 100 feet of storage.

SPECIAL USE PERMIT 17-01 APPROVED

Town of Huntersville Planning Department

Allison Adams, MSSL
Senior Planner

9/11/2017

Huntersville Board of Commissioners voted to approve SUP17-01 on June 5, 2017

SITE PLAN DATA TABLE

TOTAL ACREAGE:	29.58 ACRES
TOTAL SQUARE FEET:	
PRINCIPLE USES:	COMMERCIAL AND RESIDENTIAL (MIXED USE)
BUILDING TYPE:	STOREFRONT, WORKPLACE, APARTMENT / ATTACHED HOUSE, MIXED USE
ZONING DISTRICT:	TC-CD
PERCENTAGE IMPERVIOUS ALLOWED:	N/A - NOT IN A RESTRICTIVE WATERSHED
PERCENTAGE OF IMPERVIOUS SHOWN	74% (22.80 ACRES - NOT INCLUDING PUBLIC ROADS)
LOT COUNT	200 PROPOSED CURRENTLY
TOTAL NUMBER OF DWELLINGS (DETACHED / ATTACHED):	400 RESIDENTIAL (APARTMENTS AND TOWNHOUSES)
MIXED USE / # LIVE/WORK UNITS:	6
TOTAL SF OF NON RESIDENTIAL:	165,000
LOT SIZE RANGE:	TBD
SETBACKS AND BUILD-TO-LINES	
FRONT BTL RANGE OR SETBACK:	0 - 20'
CORNER SETBACKS:	0 - 5'
REAR SETBACKS:	NR
RIGHT SIDE SETBACK:	NR
LEFT SIDE SETBACK:	NR
WATERSHED INFORMATION	
IS THIS PROPERTY IN A REGULATED DISTRICT?	NO
WATERSHED DISTRICT:	CLARKE
LOW DENSITY / HIGH DENSITY:	HIGH DENSITY
PERCENTAGE OF ALLOWABLE IMPERVIOUS AREA:	N/A
PERCENTAGE OF IMPERVIOUS AREA SHOWN ON PLANS:	74%
AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS:	N/A

LEGEND

	STOREFRONT / WORKPLACE
	APARTMENT / ATTACHED HOUSE
	MIXED USE
	VEGETATIVE BUFFER
	UNDERGROUND STORMWATER SYSTEM (DRY WELL)
	URBAN OPEN SPACE
	NATURAL OPEN SPACE
	CURB AND GUTTER
	SIDEWALK

*NOTE: THE USES THAT ARE SHOWN ON THE PLAN ARE SCHEMATIC AND CAN BE ADJUSTED ADMINISTRATIVELY, AS PERMITTED WITHIN THE TC ZONING DISTRICT..

NOTE: Driveway location to be coordinated with Town as townhome and apartment design progresses to assure necessary separation is met from the 4th St intersection. Townhome and apartment unit layout is subject to change; therefore, exact location of access cannot be set at this time.

NOTE: The realignment of Glendale requires the platting and construction to be completed prior to abandonment of existing Glendale. Access to properties being affected by the realignment will maintain full access at all times.

REZONING PLAN / SKETCH PLAN / SPECIAL USE PERMIT NOTE

The development plan will be governed by the approved conditions listed on the plan and the applicable provisions of the Town of Huntersville Zoning Ordinance. Unless more stringent standards are established by these development standards. The development standards established under the ordinance for the Town Center (TC) classification shall be followed in connection with development taking place on the site.

ADDITIONAL SKETCH PLAN NOTES:

- The plan as shown is conceptual in nature. Building types, sizes, parking and internal road locations are subject to change.
- A special use permit will be requested to allow for a 78,000 sf anchor building (Building A).
- A rezoning request will be made to the Town for approval of a signage package.
- The uses, road locations and open space locations are schematic and can be adjusted administratively.
- Unless otherwise noted, the development will adhere to the TC (Town Center) zoning regulations of the Town of Huntersville.

LOCATION MAP

GENERAL NOTES (SKETCH PLAN)

- All development and construction shall comply with all zoning and subdivision standards of the Town of Huntersville, Mecklenburg County, and NCDOT, as applicable.
- This property may be subject to any easements and/or right-of-way of record.
- All areas designated as common and/or urban open space shall be owned and maintained by the homeowners association and dedicated for perpetuity.
- Large maturing trees will be planted 40' O/C within the required planting strip along all streets with the exception of rural parkways where existing trees can satisfy the street tree requirement. Small maturing trees are to be used where overhead power lines exist.
- Provide notations on the processes of mail delivery and garbage pick-up.
- Direct access from lots to a thoroughfare is prohibited.
- XX acres to be dedicated to the Town of Huntersville for the purposes of establishing and maintaining greenway connections within the Town and County plans.
- The Town of Huntersville Build to Line is a line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to-line is established on the record plat (final plat)

MODIFICATIONS OF ORDINANCE STANDARDS

- The parking on the southwest corner of Storefront Building "A" will be mitigated with heavy landscape screening.
- TBD

*Conditions will be added as development planning and coordination with the Town progresses.

PROPOSED PHASING

PHASE 1	PHASE 2
- 78,000 SF Grocery	- 10,000 sf Restaurant
- 22,000 sf Retail	- 20,000 sf Warehouse
- 12 Gas Pumps	- 16,000 sf Retail
- 200 Apartments	- 16,000 sf Office
	- 8000 sf High Turnover Rest.

Architectural Design Guidelines

- Buildings shall be designed to raise the standard level of design to create a place of interest.
- All buildings located within the integrated center shall utilize and repeat the below architectural design criteria to promote a pedestrian environment through the use of compatible design and appearance to aid the break of long expanse of solid walls.
 - Facade Building Materials: the use of complementary hues, multiple textures and building elements should be used to create interest.
 - Building Massing: modulation of facade should occur every 20 feet of length in the height and / or relief.
 - Facade Treatment:
 - Rooftline treatments should be modified through the use of height, material and / or pitch.
 - Human scale design elements, such as, but not limited to: windows, awnings, entrances, arcades, arbors, trellises, and friezes is recommended at a minimum of 40' to maintain pedestrian interest throughout the development. All elevations are prohibited from having CMU block.
- All buildings will orient / front toward a public street or an urban open space.
- The architecture within the site shall comply with Article 4 of the Huntersville Zoning Ordinance.
- The elevations are conceptual. Details will be provided following the above standards during construction drawing / commercial site plan review to ensure compliance.

0 80 160 240
SCALE: 1" = 80'

REVISIONS	COMMENT
ISSUED	



Date:	6-29-17
Drawn:	RM
Checked:	GDH
SUP	Sheet

**Town of Huntersville
Planning Board
June 21, 2021**

To: Town Board

From: Brad Priest, Principal Planner

Date: June 21, 2021

Subject: Petition #SUP21-01 - Ivory Barn Banquet Facility Modification

EXPLAIN REQUEST:

SUP21-01 is an application by Grassroots Land, LLC to modify the approved banquet facility special use permit for the property (SUP20-01). The property is located at 14418 NC 73 HWY (parcel ID 01313110). The purpose of the amendment is to add an open air pavilion to the facility, increase the size of the principle building, and modify other aspects of the site plan.

ACTION RECOMMENDED:

Consider holding a Special Use Permit Hearing and taking final action on SUP21-01.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. SUP21-01 Staff Analysis TB - 6 21 21
2. Ivory_Barn_SUP_Amendment_Plan_Set
3. Arch_Elevations_Rendering
4. TIA_HWY_73_Wedding_Venue_04-26-2021
5. Septic_Permit_04-27-2021
6. Septic_The_Ivory_Barn_Specs_3-29-21-Sealed
7. Septic_The_Ivory_Barn_Plans_3-29-21-Sealed
8. Grassroots_land_llc_Articles_of_Organization
9. TOH_General_Application
10. Adjacent Property Owner Notice - 5 27 21
11. Approved Special Use Permit Plan SUP20-01

REQUEST:

Special Use Permit Application to Amend SUP 20-01: Banquet Facility in the Rural (R) Zoning District

ZONING ORDINANCE CRITERIA AND STAFF FINDINGS

Article 3.2.1

Banquet Facilities are permitted in the Rural (R) zoning district with the issuance of a special use permit and subject to the conditions outlined in Article 9.59.

STAFF FINDINGS:

The property owner of 14418 NC 73 HWY (tax parcels #01313110), Grassroots Land, LLC, received a Special Use Permit approval from the Town Board for their event/banquet facility in the Rural zoning district on September 8th, 2020 (SUP20-01). The owners have submitted an application to amend the special use permit to alter the conditions of the plan. The amended plan would include an additional 2,400 ft² open air event facility in the rear of the property, and remove additional tree canopy and potentially a specimen tree.

Article 9.59.1

That the hours of operation, including set-up and break-down, for events will be no earlier than 8:00 am and no later than midnight (12:00 am).

STAFF FINDINGS:

The applicant's note on the special use permit plan stating the hours of operation remains the same as the original special use permit approval. Including "set up and break down", it will be from 8:00 am to midnight (12:00 am).

Article 9.59.2

That events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance whether or not the property is located within the Town's corporate limits.

STAFF FINDINGS:

The applicant has a note on the amended plan stating that the events shall comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance. Also, they've added a conditional note stating that there will be no amplification of sound after 9 pm. The note clarifies that this condition would apply for both the event barn and the pavilion.

Article 9.59.3

That the use will be located on a lot of at least 10 acres in size with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.

STAFF FINDINGS:

According to the survey provided in the SUP package, the parcel on which the facility is to be built totals 10.77 acres, and has an estimated frontage of 624 feet on NC 73 HWY. It is also noted that although 10.77 acres is the total size of the parcel in question, 1.28 acres of that area is inside NCDOT right of way. The size of the parcel that is outside NCDOT right of way is 9.49 acres. This information remains unchanged from the original special use permit plan approval.

Article 9.59.4

One residence (single-family detached house) may be located on the site.

STAFF FINDING:

At this time, the applicant has not proposed a residence as part of this development. This remains the same from the original special use permit plan approval.

Article 9.59.5

New buildings shall maintain a rural character and be compatible with surrounding area.

STAFF FINDINGS:

Architectural elevations of the proposed buildings (barn and open air pavilion) are attached in the agenda package. The proposed "Event Barn" is designed as a classic "barn style" which is a very rural and farm-like architectural design. The building note on the plans states that the building "will contain wood veneer appearance (IE Hardi Board or similar) to match rural character of surroundings". Surrounding the event areas, the natural wooded canopy is proposed to remain along most of the property boundaries. With the proposed design and natural wooded buffers, staff considers the proposal appropriately rural in character and compatible with the surrounding area. The newly proposed "open air pavilion" is noted to have similar character of the main building.

Article 9.59.6

Events may take place inside a building, tent or outdoors. Catered activities and receptions may take place in tents or buildings.

STAFF FINDINGS:

The applicant proposes a maximum 5,000 ft² event barn and a 2,400 ft² open air pavilion. An area on the SUP plan immediately south of the barn has been delineated as "outdoor event area", which is permitted by the section listed.

Article 9.59.7

Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial 50 feet of driveway from the public roadway connection shall be paved with concrete or asphalt.

STAFF FINDINGS:

The special use permit site plan notes that the first 50 feet of the driveway on NC 73 HWY will be paved with asphalt. The rest of the driveway and parking areas are proposed to be either asphalt, concrete, or gravel. All of the proposed materials would be permitted under the section. The notes and conditions for this requirement has remained the same from the original special use permit approval.

Article 9.59.8 (A)

That there will be a separation of no less than:

- a. Parking areas shall be located one hundred (100) feet from arterial roads and thoroughfares, and fifty (50) feet from adjacent properties. Parking areas will be visually buffered from arterial roads, thoroughfares and adjoining properties.

STAFF FINDINGS:

The submitted special use permit site plan shows the parking area 101 feet from the future right of way of NC 73 as shown on the latest NCDOT R-5721 concept plan. The parking area to the west of the property and the parking/loading area to the east of the event barn is about 61 feet from adjacent property lines. The applicants have proposed to use the existing vegetation as a screen for the parking areas. They have also placed a note on the plans stating that where existing vegetation does not provide an opaque screen as intended by the ordinance, additional vegetation will be added as needed.

Article 9.59.8 (B)

- b. Event areas shall be visually buffered and located sixty (60) feet from any property boundary located in a residential district or developed for residential mixed use purposes.

STAFF FINDINGS:

Per the submitted special use plan, the closest event area is the "outdoor event area limits" along with the loading area for the event barn. They are right at 61 feet from the adjacent residential property line (Rural District). The newly proposed open air pavilion is located approximately 80 feet from the eastern property line. The note on the plan remains which states that any existing vegetation buffers that do not provide an opaque screen will be supplemented with additional vegetation to achieve the intent of the ordinance.

An additional note was added to the plan stating that the buffers located inside Duke Power right of way would need to be planted using Duke Power planting guidelines.

Article 9.59.8 (C)

- c. Any newly constructed accessory structure such as barns, gazebos and agriculture or farm related structures shall be located at a minimum of sixty (60) feet from any property boundary located in a residential district or developed for residential mixed use purposes.

STAFF FINDINGS:

The special use permit site plan shows the newly proposed open air pavilion as the closest building or structure to a residential property line at 80 feet. The horse barn in the rear of the property has been removed from the plan. The main event barn remains about 122 feet from the eastern property line.

Article 9.59.8 (D)

- d. As each property is unique, the Town Board may modify the buffers for a Banquet Facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for event areas and/or reduction in buffer area may be appropriate for farming or pasture areas.

STAFF FINDINGS:

This section of the ordinance allows the Town Board to increase or decrease buffer widths based on individual needs of specific uses and properties.

Article 9.59.9

Applicant shall have adequate off street parking to accommodate the maximum number of attendees.

STAFF FINDINGS:

The applicant has committed to set the maximum number of guests at 175 with 25 support staff/workers. The parking total is 90 gravel paved spaces provided with 32 grass spaces for infrequent overflow use. Total amount of parking would be 122 parking spaces (including 5 handicapped spots).

The required amount of parking per the Huntersville Zoning Ordinance is met (Event Barn and Pavilion = $7,816 \text{ ft}^2 = 1 \text{ per } 500 \text{ ft}^2 = 16 \text{ spaces}$).

Article 9.59.10

The method for providing potable water and a system of sanitary sewage collection and disposal for the maximum number of attendees shall be provided.

STAFF FINDINGS:

The site plan notes that sewer will be addressed through an onsite septic system while water will be provided by tapping into the existing water line located along NC 73 HWY. Mecklenburg County has approved the review of this plan for septic for 200 seats but for only 3 days a week. A copy of the county permit documentation is included in the agenda packet.

Article 9.59.11

Mobile food/beverage vehicles are allowed on the premises with the following conditions:

STAFF FINDINGS:

Article 9.59 was amended by the Town Board on 7/20/20 to allow mobile food trucks to be used by banquet facilities in the Rural District with the issuance of a special use permit. The HWY 73 Banquet facility special use permit was originally approved for mobile food trucks with the following conditions:

Article 9.59.11 A

The mobile food/beverage vehicles must cater to the guests of invitation only events, for a time period limited to the event, and are not open to public use.

STAFF FINDINGS:

The special use permit plan includes a note stating that “food trucks would meet all the conditions of Article 9.59”. In addition the use notes on the special use permit plan limits the banquet facility itself to invitation only events.

Article 9.59.11 B

The mobile food/beverage vehicles must park in a designated spot, indicated on the special use plan. This area will be screened from public view and adjacent land owners, by an opaque screen.

STAFF FINDING

The area reserved for mobile food vehicles/trucks is shown and labeled on the special use permit plan. The area for the food trucks is located outside the proposed 60 foot event buffer. Existing buffer notes on the plan state that the buffers will be supplemented with evergreen landscaping to create an opaque screen. In addition, the site plan notes that the designated food truck area will be screened with a wood screen fence.

Article 9.59.11 C

No more than three mobile food/beverage vehicles allowed at one time.

STAFF FINDINGS

The special use permit plan includes a note stating that “food trucks would meet all the conditions of Article 9.59”

Article 9.59.11 D

No trucks will be stored overnight on the property.

STAFF FINDINGS

The special use permit plan includes a note which states that “food trucks would meet all the conditions of Article 9.59”

SITE PLAN COMMENTS:

1. Upon reviewing the application transportation staff found that the use proposed would not produce the minimum amount of trips to require the submission of a Traffic Impact Analysis (TIA). Please find the TIA determination by Transportation Staff attached.
2. The approved special use permit plan removed no specimen trees from the site. The amended plan would remove 4 additional specimens and additional canopy that the previous plan did not. However the specimen trees are not located in the 30 foot undisturbed buffers and the plan still meets the minimum tree save requirements.
 - a. **UPDATE 6/4/21**: The latest submittal has been amended to save all specimen trees again. However one specimen tree near the front driveway is still disturbed within the dripline 8 feet from the trunk of the tree. Even with this tree removed, the ordinance requirement is easily being met.
3. The parking requirement meets the minimum standards in the zoning ordinance. However with the parking reduction proposed (to 83 paved spaces with 200 guests/support workers), staff is concerned that the planned overflow, grassed, and infrequent parking area will be needed on a regular basis. Thus some of the grassed area may need to be paved to meet ordinance requirements. Staff requests the applicant submit documentation that the paved parking of 83 spaces would be able to accommodate 175 guests and 25 support staff. Either standards from the banquet facility industry or counts from existing facilities would be helpful.
 - a. **UPDATE 6/4/21**: The latest plan has been amended to add 7 additional spaces back to the original 90 paved spaces. Staff finds this acceptable to meet the intent of the parking requirements of Article 9.59.9.
4. The maximum number of guests is listed on the site plan as 175, with 25 support staff/workers. The maximum amount of seating on the septic permit is listed as 150. Staff recommends the numbers on the septic permit be reconciled to match the special use permit plan.
 - a. **UPDATE 6/4/21**: The latest plan includes an updated septic permit from Mecklenburg County. The permit is approved for 200 seats but only 3 days a week. Staff recommends that this updated permit which accommodates the maximum number of persons at the facility meets the intent of Article 9.59.10. However it is recommended

that a note be added to the plan that states that the facility will have no more events than Mecklenburg County Environmental Health approves or than what the septic system can accommodate.

PLANNING BOARD RECOMMENDATION

The Planning Board reviewed the application at their May 25, 2021 meeting, and discussed the proposed amendments to the plan. There was also substantial conversation between the Board and the applicant about permitting more than one event at the facility in a day, as long as the maximum amount of guests proposed was not exceeded in a day. Staff conveyed that was not a zoning concern but could not at the meeting confirm it did not have an effect on the function of the septic system and the TIA determination. After the discussion, the applicant requested to move forward and address the event per day issues prior to the Town Board meeting. After discussion, the Planning Board recommended approval of the application with conditions by a 6-2 vote. The motion to approve is below.

F. Gammon made a Motion to Approve SUP 21-01, modification of SUP 20-01 Ivory Barn Event Venue, the Planning Board finds that the request meets all required conditions and specifications, it is reasonable and does not pose an injurious effect on adjoining properties. The Planning Board further finds that the impact upon the character of the neighborhood, as well as the health, safety and general welfare of the community will be minimized. The decision is supported by the Town of Huntersville Zoning Ordinance as stated in the staff analysis findings as follows: 1) The request meets the zoning ordinance criteria of Article 3.2.1 and 2) The request meets the zoning ordinance criteria of Articles 9.59.1 through 9.59.11.d. This recommendation for approval is contingent upon Mecklenburg County approval of the septic permit limits the site to 150 guests and one – four-hour event per day; however, the site plan states the maximum capacity for the venue is limited to 175 guests and 25 staff/workers. There will be only wedding or event per day, and it will operate no early than 8 a.m. and no later than 12 a.m. to include set-up and clean-up. The Planning Board recommends the number of guests and workers and the hours of allowed operations on the septic permit be reconciled with staff to match the number of guests, workers and hours of operation on the special use permit plan. Under use and hours of operation notes on the special use permit plan, the Planning Board recommends clarifying that the permit is limited to one event per day for the entire facility, for example a wedding and an additional event of any type is not permitted. S. Hensley seconded the motion.

STAFF RECOMMENDATION:

Staff supports the applicant's request raised at the Planning Board meeting. Staff confirmed with Mecklenburg County Environmental Health and Huntersville Engineering that the addition of multiple small events a day would not change the septic permit or TIA determination as long as the maximum number of guests/workers in a day does not change. Therefore staff recommends approval of the application based on the above findings of fact with the conditions outlined below:

1. The notes on the plan be clarified to indicate the intent to allow multiple events per day as long as the total number of guests does not exceed 175 with 25 employees a day.

2. The hours of operation and use notes on the plan be amended to state that the number of events will be limited to the amount permitted by Mecklenburg County Environmental Health and by what the designed septic system can accommodate.

DECISION STATEMENTS

In Favor of the Special Use Permit

In considering the Special Use Permit SUP20-01 modification, Ivory Barn Event Venue, we, the Town Board, find that the modification request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the following findings:

- 1)
- 2)

Add additional statements as necessary.

Against Special Use Permit

In considering the Special Use Permit SUP20-01 modification, Ivory Barn Event Venue, we, the Town Board, find that the modification request does not meet the required conditions and specifications.

(List which conditions are not being met)

- 1)
- 2)

Add additional statements as necessary.

In addition the use poses an injurious effect on adjoining properties and the Planning Board finds that the request is not character of the neighborhood and there will be negative effects on the health, safety and general welfare of the surrounding community based on the following findings:

- 1)
- 2)

Add additional statements as necessary

CONTENTS:	
Z01	COVER SHEET
Z02	TREE PROTECTION PLAN
Z03	SITE PLAN
Z04	GRADING PLAN



VICINITY MAP
SCALE: N.T.S.

THE PURPOSE OF THIS SPECIAL USE PLAN AMENDMENT IS TO OBTAIN APPROVAL FOR AN ADDITION OF ACCESSORY EVENT SPACE. THIS CONSISTS OF AN OPEN AIR PAVILION IN ADDITION TO THE PRINCIPLE BUILDING.

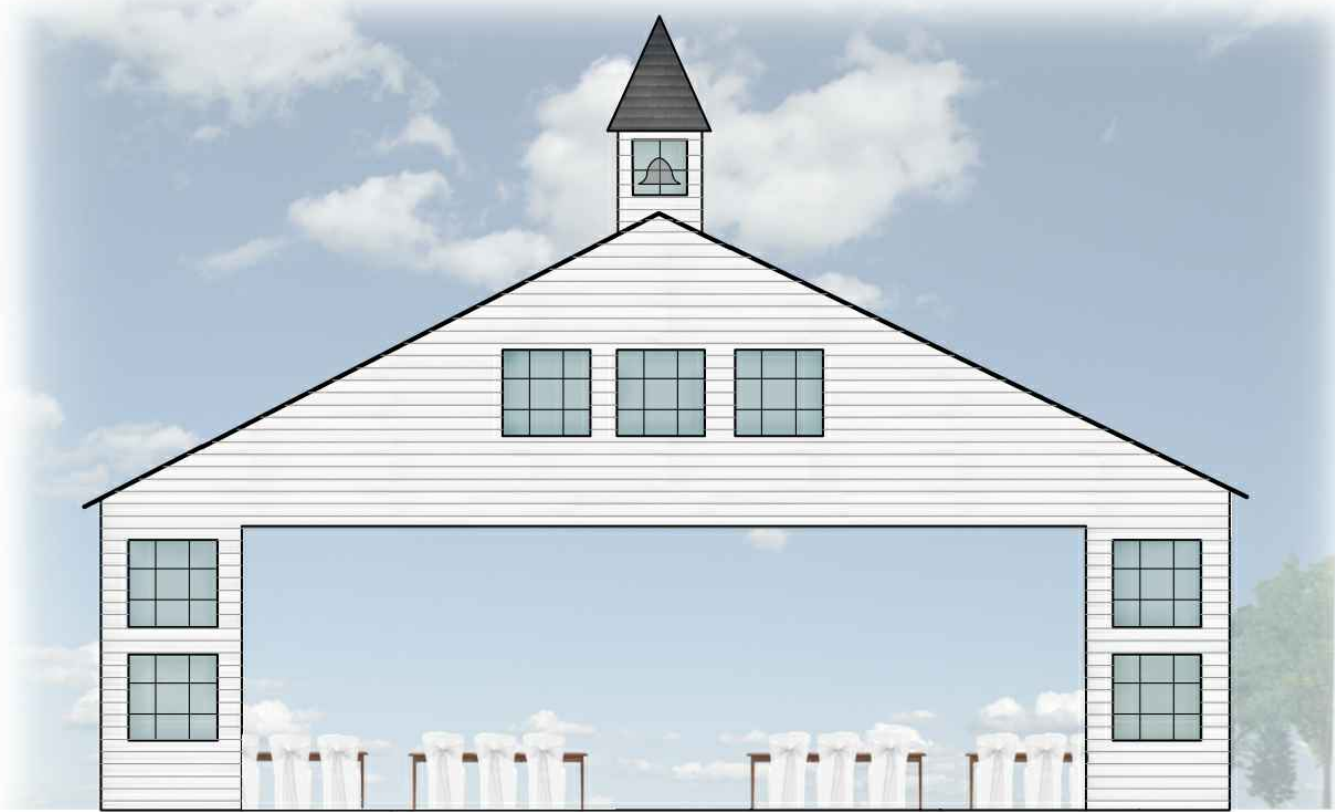
SPECIAL USE PLAN AMENDMENT FOR:

IVORY BARN
HUNTERSVILLE, NC

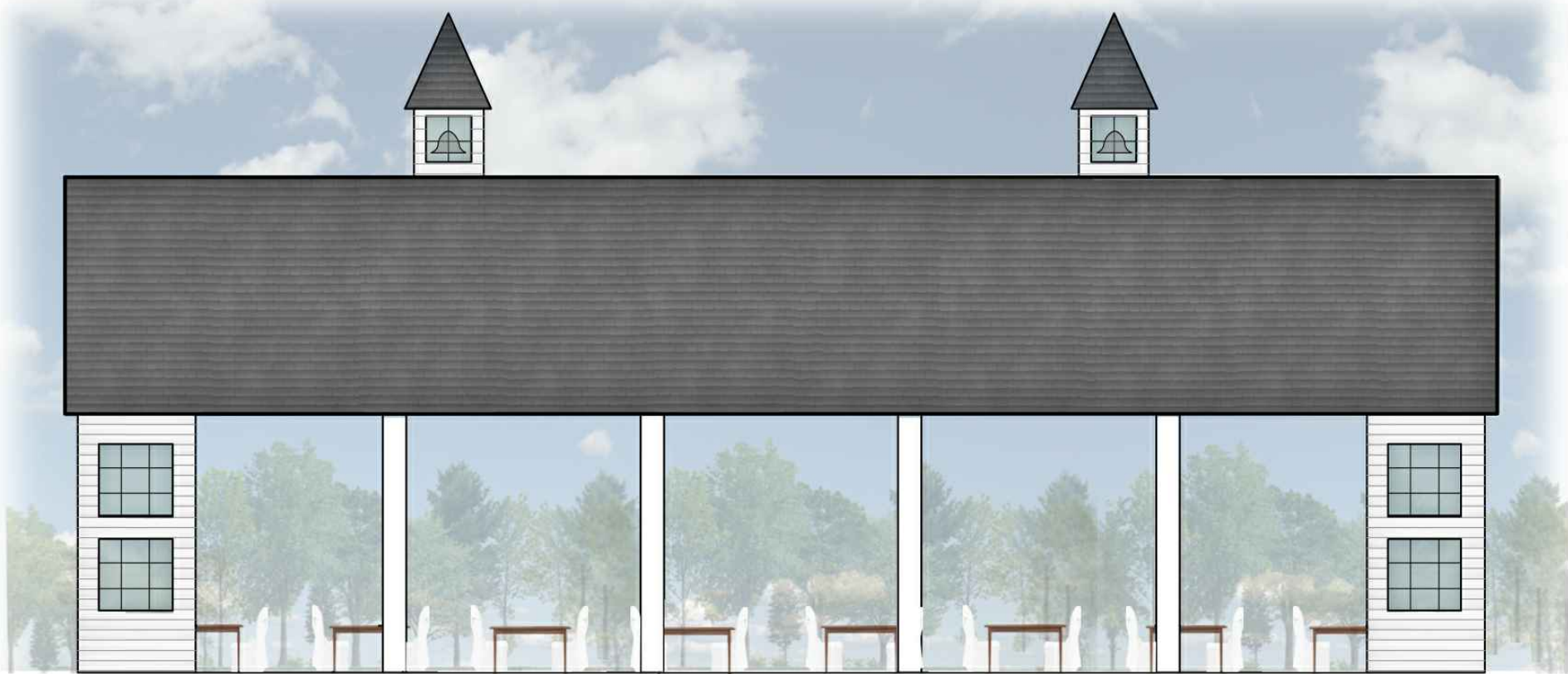
EPM REFERENCE NUMBERS:
APPROVED SPECIAL USE PLAN # 406097
SPECIAL USE PLAN AMENDMENT #420924
CONSTRUCTION DOCUMENTS(IN PROGRESS) # 418523

OWNER/DEVELOPER:
GRASSROOTS LAND, LLC
15550 STUMPTOWN RD
HUNTERSVILLE, NC 28078
(704)-728-9685

NORTH/SOUTH SIDE



EAST/WEST SIDE



NEW OPEN AIR PAVILION



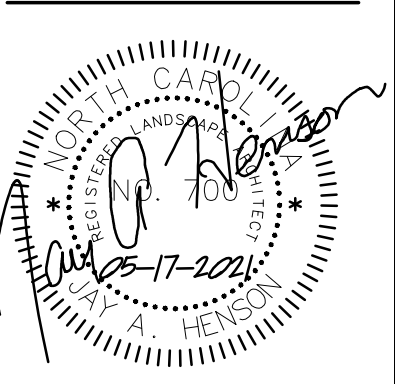
HensonFoley

Landscape Architecture Civil Engineering

8712 Lindholm Dr Suite 202A, Huntersville, NC 28078

p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com

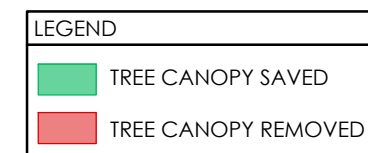
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



IVORY BARN
PIN #01313110
14418 NC HWY 73, HUNTERSVILLE NC 28078

COVER SHEET

REVISIONS:	
04/27/2021	SUP AMEND, EPM COMM.
05/17/2021	SUP AMEND, EPM COMM.



CANOPY TO BE REMOVED - 19,049 SF (9.49%)
 TREE SAVE REQUIRED : 30% (60,379 SF)
 TREE SAVE PROVIDED : 90.5% (181,550 SF)

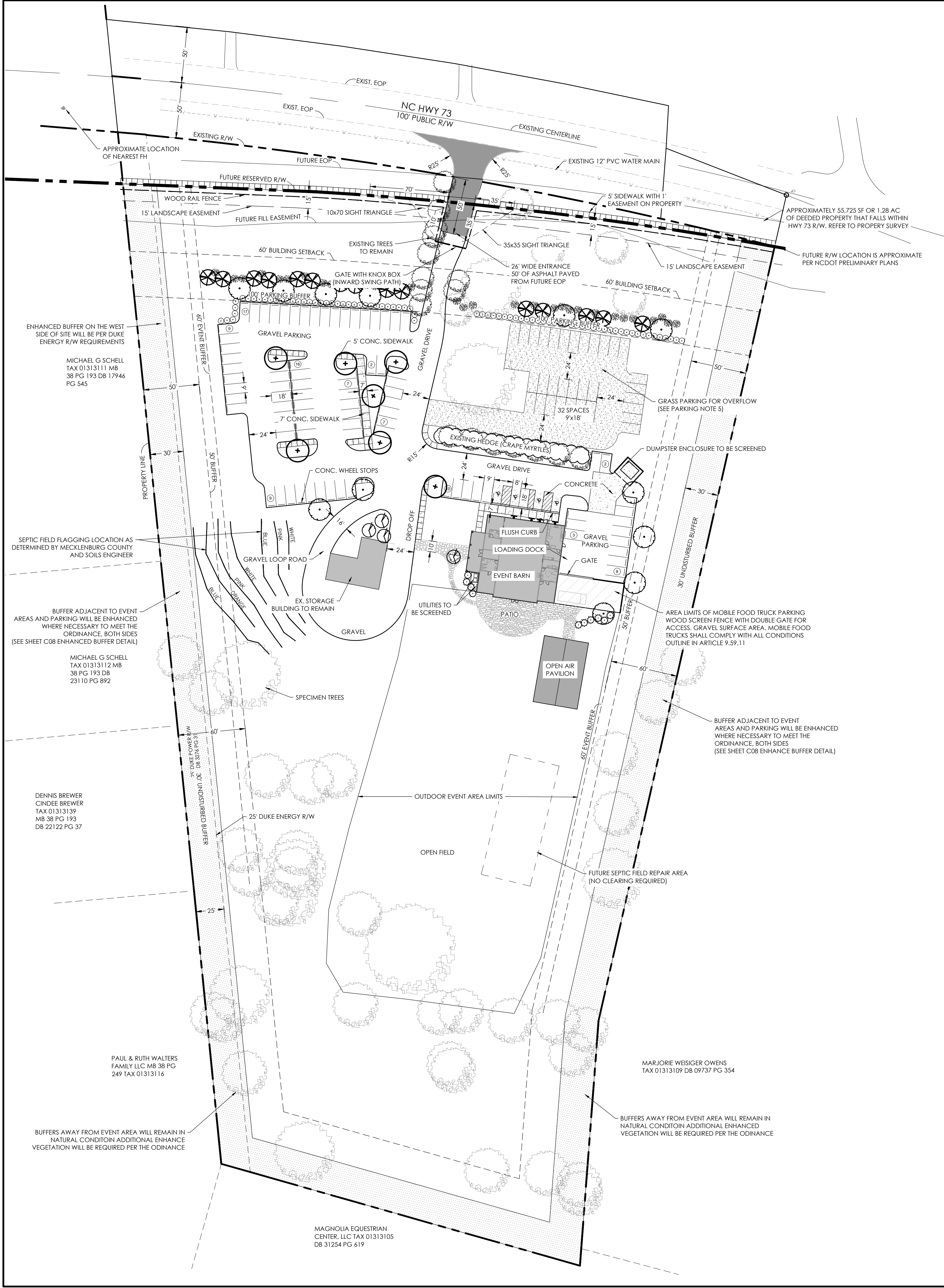
EXISTING SPECIMEN TREES: 45
EXISTING TREES TO REMAIN: 45
EXISTING TREES TO BE REMOVED: 0
SPECIMEN TREES REQUIRED TO RETAIN: 30%
45 X 0.30 = 13.5
EXISTING SPECIMEN TREES TO BE SAVED: 45
TREES TO BE MITIGATED: 0

NOTE: TREE REMOVAL AND CANOPY IS WORSE CASE CONDITION. IF GRADING OR TRENCHING FOR UTILITIES DOES NOT REQUIRE THE TREE TO BE REMOVED, DO NOT REMOVE THE TREE.

IVORY BARN
PIN #01313110
14418 NC HWY 73, HUNTERSVILLE NC 28078
TREE SAVE PLAN

[illegible]

Z02A TREE SAVE PLAN.DWG	
PROJECT NUMBER:	220001
DATE: 03/18/2021	DRAWN BY: JAH
Z02A 4 SHEET OF	



SITE DATA	
LOCATION:	14418 NC HWY 73 (PID # 001313110) HUNTERSVILLE, MECKLENBURG COUNTY 28078
ZONE:	R (RURAL DISTRICT) Mountain Island Lake PA 1 Watershed
USE:	Wedding and Banquet Facility (SPECIAL USE PLAN PREVIOUSLY APPROVED EPM#406097)
CONTACT:	HENSONFOLEY (JAY HENSON) 704-875-1615
ITEM	PROVIDED
LOT AREA	10.77 AC CURRENT DEED (1.28 AC DEEDED IN CURRENT HWY 73)
MIN. FRONT SETBACK	60' BUILDING ; 100' PARKING
MIN. SIDE SETBACK	50' PARKING ; 60' EVENT
MIN. REAR SETBACK	60'
MAX. BUILDING HEIGHT	2 STORIES
BUILDING	5000 SF, ONE STORY 2400 SF, OPEN AIR PAVILION
PARKING SEE BELOW	
BUILDING - LOT TYPE	DETACHED HOUSE

ZONING CODE SUMMARY		
ITEM#	ITEM	PROVIDED
1	BUILDING SIZE	5000 SF EVENT BARN 2400 SF OPEN AIR PAVILION
2	PARKING SPACES PROVIDED	122 SPACES TOTAL 32 SPACES (OVERFLOW) 90 SPACES GRAVEL SEE PARKING NOTE 5
3	HANDICAP SPACES	5 SPACES (2 VAN)

IMPERVIOUS SUMMARY			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL SITE AREA	469141.20	10.77	N/A
EXISTING IMPERVIOUS	38,661 SF	0.89 AC	8.24 %
EXISTING IMPERVIOUS TO REMAIN	1,611 SF	0.04 AC	20.20 %
PROPOSED BUILDING (BUA)	7,810 SF	0.18 AC	1.66 %
PROPOSED ASPHALT/GRAVEL (BUA)	47,238 SF	1.08 AC	10.07 %
PROPOSED CONCRETE (BUA)	4,746 SF	0.11 AC	1.01 %
TOTAL BUA	61,405 SF	1.41 AC	13.09 %
TOTAL PERVIOUS	407,736 SF	9.36 AC	86.91 %
24% MAX ALLOWABLE IMPERVIOUS	112,593 SF	2.58 AC	24.00 %

DURING CONSTRUCTION PHASE-OWNER TO PROVIDE FUNDS INTO ESCROW FOR 40% OF THE COST OF THE SIDEWALK ALONG HWY 73 STREET TREES (BOTH ROWS) TO BE PLANTED BY OWNER AFTER HWY 73 IMPROVEMENTS ARE COMPLETE. THE COST WILL BE INCLUDED IN A BOND OR ESCROW AS DEEMED APPROPRIATE.

PROJECT TIME TABLE

SUBMIT FOR COMMERCIAL SITE PLAN	-	APRIL, 1 2021
BEGIN CONSTRUCTION	-	JULY, 1 2021
COMPLETION	-	MARCH, 1 2023

NOTE: OWNER WILL ESCROW 40% OF THE SIDEWALK ALONG HWY 73

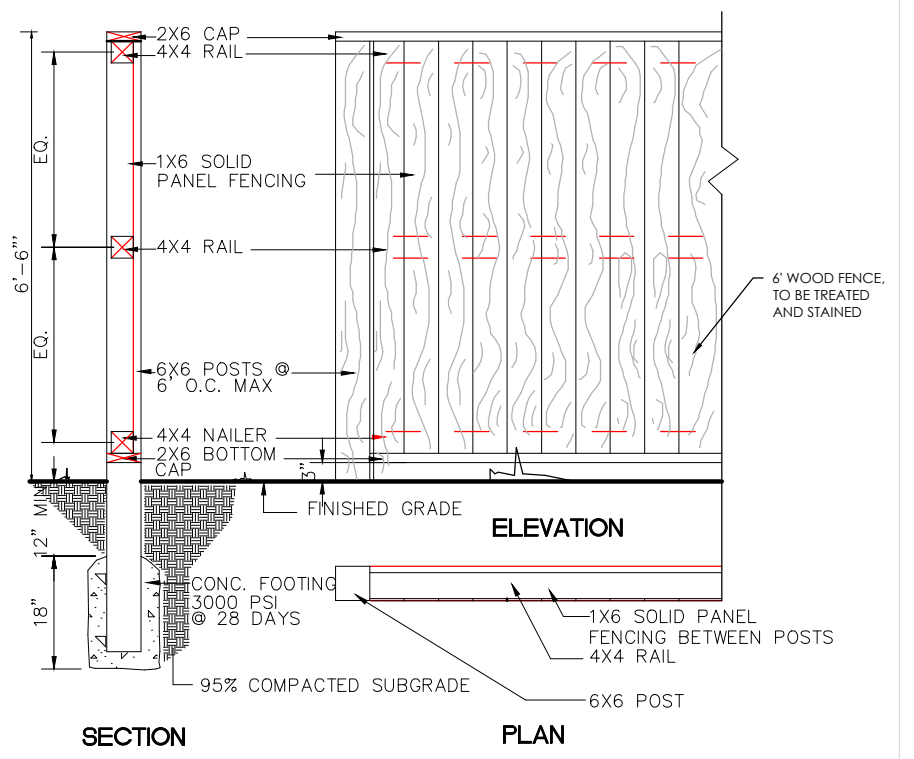
THE BARN WILL BE CONSTRUCTED FIRST DURING PHASE 1. THE PAVILION WILL BE BUILT AT THE SAME TIME OR AS PHASE 2 AFTERWARDS.

NOTE: MECKLENBURG COUNTY HAS PREPARED A PRELIMINARY PERC TEST FOR THE SEPTIC FIELD. THIS INFORMATION IS BEING ANALYZED BY A PRIVATE SOIL SCIENTIST TO DESIGN A SEPTIC SYSTEM THAT MEETS THE CAPACITY OF THE FACILITY AS INDICATED ON THESE PLANS.

SEE SURVEY FOR DEEDED PROPERTY LINES

6' WOOD BUFFER FENCE DETAIL

NTS



VICINITY MAP

GENERAL NOTES

BUILDINGS

- THE MAIN FACILITIES WILL BE LOCATED WHERE GENERALLY DEPICTED ON THE SPECIAL USE PLAN. THE MAXIMUM SIZE OF THE EVENT BARN SHALL BE 5,000 SF. THE BUILDINGS WILL CONTAIN WOOD VENEER APPEARANCE (IE HARDI BOARD OR SIMILAR) TO MATCH RURAL CHARACTER OF SURROUNDINGS. THIS BUILDING WILL BE CONSTRUCTED FIRST, AS IT IS THE MAIN FACILITY.
- EVENTS WILL BE LIMITED TO A SEATING CAPACITY OF 175 GUESTS WITH AN ADDITIONAL 25 SUPPORT STAFF/WORKERS. THIS MAXIMUM CAPACITY WILL APPLY FOR BOTH THE EVENT BARN AND PAVILION.
- THE STORAGE BUILDING IS AN EXISTING BLOCK BUILDING THAT WILL BE UTILIZED FOR MISC. STORAGE.
- THE 40'x60' OPEN AIR PAVILION (MAX. 2,400 SF) WILL BE USED AS A COVERED OUTDOOR AREA FOR RECEPTIONS AND WILL BE SIMILAR IN CHARACTER TO THE EVENT BARN. THIS ADDITIONAL BUILDING WILL BE CONSTRUCTED SIMULTANEOUSLY OR AFTER THE MAIN BUILDING. THIS BUILDING DOES NOT INCREASE THE MAXIMUM CAPACITY AT ALL. THIS BUILDING DOES NOT ALLOW FOR MORE THAN ONE EVENT PER DAY.

PARKING

- PARKING WILL BE LOCATED AS GENERALLY DEPICTED ON THE SPECIAL USE PLAN. THERE WILL BE PAVED (GRAVEL) SPACES WITH GRASS OVERFLOW PARKING THAT WILL ONLY BE USED ON OCCASION AND AS DESCRIBED IN NOTE 5 BELOW. THE STANDARDS OF THE ORDINANCE AND "PARKING ROOMS" WILL BE ADHERED TO.
- PARKING AND DRIVE AISLES WILL BE ASPHALT, CONCRETE, OR GRAVEL AS DECIDED BY OWNER. THE MAIN DRIVE AISLES WILL BE OF SUFFICIENT STRENGTH TO HANDLE AN 80,000 LB FIRE APPARATUS. GRASS OVERFLOW PARKING MAY BE UTILIZED IF NECESSARY ONLY FOR INFREQUENT USE. REGULAR USE REQUIRES PAVED PARKING AND MODIFIED STORMWATER PLANS.
- THE FIRST 50' OF THE DRIVE AISLE CONNECTING HWY 73 ROAD WILL BE ASPHALT.
- PARKING SPACES WILL BE SCREENED AND LANDSCAPED AS REQUIRED IN THE ORDINANCE.
- GRASS PARKING WHERE SHOWN MAY BE CONVERTED TO GRAVEL BASED UPON OWNER'S DECISION AND FREQUENCY OF USE. IF STAFF DETERMINES THE FREQUENCY DOES NOT MEET THE INTENT OF SPECIAL EVENT PARKING AS OUTLINED IN ARTICLE 4 OF THE ZONING ORDINANCE STORMWATER FACILITIES WILL BE SIZED TO HANDLE THE AREA AS IMPERVIOUS COVER. THE INTENT IS TO SAVE THE 72' TREE. OTHER MEASURES MAY BE UTILIZED TO SAVE THE TREE SUCH AS ADJUSTING DRIVE AISLE, ROOT BRIDGING ETC. PARKING NUMBERS WILL NOT CHANGE.
- SIDEWALKS FROM PARKING AREAS WILL BE PAVED WITH COMPACTED STONE, ASPHALT, OR CONCRETE. WHEEL STOPS WILL BE PROVIDED IF COMPACTED STONE IS USED.

BUFFERS AND SETBACKS

- A 100' PARKING BUFFER WILL BE PROVIDED ALONG HWY 73.
- A 50' BUFFER WILL BE PROVIDED AROUND THE SIDES/PERIMETER OF THE SITE. A 60' EVENT BUFFER WILL BE PROVIDED AROUND THE PERIMETER OF THE SITE.
- PLANT MATERIAL IS CONCEPTUAL TO ILLUSTRATE LOCATION OF REQUIRED SCREENING. FINAL PLANTING PLAN WILL BE SUBMITTED TO MEET THE INTENT OF ORDINANCE DURING SITE PLAN PROCESS.
- BUFFERS WILL BE SUPPLEMENTED WITH EVERGREEN VEGETATION WHERE A FULL OPAQUE SCREEN IS NOT ACHIEVED WITH EXISTING VEGETATION.

DRIVEWAY AND ROADWAY IMPROVEMENTS

- A 26' DRIVEWAY IS PROPOSED ONTO HWY 73. THE DRIVEWAY WILL BE DESIGNED/CONSTRUCTED IN MANNER APPROVED BY NCDOT AND THE TOWN OF HUNTERSVILLE.
- THE DRIVEWAY WILL HAVE A GATE THAT IS RECESSED 60' FROM THE EDGE OF THE FUTURE ROADWAY PAVEMENT. THE GATE WILL HAVE A KNOX BOX FOR FIRE AND EMERGENCY SERVICES.
- THE DRIVEWAY WILL BE PAVED 50' FROM THE EDGE OF THE FUTURE EDGE OF PAVEMENT.

LOADING AREA

THE LOADING AREA WILL BE SCREENED FROM PUBLIC VIEW AND FROM ADJACENT PARCELS. THE LOADING AREA WILL SERVE AS PARKING FOR CATERING, DELIVERIES, AND STAGING/OUTDOOR COOKING BY CATERERS IF NECESSARY. THERE MAY BE NEED FOR A SMALL PORTABLE CANOPY BY EVENT CATERERS.

CATERING PARKING AREA

AN AREA DESIGNATED FOR CATERING TRUCKS WILL PROVIDED AT THE LOADING AREA. THIS AREA WILL BE FENCED WITH A WOODEN FENCE AND GATE. THIS ALLOWS SCREENING FROM PUBLIC VIEW AND CREATES AND AREA FOR PATRONS TO ACCESS THE CATERING TRUCK. THE AREA WILL BE GRAVEL WITH ADDITIONAL ROOM FOR GAMES.

LIGHTING

LIGHTING WILL BE AS ALLOWED WITHIN THE ORDINANCE AND APPROVED DURING THE SITE PLAN PHASE.

TRASH

- TRASH WILL BE PROVIDED IN A DUMPSTER FACILITY LOCATED NEAR THE SERVICE AREA OF THE BUILDING. THE DUMPSTER SHALL BE SCREENED AND HAVE AN OPAQUE GATE PER THE ORDINANCE.

WATER/SEWER

SEWER WILL BE PROVIDED THROUGH AN ON-SITE SEPTIC SYSTEM WHILE WATER WILL BE TAPPED INTO THE EXISTING WATER MAIN LOCATED IN HWY 73.

ENVIRONMENTAL

- EROSION CONTROL PLANS WILL COMPLY WITH CURRENT ORDINANCES AND BE APPLIED FOR DURING THE SITE PLAN PROCESS.
- WATER QUALITY, POST CONSTRUCTION, AND STORM WATER MANAGEMENT WILL COMPLY WITH THE CURRENT ORDINANCES AND WILL BE APPLIED FOR DURING THE SITE PLAN PROCESS.

RIGHT OF WAY

HWY 73 SHALL HAVE R/W AS SHOWN FOR REFERENCE. HWY 73 PLANS ARE CONCEPTUAL AND NO R/W HAS BEEN ESTABLISHED.

USE AND HOURS OF OPERATION

- THE HOURS OF OPERATION, INCLUDING SET-UP AND BREAK DOWN, FOR EVENTS WILL BE NO EARLIER THAN 8:00 AM AND NO LATER THAN MIDNIGHT (12:00 AM).
- THERE WILL BE ONLY ONE WEDDING OR EVENT PER DAY. THIS APPLIES TO BOTH THE EVENT BARN AND OPEN AIR PAVILION. THERE WILL BE NO CONCURRENT EVENTS ON THE SAME DAY.
- OTHER USES WILL BE EVENTS, BANQUETS AND MEETINGS. LIMIT IS ONE EVENT PER DAY FOR BOTH THE EVENT BARN AND OPEN AIR PAVILION.
- USES WILL BE BY INVITATION ONLY AND WILL NOT BE OPEN TO THE GENERAL PUBLIC.

NOISE

- THE EVENTS SHALL COMPLY WITH THE NOISE RESTRICTIONS IDENTIFIED IN THE TOWN OF HUNTERSVILLE NOISE ORDINANCE. SEE HOURS OF OPERATION NOTE ABOVE.
- NO AMPLIFICATION OF SOUND SHALL OCCUR AFTER 9 PM. THIS APPLIES FOR BOTH THE EVENT BARN AND PAVILION.

TREE PROTECTION

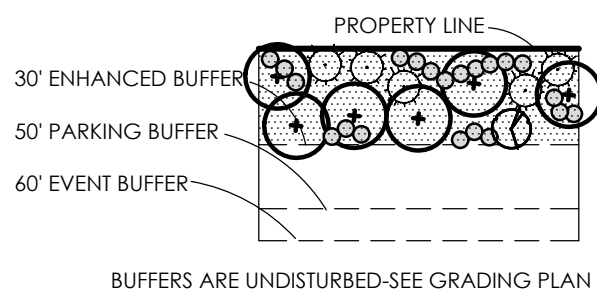
- TREE PROTECTION/TREE SAVE AREAS WILL BE PROVIDED AS GENERALLY SHOWN ON THE TREE PROTECTION PLAN. MINOR MODIFICATIONS MAY BE NECESSARY FOR DRIVEWAY SIGHT DISTANCES, EROSION CONTROL MEASURES, STORM WATER MANAGEMENT, AND ACCESSIBLE SLOPES. ALL SPECIMEN TREES WILL REMAIN.

WATER QUALITY

WATER QUALITY/POST CONSTRUCTION MEASURES WILL BE PROVIDED ONLY IF REQUIRED BY CURRENT ORDINANCE.

USES

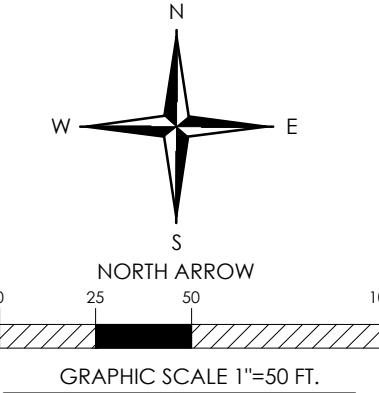
- THERE WILL ONLY BE A MAXIMUM OF ONE WEDDING/EVENT PER DAY.
- USES WILL BE "EVENTS" SUCH AS (BUT NOT LIMITED TO) WEDDINGS, BANQUETS, MEETINGS, YOGA EVENTS, CORPORATE EVENTS, PRIVATE PARTIES, FUNDRAISERS.
- COMMERCIAL FIREWORKS AND OTHER ILLEGAL FIREWORKS WILL BE PROHIBITED FROM USE.



ENHANCED BUFFER DIAGRAM



Landscape Architecture Civil Engineering
8712 Lindholm Dr Suite 202A, Huntersville NC 28078
p: 704.875.1615 | 704.875.0959 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE # C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE # C-899



IVORY BARN

PIN #01313110

14418 NC HWY 73, HUNTERSVILLE NC 28078

SITE PLAN

REVISIONS:

04/27/2021 SUP AMEND. EPM COMM.
05/17/2021 SUP AMEND. EPM COMM.

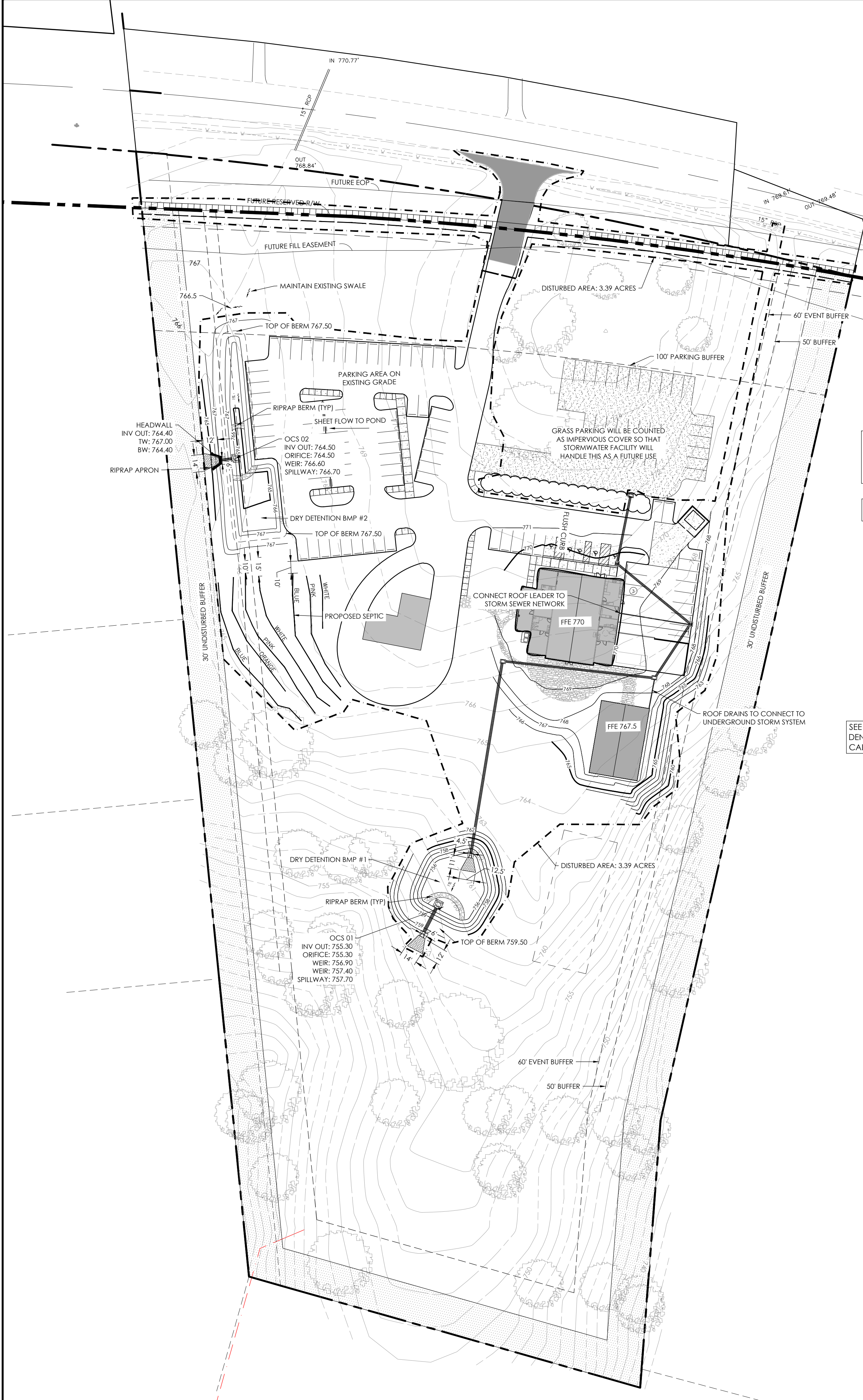
Z03 SITE PLAN.DWG

PROJECT NUMBER: 220001

DATE: 03/18/2021 DRAWN BY: JAH

Z03

4



IF THE GRASS PARKING BECOMES GRAVEL, CURB AND GUTTER WOULD BE INSTALLED ALONG THE SOUTH AND EAST BORDER TO CAPTURE RUNOFF. STORM DRAINAGE WOULD BE ADDED AND CONNECTED TO THE POPE SYSTEM NEAR BARN AND ULTIMATELY INTO POND. DETENTION CALCULATIONS WILL INCLUDE THE FUTURE GRAVEL PARKING

CURBING TO BE UTILIZED AROUND DRIVE AISLE AND SERVICE AREA TO DIRECT STORMWATER INTO POND

SEE SITE PLAN FOR LOW DENSITY IMPERVIOUS CALCULATIONS

Structure Table	
Structure Name	Structure Details
CB-01	RIM = 749.702 Pipe-1 INV IN = 765.700 Pipe-2 INV OUT = 765.450
CB-02	RIM = 748.104 Pipe-2 INV IN = 763.900 Pipe-3 INV OUT = 763.700
FES-01	Pipe-5 INV IN = 756.000
FES-02	Pipe-6 INV IN = 755.000
OCS-01	Pipe-6 INV OUT = 755.300
OCS-02	Pipe-7 INV OUT = 764.500
YI-01	RIM = 772.055 Pipe-1 INV OUT = 767.750
YI-02	RIM = 768.535 Pipe-3 INV IN = 762.836 Pipe-4 INV OUT = 762.686
YI-03	RIM = 767.441 Pipe-4 INV IN = 759.555 Pipe-5 INV OUT = 759.305

Pipe Table				
NAME	SIZE	LENGTH	SLOPE	MATERIAL
Pipe-1	15"	58.32'	3.52%	RCP
Pipe-2	15"	77.86'	1.99%	RCP
Pipe-3	15"	53.22'	1.62%	RCP
Pipe-6	24"	26.25'	1.14%	RCP
Pipe-4	15"	125.57'	2.49%	RCP
Pipe-5	18"	160.81'	2.06%	RCP
Pipe-7	18"	13.98'	0.72%	RCP

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.
 - DO NOT PLACE BACKFILL OR FILL SOIL MATERIAL ON SUBGRADES THAT ARE MUDDY, FROZEN, OR CONTAIN FROST OR ICE. REMOVE AND REPLACE, OR SCARIFY AND AIR DRY, OTHERWISE SATISFACTORY SOIL MATERIAL THAT EXCEEDS OPTIMUM MOISTURE CONTENT BY 2 PERCENT AND IS TOO WET TO COMPACT TO SPECIFIED DRY UNIT WEIGHT.
- 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 SUBGRADES THAT ARE MUDDY, FROZEN, OR CONTAIN FROST OR ICE. REMOVE AND REPLACE, OR SCARIFY AND AIR DRY, OTHERWISE SATISFACTORY SOIL MATERIAL THAT EXCEEDS OPTIMUM MOISTURE CONTENT BY 2 PERCENT AND IS TOO WET TO COMPACT TO SPECIFIED DRY UNIT WEIGHT.
- COMPACTION OF SOIL BACKFILLS AND FILLS
 - PLACE BACKFILL AND FILL SOIL MATERIALS IN LAYERS NOT MORE THAN 8 INCHES (200 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT, AND NOT MORE THAN 4 INCHES (100 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HAND-OPERATED TAMPERS.
 - PLACE BACKFILL AND FILL SOIL MATERIALS EVENLY ON ALL SIDES OF STRUCTURES TO REQUIRED ELEVATIONS, AND UNIFORMLY ALONG THE FULL LENGTH OF EACH STRUCTURE.
 - COMPACT SOIL MATERIALS TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 698:
 - UNDER STRUCTURES, BUILDING SLABS, STEPS, AND PAVEMENTS, SCARIFY AND RECOMPACT TOP 12 INCHES (300 MM) OF EXISTING SUBGRADE AND EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 100 PERCENT.
 - UNDER WALKWAYS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 95 PERCENT.
 - UNDER TURF OR UNPAVED AREAS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 85 PERCENT.
 - FOR UTILITY TRENCHES, COMPACT EACH LAYER OF INITIAL AND FINAL BACKFILL SOIL MATERIAL AT 95 PERCENT.
- GRADING
 - GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
 - PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
 - CUT OUT SOFT SPOTS, FILL LOW SPOTS, AND TRIM HIGH SPOTS TO COMPLY WITH REQUIRED SURFACE TOLERANCES.
 - SITE ROUGH GRADING: SLOPE GRADES TO DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT PONDING. FINISH SUBGRADES TO REQUIRED ELEVATIONS WITHIN THE FOLLOWING TOLERANCES:
 - TURF OR UNPAVED AREAS: PLUS OR MINUS 1 INCH (25 MM).
 - WALKS: PLUS OR MINUS 1/2 INCH (13 MM).
 - PAVEMENTS: PLUS OR MINUS 1/2 INCH (13 MM).
 - GRADING INSIDE BUILDING LINES: FINISH SUBGRADE TO A TOLERANCE OF 1/2 INCH (13 MM) WHEN TESTED WITH A 10-FOOT (3-M) STRAIGHTEDGE.
- FIELD QUALITY CONTROL
 - TESTING AGENCY: OWNER WILL ENGAGE A QUALIFIED GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM TESTS AND INSPECTIONS.
 - ALLOW TESTING AGENCY TO INSPECT AND TEST SUBGRADES AND EACH FILL OR BACKFILL LAYER. PROCEED WITH SUBSEQUENT EARTH MOVING ONLY AFTER TEST RESULTS FOR PREVIOUSLY COMPLETED WORK COMPLY WITH REQUIREMENTS.
 - FOOTING SUBGRADE: AT FOOTING SUBGRADES, AT LEAST ONE TEST OF EACH SOIL STRATUM WILL BE PERFORMED TO VERIFY DESIGN BEARING CAPACITIES. SUBSEQUENT VERIFICATION AND APPROVAL OF OTHER FOOTING SUBGRADES MAY BE BASED ON A VISUAL COMPARISON OF SUBGRADE WITH TESTED SUBGRADE WHEN APPROVED BY ARCHITECT. TESTING AGENCY WILL TEST COMPACTION OF SOILS IN PLACE ACCORDING TO ASTM D 1556, ASTM D 2167, 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.

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

DISTURBED AREA: 3.39 ACRES

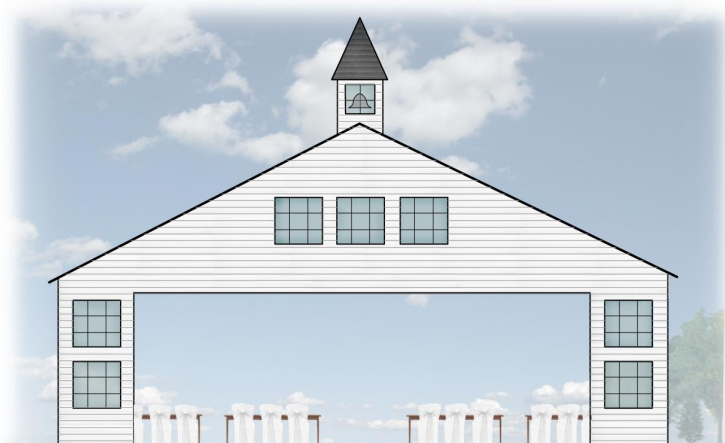
HensonFoley
Landscape Architecture Civil Engineering
8712 Lindholm Dr Suite 202A, Huntersville NC 28078
p: 704.875.1615 | 704.875.0959 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

IVORY BARN
PIN #01313110
14418 NC HWY 73, HUNTERSVILLE NC 28078

GRADING PLAN

REVISIONS:	
04/27/2021	SUP. AMEND. EPM COMM.
05/17/2021	SUP. AMEND. EPM COMM.

Z04 GRADING PLAN.DWG	
PROJECT NUMBER:	220001
DATE: 03/18/2021	DRAWN BY: JAH
Z04 OF 4	
SHEET	





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

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create fifty (50) or more peak hour vehicle trips or 500 or more daily trips.

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

Applicant: Jay Henson

Project Name: Highway 73 Wedding and Banquet Facility

Location: HWY 73 #01313110

Project Description (including square footage for each proposed land use):

Wedding / Banquet / Meeting facility with primary use within main building, +/- 5416 SF and

1 additional open air pavilion, +/-2,400 SF. Approximate number of guests would be max.

175 people. In addition it is anticipated that an additional 25 support personnel would be present
at an event. +/-125 parking spaces will be provided.

A handwritten signature in black ink, appearing to read "Jay A. Henson", written over a horizontal line.

4-26-2021

Applicant's Signature

Date

Please feel free to contact the Planning Department @ (704) 875-7000 if you have any questions.

Project file#: _____

Date Submitted: 4/26/2021

Daily Trips Anticipated: 153

Peak Hour Trips Anticipated: AM 0 PM 54

TIA Required (Yes/No): No

Date of Determination: 4/27/2021

Determination made based on a Wedding/Event facility with a maximum of 175 guests and 25 staff. One event per day.

Mecklenburg County Groundwater & Wastewater Services
3205 Freedom Dr., Suite 8000 Charlotte, NC 28208
Phone: (980) 314-1680 Fax: (704) 336-6894



NC DHHS
Division of Environmental Health
On-Site Wastewater Section

IMPROVEMENT PERMIT for a COMMERCIAL ON-SITE WASTEWATER TREATMENT & DISPOSAL SYSTEM

Permit #: **30011233**GWS File #: **10503B**Tax Parcel #: **013-131-10**

- This IMPROVEMENT PERMIT is subject to revocation if site plans or the intended use change. There is to be **NO** grading, filling, or disturbance of the soil in the area of the septic tank system or repair area.
- CONSTRUCTION AUTHORIZATION must be obtained prior to receiving a Building Permit. Do not clear, grade, fill or disturb soil prior to obtaining a Construction Authorization.
- Domestic-type wastewater only. No industrial process wastewater may be discharged into the system.

I. This Improvement Permit Shall: Expire in Five (5) Years**Expiration Date (If Applicable): 4/16/2026**

Intallation Type: Commercaill/Industrial - Modified Plot Plan

Business Type: Commercial

Facility Size (ft²): 5000# Employees/Shift: *2 employees
5 days a week @ 25gpd*# Shifts: *200 seats @ 5gpd 3 days a week*

Wastewater Type: Sewage

Water Supply: Municipal

II. Initial System Type: Pump to Accepted**System Classification: Va**

Initial System Specifications:

Design Flow (gpd): 464 LTAR (gpd/ft²): 0.3 Septic Tank Size (gal): 2000 Pump Tank Size (gal): 3500Trench Width (ft): 3 Trench Spacing (ft): 9 Absorption Area (ft²): 1160 Total Trench Length (ft): *387-416*

Maximum Trench Depth (in): 36 Depth of Media (in): 12 Distribution Device: Pressure Manifold

III. Repair System Type: Pump to Accepted**System Classification: Va**

Repair System Specifications:

Design Flow (gpd): 464 LTAR (gpd/ft²): 0.3 Septic Tank Size (gal): 2000 Pump Tank Size (gal): 3500Trench Width (ft): 3 Trench Spacing (ft): 9 Absorption Area (ft²): 1160 Total Trench Length (ft): *387-416*

Maximum Trench Depth (in): 36 Depth of Media (in): 12 Distribution Device: Pressure Manifold

IV. Permit Conditions/Comments:*(Please See the Following Page for Permit Conditions.)*

The undersigned, an authorized agent of the STATE OF NORTH CAROLINA, certifies that the Department is issuing an IMPROVEMENT PERMIT for the above referenced property. This permit is being issued in accordance with the *Laws and Rules For Sewage Treatment, and Disposal Systems* and is subject to the following provisions:

- No work shall be conducted on the septic system until a Pre-Construction meeting has been completed by the Department.
- The septic system installer shall be a licensed septic contractor with the North Carolina Wastewater Contractor Inspector Certification Board.
- The permitted system shall be installed in accordance with the included PLOT PLAN.
- This IMPROVEMENT PERMIT is transferable.

Authorized Agent: Heather Ray

Owner/Legal Agent: _____

Signature: *Heather Ray*

Print Name

Signature: _____

Date Issued: 4/16/2021

Mecklenburg County Groundwater & Wastewater Services
3205 Freedom Dr., Suite 8000 Charlotte, NC 28208
Phone: (980) 314-1680 Fax: (704) 336-6894



NC DHHS
Division of Environmental Health
On-Site Wastewater Section

**IMPROVEMENT PERMIT for a COMMERCIAL
ON-SITE WASTEWATER TREATMENT & DISPOSAL SYSTEM**

Permit #: **30011233**

GWS File #: **10503B**

IV. Permit Conditions/Comments:

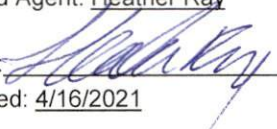
- This type of septic system requires an inspection once every year by our office. The system owner is responsible for any fees, as determined by the Mecklenburg County Board of Commissioners, associated with this inspection.
- This type of septic system requires a Certified Operator to maintain the system. A system maintenance contract with a Certified Operator must be on file prior to issuance of an Operation Permit.
- This type of repair system requires the property owner to obtain a contract with a Certified Operator to perform routine inspections and maintenance on the system.
- The septic system shall be installed in accordance with the plans submitted by the wastewater system design consultant.
- All components of the septic system must be installed in accordance with the required setbacks listed on the corresponding plot plan.
- Upon completion of the project the system designer shall provide Groundwater & Wastewater Services with a letter certifying that the system was installed in accordance with the approved design.

The undersigned, an authorized agent of the STATE OF NORTH CAROLINA, certifies that the Department is issuing an IMPROVEMENT PERMIT for the above referenced property. This permit is being issued in accordance with the *Laws and Rules For Sewage Treatment and Disposal Systems* and is subject to the following provisions:

- No work shall be conducted on the septic system until a Pre-Construction meeting has been completed by the Department.
- The septic system installer shall be a licensed septic contractor with the North Carolina Wastewater Contractor Inspector Certification Board.
- The permitted system shall be installed in accordance with the included PLOT PLAN.
- This IMPROVEMENT PERMIT is transferable.

Authorized Agent: Heather Ray

Owner/Legal Agent: _____

Signature: 

Print Name

Signature: _____

Date Issued: 4/16/2021



MECKLENBURG COUNTY
Public Health

Gibbie Harris, MSPH, BSN

(704) 336-4700

April 22, 2021

Grassroots Land LLC
15550 Stumptown Rd
Huntersville NC 28078

RE: Notice of Intent to Revoke Improvement Permit

The Mecklenburg County Health Department inspected the site for the on-site wastewater system located at 10832 McCoy Rd., File # 9866B for compliance with the Laws (Article 11 of Chapter 130A of the North Carolina General Statutes), Rules (15A NCAC 18A .1900 et seq.), and Improvement Permit # conditions. As a result of this inspection, the Department has determined the following violations:

Changing locations and gallons per day

This is to notify you that based on these violations, the Department intends to revoke your Improvement Permit 30 days from the date of this notice.

If the health department determines that all of the violations have been corrected before thirty (30) days expire, the revocation will not go into effect. If the permit is revoked, you must apply for a new Improvement Permit and meet the current laws and rules necessary to obtain a new permit.

You have a right to an informal review of this decision. You may request an informal review by the environmental health supervisor at the local health department. You may also request an informal review by the N. C. Department of Health and Human Services Regional Soil Scientist. A request for informal review must be made in writing to the local health department.

You have the right to a formal appeal of this decision by filing a petition for a contested case hearing with the Office of Administration Hearings, 6714 Mail Service Center, Raleigh, NC, 27699-6714. To obtain a petition form (H-06), you may write the Office of Administrative Hearings, call that office at (919) 431-3000 or get a copy of the petition form from their web site at www.ncoah.com/forms.html. The petition for a contested case hearing must be filed in accordance with the provisions of North Carolina General Statutes 130A-24, 150B-23, and all other applicable provisions of Chapter 150B. N.C. General Statute 130A-335(g) provides that your hearing would be held in the county where your property is located.

If you wish to pursue a formal appeal, you must file the petition form with the Office of Administrative Hearings **WITHIN 30 DAYS OF THE DATE OF THIS LETTER**. The date of this letter is 04/22/21. Meeting the 30 day deadline is critical to your right to a formal appeal. Beginning a formal appeal within 30 days will not interfere with any informal review that you may request.

PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS

Environmental Health Division • 3205 Freedom Drive • Charlotte, NC 28208 • (980)314-1680
<http://envhealth.charmeck.org>



MECKLENBURG COUNTY
Public Health

Gibbie Harris, MSPH, BSN

(704) 336-4700

If you file a petition for a contested case with the Office of Administrative Hearings, you are required by law (NCGS 150B-23) to serve a copy of your petition on the Office of General Counsel, NC Department of Health and Human Services, 2001 Mail Service Center, Raleigh, NC 27699-2001.

Do not serve the petition on your local health department. Sending a copy of your petition to the local health department will not satisfy the legal requirement in NC General Statute 150B-23 that you send a copy to the Office of General Counsel, 2001 Mail Service Center, NC Department of Health and Human Services.

You may call or write the local health department if you need additional information or assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Ray".

Heather Ray, EHS
Environmental Health Specialist
704-280-1485

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<http://envhealth.charmeck.org>



MECKLENBURG COUNTY
Public Health

Gibbie Harris, MSPH, BSN

(704) 336-4700

Voluntary Relinquishment of Administrative Appeal Rights
(Completion of Form by Property Owner)

April 22, 2021

Grassroots Land LLC
15550 Stumptown Rd
Huntersville NC 28078

Subject: Voluntary Relinquishment of Administrative Appeal Rights

(Specify Permit ID/owner's name/property location/site legal description): Permit ID
30010896 / 14410 N C 73 Hwy Huntersville NC, Tax ID # **01313110**

I, _____, voluntarily relinquish my rights to pursue a formal appeal through the Office of

Administrative Hearings pursuant to NC General Statute 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B for the above referenced permit in order for the authorized agent/local health department to issue the applicable permit (new IP and/or CA) for the site. I understand by completing this form the previous permit issued on 8/14/07 for a system located on the above site will be "revoked" immediately by the authorized agent/local health department.

Signature of Property Owner

PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS

Environmental Health Division • 3205 Freedom Drive, Suite J8000 • Charlotte, NC 28208 • (704) 336-5103
<http://envhealth.charmeck.org>

**SPECIFICATIONS, CALCULATIONS AND
MANUFACTURER'S CUT SHEETS FOR A
FLOW EQUALIZED SEWAGE TREATMENT SYSTEM
WITH SUBSURFACE EFFLUENT DISPOSAL SYSTEM SERVING
THE IVORY BARN, AN EVENT VENUE
LOCATED AT
14400 NC HIGHWAY 73
HUNTERSVILLE, MECKLENBURG, NORTH CAROLINA**

March 29, 2021

PREPARED FOR:

**Kevin and Gayle Allen
15500 Stumptown Road
Huntersville, NC 28078
Phone: (704) 728-9685**

PREPARED BY:

**PIEDMONT DESIGN ASSOCIATES, P.A.
Suite 101 Westfield Center
125 East Plaza Drive
Mooresville, NC 28115
Phone: (704) 664-7888
Fax: (704) 664-1778
NCBELS #: C-1007**



SECTION I - GENERAL

Kevin and Gayle Allen are currently seeking a permit to for a septic system to serve The Ivory Barn, a new event venue located at 14400 NC Highway 73 in Huntersville, Mecklenburg County, North Carolina. Paul Penninger, LSS with Penninger Soil Consulting and Jacob Presley, LSS with Mecklenburg County evaluated the soil on site and determined an area suitable for a subsurface effluent disposal system. The venue will operate only 3 days (peak) per week so the Engineer is proposing that a flow equalized system be utilized to reduce the drainfield size. The system has been sized to accommodate 200 seats at 5 G/D/Seat (3 Days) & 2 Employees at 25 G/D/Employee (5 days).

These plans and specifications are for installing a new collection system, new septic tank for the wedding venue, new flow equalization/pump tank with pump, floats and controls, forcemain, pressure manifold and 25% reduction effluent disposal system. The design flow has been set at 1,050 gallons per day peak with a flow equalized volume of 464.29 gallons per day to the drainfield. Water to this property will be supplied using an onsite water supply well.

The system is designed to accept, treat, and dispose of domestic waste from this facility only. No other discharge is allowed, including condensate water from HVAC systems, etc.

Daily Design Flow Table

Day of the Week	Flow (GPD)
Wednesday	1,050
Thursday	50
Friday	1,050
Saturday	1,050
Sunday	50
Monday	Closed
Tuesday	Closed

The facility is to be served by a on water supply source located more than 100 feet from any septic system component. Referring to the Soil Scientist recommendation, an LTAR has been determined as 0.30 gallons per square foot per day. The Engineer is recommending that a staff record daily the water meter readings and record daily flow and attendance. If there is a large or abnormal crowd at the facility that day, that shall be noted and accounted for. The facilities sewer collection system shall comply with the latest Volume II NC Plumbing Code.

Before any site construction, the area of the nitrification field and reserve area shall be barricaded with orange barricade fence to prevent any access by vehicles, grading equipment and there shall be no earth disturbance of this area.

The following publications shall be a part of these specifications. Any deviation between them and these specifications shall be brought to the attention of the engineer for clarification.

- (1) LAWS AND RULES FOR GROUND ABSORPTION SEWAGE TREATMENT & DISPOSAL SYSTEMS. N. C. Department of Environment, Health and Natural Resources; Division of Environmental Health, On-Site Wastewater Section; Administrative Code Section 15A N.C.A.C. 18A.1900, amended effective date July 1, 1995.
- (2) PRESSURE MANIFOLD DESIGN FOR GROUND ABSORPTION SEWAGE SYSTEM. Steven J. Berkowitz; February, 1986.
- (3) GUIDANCE MATERIAL, Onsite Wastewater Management, March 1996, NC DHHS Onsite Water Protection Section.
- (4) INNOVATIVE WASTEWATER SYSTEM APPROVAL IWWS-2004-1. (Flow Equalization)

I. COMPONENTS OF SYSTEM

Proposed collection system installed according to the NC Plumbing Code, local plumbing and ASTM D2321 latest revision.

- 1 – New 2,000 Gallon Septic Tank with New Effluent Filter
- 1 – New 3,500 Gallon Pump / Flow Equalization Tank
- 1 – New Effluent pump with valves & associated appurtenances
- 1 - Simplex time dose control panel with alarm (both audible and visual).
- 1 –Nitrification field with pressure manifold and force main.

****Adequate area is available for reserve and is shown on site plan.**

SEPTIC TANK: The new septic tank shall be 2,000-gallon capacity. The tank must have approved access risers with lids to allow easy access to each chamber from ground level. Locate the septic tank at such elevation to accept drainage from the collection system. Access holes and covers shall be NC DHHS approved as called for on the plan. The tank shall bear a manufacturer's serial number and be supplied by a manufacturer approved by NC DHHS. If tank is to be located in a vehicular traffic area, the precast structure shall be H-20 rated.

SEPTIC TANK FILTER: A Ploylok Filter Model PL-525 micro-filter with 1/18" infiltration shall be at the outlet end in the septic tank. The filter shall be manufactured by Polylok or approved equal. Polylok, Inc. 3 Fairfield Blvd., Wallingford, CT 06492; 888-765-9565 or www.polylok.com.

FLOW EQ / PUMP TANK: The flow equalization/pump tank shall be 3,500-gallon capacity. The tank must have approved access risers with lids to allow easy access to each chamber from ground level. Locate the flow equalization/pump tank at such elevation to accept drainage from the septic tank. Access holes and covers shall be NC DHHS approved as called for on the plan. The tank shall bear a manufacturer's serial number and be supplied by a manufacturer approved by NC DHHS. If tank is to be located in a vehicular traffic area, the precast structure shall be H-20 rated.

TANK TESTING: As called for herein, the tank shall be filled with water and allowed to set for 24 hours to determine possible leakage and any leaking shall be corrected.

The new tank shall be tested for water tightness by an approved method such as 24-hour water tightness test with maximum allowable leakage not to exceed 1/2" drop in water level per 24 hours. The testing shall begin after the water level in the tank has stabilized. Any leaks shall be corrected and the tanks re-tested.

As an alternate to water testing tank, the contractor may perform a vacuum test as specified by the Engineer.

PUMP: The new submerged pump shall be Gould's 3885 Series model WE0512H capable of pumping 43.84 G/M at 18.91 ft TDH or Engineer approved equal. The new pump shall be of the same model, voltage and phase (Contractor shall verify) 230-volt, single phase. The pump power cord shall be adequate length cord to reach the control panel without splicing. The pump shall have a stainless-steel lift chain or installed on guide rail system manufactured by Gould's. Guide rail system shall be model A10-30SS or Engineer approved equal.

PUMP CONTROL: The pumps shall be controlled by a simplex time dose-controlled pump control. The control shall be manufactured by Orenco or NCDENR-OSWW approved equal and have the following features:

- 7 day - 24-hour timers, programmable for (8) on/off cycles per day
- NEMA 4X fiberglass enclosure with locking hasp
- Full size hinged inner door assembly for lights, switches, gauges, non-conductive, etc.
- NEMA Type 1 Size 00 contactor-Motor Starter each pump
- 110-volt control circuit with breaker
- Auto reset high water alarm test-normal-silence switch and inner door mounted indicator light
- HOA switch each pump
- Red flashing external top mounted alarm light & 90 DB alarm horn with silence switch (On Separate Circuit)
- Terminal block for power supply, control switches & pump power wiring w/ individual terminals provided for each wire
- Cycle counters each pump
- Pump run time (0-15 minutes, 5 second increments)
- Elapsed time meter
- Pump run light
- Lightning arrestor
- Surge protection
- Redundant low level off, timer enable, timer override, alarm (four floats)
- Utility receptacle with GFI breaker
- Color-coded wiring with numbered terminal blocks
- All components (switches, lights, etc.) labeled.

CONTROL PANEL OPERATION: The control panel shall have flow equalization capabilities. Dosing of drain field will be accomplished on a timed basis to allow for flow equalization. The drain field will receive a dose volume of 155 gallons three times daily at 6 hour intervals for a period of 3.54 minutes. This dose event will be timer controlled and set to occur three times daily. The pump enable switch must be activated prior to field being dosed. If there is not enough effluent in the pump tank to activate the pump enable switch, the control panel will not call for a pump run event. If this continues to occur, the operator shall consult the Design Engineer about adjusting the dosing schedule to correct this issue. Each pump run event shall be controlled by a programmable timer with pump run time set according to system specifications. Once a pump run event begins the pump will turn on and run the time set on the "pump run timer" even after the pump enabler float drops back to its normal position or until the "redundant low water off switch" is activated. The control panel shall be programmed to generate an alarm condition "Pump Failure" when the pump enable float is up and the pump timer calls for pump activation, but the pump does not function. (Condition detected by use of a current sensor.)

The control system shall be equipped with a timer override circuit to manage peak flows and excess water use. If the water continues to rise enough to overcome the "Timer Override" (third) float and the override selector switch is on, the pump shall be activated, regardless of the time clock position. The pump will continue to run until a full dose has been discharged to the field. Once a full dose from the timer override has been executed, the pump will shut off and the normal pumping cycle shall resume. The control shall be provided with a cycle counter attached directly to the "Timer Override" float to register the number of override events. If the water level engages the "Alarm" (fourth float), the audiovisual alarm shall activate and remain latched until the silence switch is pressed. When the silence switch is pressed, the audible alarm shall be silenced and the top mounted alarm light will remain lit until the water level drops below the "Alarm" float, at which time the alarm circuit must be automatically reset.

In case of power off, the controls shall remember the last time to operate so that the indexing sequence is not lost by power off. The control panel shall be micro-processor based with a user-friendly data entry keypad mounted on the hinged inner door, which shall allow easy input and export of pump run times, event counts and any necessary time delays. Changes or reconfiguration of the program shall not be necessary to alter any of the above-mentioned data, including the number and sequence of pumps and/or fields. The controller shall be configured so that any number of pumps and/or fields may be left out of the pumping sequence by simply leaving its respective H-O-A switch and alarm switch in the off position.

FLOAT SWITCHES: Provide four liquid sensor float switches ("redundant pump off", "pump enabling", "timer override" and "alarm") in the dosing tank for pump operation and alarm. Such float switches shall be equal to Gould's A2-3, or approved equal, and shall be a sealed mercury switch with adjustable operating weights. Cables shall be of adequate length to reach the control pump without splices. The floats shall be hung from a stainless-steel mounted bracket inside the access hatch.

All controls and power wiring for the entire wastewater disposal system shall follow all local, state and federal regulations, codes and ordinances, and shall be confined on the site generally to the area of the pump, control floats, control panel. The wiring shall be run in gas and watertight conduits from the pump tank to the control panel as shown on the plan. After the installation of the wiring, each conduit shall be sealed to prevent septic fumes from reaching the control panel. The seal and cables shall be removable for replacement. The installation contractor shall be responsible for coordinating with other Contractors and Owner for a source of the correct power (voltage and phase) and adequately sized breaker in the panel; the costs of obtaining all power and control wiring for this system and shall coordinate his work with the electrical contractor and with the Owner.

Pump power wires and control wires shall run in PVC conduits from the access openings at the dosing tanks to the location of the pump control panel mounted nearby. Bury conduit to a minimum depth of 24" below grade.

FITTINGS AND VALVES: All fittings and valves within this piping system shall be PVC ball valves capable of sustaining the working pressure and imposed loads. The fittings and valves shall be compatible with the pipe used. Valves shall be PVC Ball Valves with seats of self-lubricating Teflon and seals of Viton "O" rings with bell and spigot connections or as approved by the engineer.

PRESSURE FORCE MAIN: within the tank shall be 2-inch diameter SCH 40 PVC. Pressure force main from the tank to pressure manifold shall be 2-inch diameter SCH 40 PVC as called for on the plans. Pipe shall be buried with 36-inch minimum cover. A 2-inch diameter valve shall be installed at the end of the pipe before

the manifold within the vault to allow for final pressure adjustment at the manifold. Force main to be installed with tracer wire and reflective warning tape.

REQUIREMENTS FOR LEAKAGE TESTING-PRESSURE FORCE MAINS

Required testing of pipelines and valves shall be done under the direct supervision of the Project Inspector. Field-testing shall not negate the requirements for material certifications as contained in the material specification section of this contract. Unless otherwise directed by the Engineer, all testing and disinfection will be completed prior to connection to any existing line.

HYDROSTATIC AND LEAKAGE TESTS: On completion of the line or sections of the lines, connections and appearances, the line shall be filled and hydrostatically tested. The water for testing purposes can be taken from the nearest available water main under the supervision of the Engineer's Inspector and leakage will be measured by the Inspector. All leaks and any defective material shall be repaired or replaced to the satisfaction of the Engineer and the tests repeated until the requirements of this specification are met. Any special equipment, pumps, etc., required to make the test shall be furnished and operated by the Contractor as directed by the Inspector.

The Contractor shall use great care to be sure that all air is expelled from each section under test. If service connection or other openings are not available for the purposes of expelling air, the Contractor shall provide air release of sufficient size (as determined by the Engineer).

Specific procedures for testing main are as follows:

- The test pressure will be 100 PSI at the low point of the section under test.
- Allowable leakage will be determined by Table 6, AWWA C-600 (see below) or by the formula:
$$L = 0.000106(S)(D)$$
 where (S) is the length of pipe under test & (D) is the pipe diameter.
- Pressure and leakage tests will be run concurrently and for a duration of four hours except as modified below.
- The Contractor will pressurize the line and verify that it is within allowable leakage before the official test is started.
- The Inspector will begin the test and remain at the job for the first hour, making sure that the test pressure is maintained within 5 PSI. The Contractor is to maintain the pressure within 5 PSI for the duration of the test period. At the end of the first hour, with the line pumped to full test pressure, he will read the meter and record the first hour leakage. If the first hour leakage is within allowable, he will return at the end of the fourth hour and again read the meter. If the total leakage for the four-hour period does not exceed four times the first hour leakage, the test will be terminated. If the total leakage exceeds four times the first hour leakage, but is still within allowable, the test will be held an additional hour. If the fifth hour leakage does not exceed the average hourly leakage for the first four hours, the test will be terminated at the end of the fifth hour. Otherwise, the test will be held until the leakage is non-increasing and within allowable for two consecutive hours.
- If leakage exceeds allowable for the four-hour test, the test will be terminated and re-scheduled after the Contractor has verified that actual leakage is within the allowable leakage, but no earlier than the next working day.
- If the first hour leakage does not exceed 15% of the allowable, or if the allowable leakage rate does not exceed .4/gal/hr, the test may be terminated at the end of two hours provided the second hour leakage does not exceed the first hour leakage. If the second hour leakage exceeds the first hour leakage, the test will be held for an additional period as described in Paragraph (e) above.
- The maximum length of pipe testing in one test shall be 5,000 feet or as close to 5,000 feet as possible depending on valve spacing.
- During the last stages of the test and without any reduction in pressure progressing from the end opposite the test pump, each mainline valve will be closed, and pressure released to determine if the valve is holding pressure (minimum 10 minutes per valve closing).

The Contractor shall be required to provide as many tests and/or certifications as the Engineer may deem necessary for materials, such as concrete, piping, valves, steel reinforcement, all fasteners and anchorage systems, etc.

PRESSURE MANIFOLD: shall be 4-inch diameter Schedule 80 PVC, ASTM D-1785, constructed as detailed on the plan. The manifold shall be located above the nitrification field and placed in a precast manifold protective box. The manifold shall have a clean-out, a 1/2" pressure head monitoring port with valve and be securely anchored to the pressure manifold box. Pressure manifold taps shall be securely anchored to the

pressure manifold box. Pressure manifold taps and the manifold shall be constructed as detailed on the plan.

PRESSURE MANIFOLD BOX: Shall be precast concrete as constructed by Shoaf Precast Company, or approved equal, lockable aluminum lid sized to allow removal. The box shall be sized and constructed to accommodate the pressure manifold cleanout, lateral supply lines, the flow adjustment valves and inspection ports in each lateral. The precast box shall have a drain hole in the bottom over a bed of washed stone to allow the box to drain. The lockable lid shall have a checked aluminum plate with or be reinforced concrete with removable access hatch over the test port as called for on the plan.

GRAVITY DISTRIBUTION LINE: The gravity flow distribution pipe from the distribution manifold to the chambers shall be solid-core 3" SCH 40 PVC pipe. These lines shall be secured by the pressure manifold box, have a slope of not less than 1/4" per ft. to each of the laterals.

NITRIFICATION FIELD: Lay out the nitrification field network area with stakes and flagging. As soon as the absorption area and repair areas are designated, they should be identified, barricaded and isolated from construction traffic. This barrier should be maintained until the system is accepted by the Owner. Refer to site plan for the size of absorption area. Maintain 25 feet separation between nitrification fields and 10 feet from any property lines and 15 feet from top of cut slopes. Each nitrification lateral may be gravel-less chambers or Engineer and NCDENR-OSWPS approved equal.

NITRIFICATION TRENCH: Shall be constructed as level as possible, but in no case shall the fall in a single trench bottom exceed 1/4" in 10' as determined by an Engineer's level. The nitrification trench shall not exceed a width of 3' and shall be as recommended by LSS and the County Health Department. An earthen dam shall separate the nitrification trench from the gravity supply pipe. Remove loose soil from bottom of trench. No rock shall be used in nitrification trenches. The trench bottom of nitrification fields shall be to a depth of 36" maximum or as indicated in the soils report. The finished grade over the nitrification fields shall be landscaped to prevent the ponding of surface water; and runoff of surface water shall be diverted away from the nitrification fields.

Carefully backfill supply pipe trenches to finish grade with clean (debris free) earth (no stone).

UTILITY CROSSING AND LOCATIONS

The contractor is responsible for locating all services before beginning work on the site. The plans are approximate and may not show all utilities.

WATER LINE VERTICAL SEPARATION: Clear separation distance when a water line crosses over a sewer must be at least 18-inches at the closest point. When conditions prevent an 18-inch clear separation from being maintained, or whenever it is necessary for the water line to cross under the sewer, both the water line and sewer shall be constructed of ferrous materials with mechanical joints equivalent to water main standards for a distance of at least 10 feet on each side of the point of crossing, with full sections of pipe centered at the point of crossing.

STORM DRAIN SEPARATION: Horizontal separation between sewer lines and storm drains shall be at least ten feet. Vertical separation between sewer lines and storm drains at crossings shall be at least 18-inches at the closest point unless the sewer is of cast iron pipe or encased in concrete for at least ten feet on either side of the crossing.

CONSTRUCTION SEQUENCE

The new tank, pump, control panel, force main, pressure manifold and nitrification field shall be installed complete, tested and accepted before receiving any waste.

1. Installation of the septic system shall be coordinated with the owner and scheduled as necessary to comply with overall facility operation.
2. Installation of the system shall be performed to the satisfaction of the Owner, Design Engineer and Local Health Department
3. Contractor shall have the entire system staked in the field by a Licensed Surveyor including tank corners, easement limits, individual laterals, and centerpoint of pressure manifold. Once this has been completed, Installer shall call for a preconstruction meeting between Health Department, Engineer, Soil Scientist, Owner and Installer.
4. The Contractor shall install all components of the system in strict accordance with the plans and specifications. Upon completion of the system construction, the Contractor shall charge the system with water and go through a complete cycle. Any failure or discrepancy shall be corrected. The

manufacturer of the component and the contractor shall warrant the component and system for one year from the date of acceptance by the Owner.

*Rule of Thumb: "If soil is too wet to plow, it is too wet to disturb for nitrification field for excavation." After the system is installed, the following should be checked to ensure that the system would not be overloaded with excess rainwater and run off:

- The distribution field is shaped to shed rainwater and is free of low area.
- All tank access lids shall be inspected for watertight construction, diversion of surface water and secured but readily accessible to all the chambers.
- The effluent pump shall be checked for proper operation and ease of removal for service or replacement.
- All metal installed in tank shall be stainless steel.
- Effluent filters, valves and pumps shall be easily accessible and easily removed for servicing.

Installation of the system shall be performed under the supervision of the Local Health Department. The system shall not be operated until the Project Engineer certifies in writing that the system has been installed in accordance with the approved plans and specifications, and the installation is approved by the local Health Department.

The wastewater system installation contractor shall agree to provide a minimum of one year regular service to the Owner for maintenance and upkeep of this system at no additional cost to the Owner, and such one year period shall begin from the date of final inspection and acceptance of the system construction by the Owner, the Engineer, and representatives of the Division of Environmental Health. After the above one-year period has expired, the installation contractor shall offer a continuation of maintenance and upkeep service at a reasonable charge as may be negotiated between the installation Contractor and the Owner. Such service shall include checking the entire system at least monthly, offering quick response servicing in case of a malfunction of the system (maximum of 24 hours after warning is given by the "Owner's Warning Panel") and performing such servicing of components and replacing of worn or defective equipment as may be necessary to keep the system operating in good condition. If the installation contractor will not be willing to agree to the above described one-year maintenance period, then any other time period must be acceptable to the Owner, the Engineer, and to the Representative of the Division of Environmental Health.

A set of as-built plans and specifications shall be prepared by a Professional Surveyor licensed to practice in the State of North Carolina. The Surveyor shall be hired by the Contractor to perform the work. The contractor shall provide the "As-Built" plans to the Engineer. The Engineer shall provide the signed and sealed "As-Built" to the local Health Department and Owner which will show actual vertical and horizontal location and design of all system components and contain a complete list of all mechanical equipment installed whenever any deviations were made from the approved plans and specifications. The Contractor shall forward to the Engineer two bound sets of all manufacturer's component data along with the "As Built" data.

OPERATING PERMIT

1. An Operation Permit may be issued by the Local Health Department after all conditions of the improvement permit have been met, the Design Engineer certifies in writing that the system has been installed in accordance with the approved plans and specifications.
2. The operation permit shall include description of facilities served and sewage system components, as-built plans and specifications, legal documents, operation and maintenance manual, monitoring and performance requirements, and other operating conditions deemed appropriate.

OPERATING CHECK AND ADJUSTMENTS

1. After permanent power has been connected and all components of the system have been installed, the contractor shall schedule a time for the checking of the system for proper operation. The final check shall be performed in the presence of the Design Engineer, local health department and owner. Any discrepancies shall be corrected until the system operates as designed.
2. Fill the pump tank with water. Run the pump through a cycle set and measure pump run time and drawdown depth after setting valves to operate each pump at two feet operating head at each pressure manifold. Adjust timer to specified dose volume.
3. Record all elapsed time meter readings.
4. Inspect all manholes and collection system for line, grade, inverts, infiltration and leakage.

OPERATING MAINTENANCE

This work shall be performed only by operators knowledgeable of the system. Operation, maintenance and Inspection Procedures shall include but not be limited to the following:

- Enter into a contract with a septic tank operator to inspect and clean effluent filter in septic tank and dispose of residuals at an approved location.
- Minimum system inspection/maintenance frequency shall be a minimum of every month, however more frequent inspection is recommended. This system is classified as a (Type IIb).
- Septic system and grease trap shall be pumped every 3 years or when solids accumulate to 1/3 the volume of the tank. Dispose of residuals (sludge) at an approved facility.
- The system should be observed by one, three, six and nine months after initial installation.
- The pump control timer shall be checked to verify that the pump run times are correct to ensure the correct dosing volume. Adjustment shall be made as required.
- The pressure manifold shall be pressure back washed with clean water during system maintenance.
- Pressure head at the manifold should be checked and adjusted one month after installation and annually thereafter.
- All piping, fittings and valve boxes shall be checked annually for damage and/or proper operation and corrections made immediately.
- The property should be inspected to ensure all surface water is deflected away from the fields and tank. Any ponding of surface water should be corrected.
- Grasses shall be mowed and maintained, and any erosion shall be corrected promptly.
- The nitrification field areas shall be checked for leakages, blowouts or malfunction, indications of damp or mushy areas compared to surrounding area or evidence of noticeable odor of sewage. Repairs shall be made immediately.
- The pump electrical panel and wiring should be checked to insure tight, clean connections with no corrosion and proper operation.
- Pump switches shall be checked for free operation and proper level set.
- Check grease trap, septic tank and pump tank for evidence of damage or leakage. Check the quality of effluent including grease and sludge accumulation.

The current system owner (**Kevin and Gayle Allen** and subsequent owners) shall establish an operation and maintenance program and procedure based on experience obtained from similar installations.

The current system owner (**Kevin and Gayle Allen** and subsequent owners) shall be responsible to comply with all above operating and maintenance procedures in addition to any so specified on the operation permit issued by the Mecklenburg County Health Department or may be necessary in the future for the operation of the system to meet all public health laws, rules and regulation regarding the wastewater system.

Failure to comply with these operating and maintenance procedures will necessitate immediate legal action by the Mecklenburg County Health Department to suspend or revoke the operation permit.

OWNERSHIP RESPONSIBILITY FOR THE SYSTEM:

It must be kept in mind that this system is designed to accept a moderate amount of wastewater at domestic waste strength (which is call the EFFLUENT), in a minimal water absorbing soil. Conservation measures must be undertaken by all members of the operation to minimize the volume and strength of wastewater entering the disposal system, including, but not limited to, the following:

- (a) Provide water conserving plumbing fixtures within the facility. Installing water closets that require no more than 1.6 gallons per flush.
- (b) Develop conservative water use habits.
- (c) Monitor and maintain the system as necessary for proper operation. Establish a procedure to read and record water meter readings on a monthly basis. Retain records.
- (d) Check and pump the septic tank sludge on a regular basis as will be specified in the operating permit or as may be required.
- (e) Make rapid repairs to leaking plumbing fixtures and faucets.

**DESIGN SPECIFICATIONS
THE IVORY BARN WEDDING VENUE
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA**

SYSTEM TREATMENT

Design Flow:	464.29 G/D Equalized (1,050 G/D Peak Day)
Septic Tank Size:	2,000 Gallon Precast Concrete (Baffled)
Septic Tank Effluent Filter:	New Polylok Model 525
Field Pumping Tank Size:	New 3,500 Gallon Precast Concrete Tank

NITRIFICATION FIELD

Effluent Loading Rate:	0.30 G/D/SF Primary
Supply Force Main Length:	135 LF
Supply Force Main Size:	2" Diameter SCH 40 PVC Pressure-Rated Pipe
Total Linear Feet of Laterals:	416 LF Total, Install 8 Lines at 52 LF Ea. At 9' Centers Minimum
Pressure Manifolds:	4" SCH 80 PVC W/ 8-1/2" Dia. SCH 80 PVC Taps
Manifold Placement:	Above Field
Flow Rate thru System:	43.84 G/M

SYSTEM HEAD

Elevation Head:	10.00 Ft.
Operation Head:	2.00 Ft.
Friction Head:	6.91 Ft. <i>(Includes 20% for minor losses)</i>
Total Dynamic Head (TDH):	18.91 Ft.
Pump Requirements:	43.84 GPM @ 18.91 Ft. TDH; Use Gould's 3885 Series Model WE0512H 1/2 HP-230V-1 PH <i>(Contractor to Verify)</i>
Control Panel:	Orenco Simplex Time Dose Panel or Approved Equal

DOSING REQUIREMENTS

Dosing Volume:	155 Gallons
Depth of Water Pumped Per Dose:	3.32 Inches
Pump Run Time per Dose:	3.54 Minutes per Dose
Check Valve:	2 Inch Diameter
Siphon Break Hole:	5/32 Inch Diameter

SEEDING SPECIFICATIONS

SLOPES 3:1 or FLATTER

1. Apply agricultural lime at the rate of 90 lb/1000 sf.
2. Apply 10-10-10 commercial fertilizers at the rate of 20 lb/1000 sf.
3. Seed in accordance with the following schedule and application rate:

<u>DATE</u>	<u>TYPE</u>	<u>PLANTING RATE</u>
Aug 15 - Nov 1	Tall Fescue	200 lb/ac or 7 lb/1000 sf
Nov 1 - Mar 1*	Tall Fescue and	200 lb/ac or 7 lb/1000 sf
	Abruzzi Rye	25 lb/ac or 2 lb/1000 sf
Mar 1 - Apr 15	Tall Fescue	200 lb/ac or 7 lb/1000 sf
Apr 15 - Jul 30	Hulled Common or Bermuda	30 lb/ac or 1 lb/1000 sf
Jul 15 - Aug 15	Tall Fescue and	200 lb/ac or 7 lb/1000 sf
	Brown Millet or	35 lb/ac or f lb/1000 sf
	Sorghum-Sudan Hybrids	30 lb/ac or : lb/1000 sf

4. Mulch with straw applied at the rate of 75-100 lb/1000 sf.

* Heavily mulched during January - March period.

SLOPES GREATER THAN 3:1 TO 2:1

1. Apply agricultural lime at the rate of 90 lb/1000 sf.
2. Apply 10-10-10 commercial fertilizers at the rate of 20 lb/1000 sf.
3. Seed in accordance with the following schedule and application rate.

<u>DATE</u>	<u>TYPE</u>	<u>PLANTING RATE</u>
Mar 1 - Jun 1	Sericea Lespedeza (scarified) &	50 lb/ac or 11 lb/1000 sf
Mar - Apr	Add Tall Fescue or	150 lb/ac or 32 lb/1000 sf
Mar - Jun	Add Weeping Lovegrass	5 lb/ac or c lb/1000 sf
Jun - Sep 1**	Tall Fescue and	60 lb/ac or 12 lb/1000 sf
	Brown Top Millet	35 lb/ac or f lb/1000 sf
	Sorghum Sudan Hybrids	30 lb/ac or: lb/1000 sf
Sep - Mar 1	Sericea Lespedeza (unhulled-unscarified)	70 lb/ac or 1: lb/1000 sf
	Tall Fescue	150 lb/ac or 32 lb/1000 sf
	Millet or Sudan	20 lb/ac or 2 lb/1000 sf

** Temporary - Reseed September 1 at recommended rates.

4. Mulch with 3" straw applied at the rate of 50-90 lb/1000 sf and anchor with asphalt emulsion tack coat applied at the rate of 3-5 gal/1000 sf or 200-300 gal/ac.+

**CALCULATIONS
FOR A
FLOW EQUALIZED SEWAGE TREATMENT SYSTEM
WITH SUBSURFACE EFFLUENT DISPOSAL SYSTEM SERVING
WITH SUBSURFACE EFFLUENT DISPOSAL SYSTEM SERVING
THE IVORY BARN, AN EVENT VENUE
LOCATED AT
14400 NC HIGHWAY 73
HUNTERSVILLE, MECKLENBURG, NORTH CAROLINA**

March 29, 2021

PREPARED FOR:

**Kevin and Gayle Allen
15500 Stumptown Road
Huntersville, NC 28078
Phone: (704) 728-9685**

PREPARED BY:

**PIEDMONT DESIGN ASSOCIATES, P.A.
Suite 101 Westfield Center
125 East Plaza Drive
Mooresville, NC 28115
Phone: (704) 664-7888
Fax: (704) 664-1778
NCBELS #: C-1007**





125 East Plaza Drive, Suite 101
Mooresville, North Carolina 28115-8812
Telephone (704) 664-7888 Fax (704) 664-1778
NCBELS License No.: C-1007

Date: March 29, 2021

Job No: 2021-03-XX
The Ivory Barn Event Venue Septic System
Huntersville, Mecklenburg County, NC

The Ivory Barn Event Venue Septic System Sizing

System Sizing Based on Usable SF

No. of Seats	200.00	Seats
Flow per Day per Seat	5.00	G/D/Seat
Daily Design Flow	1,000.00	G/D
Employees	2.00	Employees
	25.00	G/D/Employee
	50.00	G/D
Total Weekly Flow	3,250.00	G/Week
Daily Flow to Drainfield	464.29	G/D to Drainfield

Weekly Flow Allocations

Day	Inflow	Outflow	Vol. Retained
Wednesday	1,050.00	464.29	585.71
Thursday	50.00	464.29	171.43
Friday	1,050.00	464.29	757.14
Saturday	1,050.00	464.29	1,342.86
Sunday	50.00	464.29	928.57
Monday	-	464.29	464.29
Tuesday	-	464.29	-
Total Flow for Week	3,250	Gallons	
Seven Day Flow E.Q.	464.29	G/D	

Daily Design Flow (w/ Flow E.Q.)	465	G/D
Proposed LTAR:	0.30	G/D/SF
Nitrification Field Size Required:	1,550.00	Sq Ft Drainline
Nitrification Field Size Required:	516.67	LF Drainline
25% Reduction System:	387.50	LF Chamber
50% Reduction System:	258.33	LF Panel Block

Septic Tank Volume

D.D.F.:	1,050.00	G/D
Use Sizing Formula:	$V = 1.17Q + 500$	
	1,728.50	Gallons

Use 2,000 Gallons Septic Tank

Septic Tank Sizing Calculations

600 G/D to 1,500 G/D
 $V = 1.17Q + 500$ V = Tank Volume
1,500 G/D to 4,500 G/D Q = Design Flow
 $V = 0.75Q + 1,125$
4,500 G/D and up
 $V = Q$

Pump Tank Volume

Pump submergence Volume	841.47	Gallons	18.00	Inches
Dose Volume	155.00	Gallons	3.32	Inches
Equalization Volume	1,342.86	Gallons	28.73	Inches
Emer. Storage Volume (Peak Daily Flow)	1,050.00	Gallons	22.46	Inches
	3,389	Gallons	72.50	Inches
Gal./Inch in Pump Tank	46.75	Gallons	(3,500 Gallons - PT-193)	

Shoaf Tank (Others May be Substituted with Prior Engineer Approval)

Drain Field Size

Drainfield Based on 25% Reduction System

LF Drainfield Installed:	416.00	LF
Gallons/100 LF of 4" Corrugated Pipe	65.30	Gallons
100% Volume of Drainfield	271.65	Gallons
80% Volume of Laterals	217.32	Gallons
40% Volume of Laterals	108.66	Gallons
Therefore, Dose	155.00	Gallons per Dose
	57.1%	Volume of Laterals per Dose

Force Main:	2	Inch Dia. SCH 40 PVC
Pressure Manifold:	4	Inch Dia. SCH 80 w/8-1/2" SCH 80 orifice

Pressure Manifold 1: 4" Dia. Sch 80 w/ 8-1/2" Dia Sch 80 Orifice

Determine Flow:	43.84	G/M	# of Taps x 5.48 G/M per Tap
Length of FM:	160.00	Ft.	Site Plan
Elev:	10.00	Ft.	HI from pump to Manifold
Oper:	2.00	Ft.	Set by OSWW
Friction:	6.91	Ft.	Friction Loss times length of FM
TDH:	18.91	Ft.	Elev. HD + Oper. Head + Friction Head
Pump Req'd:	43.84	G/M @	18.91 TDH

Use Goulds 3885 Series Model 0512H Effluent Pump

1/2 HP - 230V - 1PH

Dosing Volume:	155.00	Gallons
Pump Run Time:	3.54	Min.
Gallons/Inch (In 3,500 Gal. Tank):	46.75	Inches (Field Verify)
Effluent Draw Down:	3.32	Inches (Field Verify)
Check Valve:	Yes	
Anti-Siphon Hole:	Yes	

Tank Anti-Floatation Calculations

Tank Dimensions & Antifloatation: 2,000 Gallon Septic Tank Dimensions

Outer Length	13.00	Ft.	STB-56	
Inner Length	12.50	Ft.		
Outer Width	6.50	Ft.		
Inner Width	6.00	Ft.		
Outer Height	5.83	Ft.		
Inner Height	5.25	Ft.		
Wt. of Water Displaced	30,758.00	Lbs.		Outer Length x Outer Width x Outer Length x 62.4 Lb/CF (Wt of Water)
Wt of Tank	8,450.00	Lbs.	Top & Bottom	Outer Length x Outer Width x 150 Lb/CF x 2 (Top & Bottom) x Slab Thickness
	2,756.25	Lbs.	Ends	Inner Width x Inner Height x 150 Lb/CF x 2 (Ends) x Wall Thickness
	6,635.42	Lbs.	Sides	Outer Height x Outer Length x 150 Lb/CF x 2 (Sides) x Wall Thickness
	1,246.88	Lb	Baffle	Inner Width x (Inner Height-3 Inches) x 150 Lb/CF x x Wall Thickness
	19,088.54	Lbs.	Total Tank Wt.	Sum Above four
Wt. of Overburden	15,210.00	Lbs.	@ 18" of Cover	Outer Length x Outer Width x 120 Lb/CF (Saturated Soil Wt) x Soil Thickness
Total	34,298.54	Lbs.		Sum of Total Tank Wt. & Soil Overburden

Water	30,758.00	<	34,298.54	Tank
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Tank Dimensions & Antifloatation: 3,500 Gallon Pump Tank Dimensions

Outer Length	13.00	Ft.	PT-193	
Inner Length	12.50	Ft.		
Outer Width	6.50	Ft.		
Inner Width	6.00	Ft.		
Outer Height	6.67	Ft.		
Inner Height	6.08	Ft.		
Wt. of Water Displaced	35,152.00	Lbs.		Outer Length x Outer Width x Outer Length x 62.4 Lb/CF (Wt of Water)
Wt of Tank	8,450.00	Lbs.	Top & Bottom	Outer Length x Outer Width x 150 Lb/CF x 2 (Top & Bottom) x Slab Thickness
	3,193.75	Lbs.	Ends	Inner Width x Inner Height x 150 Lb/CF x 2 (Ends) x Wall Thickness
	7,583.33	Lbs.	Sides	Outer Height x Outer Length x 150 Lb/CF x 2 (Sides) x Wall Thickness
	1,465.63	Lb	Baffle	Inner Width x (Inner Height-3 Inches) x 150 Lb/CF x x Wall Thickness
	20,692.71	Lbs.	Total Tank Wt.	Sum Above three
Wt. of Overburden	15,210.00	Lbs.	@ 18" of Cover	Outer Length x Outer Width x 120 Lb/CF (Saturated Soil Wt) x Soil Thickness
Total	35,902.71	Lbs.		Sum of Total Tank Wt. & Soil Overburden

Water	35,152.00	<	35,902.71	Tank
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Mecklenburg County Groundwater & Wastewater Services
3205 Freedom Dr., Suite 8000 Charlotte, NC 28208
Phone: (980) 314-1680 Fax: (704) 336-6894



NC DHHS
Division of Environmental Health
On-Site Wastewater Section

IMPROVEMENT PERMIT for a COMMERCIAL ON-SITE WASTEWATER TREATMENT & DISPOSAL SYSTEM

Permit #: **30010896**GWS File #: **10503B**Tax Parcel #: **013-131-10**

- This IMPROVEMENT PERMIT is subject to revocation if site plans or the intended use change. There is to be **NO** grading, filling, or disturbance of the soil in the area of the septic tank system or repair area.
- CONSTRUCTION AUTHORIZATION must be obtained prior to receiving a Building Permit. Do not clear, grade, fill or disturb soil prior to obtaining a Construction Authorization.
- Domestic-type wastewater only. No industrial process wastewater may be discharged into the system.

I. This Improvement Permit Shall: Expire in Five (5) Years

Expiration Date (If Applicable): 1/15/2025

Installation Type: Commercaill/Industrial - New System

Business Type: Commercial

Facility Size (ft²): 5000

#150 seat Event Barn 1 Event per day <4 hrs

Wastewater Type: Sewage

Water Supply: Municipal

II. Initial System Type: Pump to Accepted

System Classification: IIIb

Initial System Specifications:

Design Flow (gpd): 750	LTAR (gpd/ft ²): 0.3	Septic Tank Size (gal): 1500	Pump Tank Size (gal): 1500
Trench Width (ft): 3	Trench Spacing (ft): 9	Absorption Area (ft ²): 1875	Total Trench Length (ft): 625
Maximum Trench Depth (in): 36	Depth of Media (in): 12	Distribution Device: Pressure Manifold	

III. Repair System Type: Pump to Accepted

System Classification: IIIb

Repair System Specifications:

Design Flow (gpd): 750	LTAR (gpd/ft ²): 0.2	Septic Tank Size (gal): 1500	Pump Tank Size (gal): 1500
Trench Width (ft): 3	Trench Spacing (ft): 9	Absorption Area (ft ²): 2812	Total Trench Length (ft): 938
Maximum Trench Depth (in): 19	Depth of Media (in): 12	Distribution Device: Pressure Manifold	

IV. Permit Conditions/Comments:

(Please See the Following Page for Permit Conditions.)

The undersigned, an authorized agent of the STATE OF NORTH CAROLINA, certifies that the Department is issuing an IMPROVEMENT PERMIT for the above referenced property. This permit is being issued in accordance with the *Laws and Rules For Sewage Treatment, and Disposal Systems* and is subject to the following provisions:

- No work shall be conducted on the septic system until a Pre-Construction meeting has been completed by the Department.
- The septic system installer shall be a licensed septic contractor with the North Carolina Wastewater Contractor Inspector Certification Board.
- The permitted system shall be installed in accordance with the included PLOT PLAN.
- This IMPROVEMENT PERMIT is transferable.

Authorized Agent: Jacob PresleyOwner/Legal Agent: Gayle Allen

Signature: _____

Signature: _____

Print Name

Date Issued: 1/15/2020

Mecklenburg County Groundwater & Wastewater Services
3205 Freedom Dr., Suite 8000 Charlotte, NC 28208
Phone: (980) 314-1680 Fax: (704) 336-6894



NC DHHS
Division of Environmental Health
On-Site Wastewater Section

**IMPROVEMENT PERMIT for a COMMERCIAL
ON-SITE WASTEWATER TREATMENT & DISPOSAL SYSTEM**

Permit #: 30010896

GWS File #: 10503B

IV. Permit Conditions/Comments:

- This type of septic system requires an inspection once every 5 years by our office. The system owner is responsible for any fees, as determined by the Mecklenburg County Board of Commissioners, associated with this inspection.
- All components of the septic system must be installed in accordance with the required setbacks listed on the corresponding plot plan.
- All components of the septic system must be located at least 100 ft. (50 ft. minimum) from all private wells.
- All waterlines must be located a minimum of 10 ft. from any part of the septic system.
- Flow from all gutters and downspouts shall be directed not to discharge water onto or across any part of the septic system.
- Foundation drains shall be constructed not to discharge water onto or across any part of the septic system.
- The septic system shall be located at least 15 feet from any foundation drain.

The undersigned, an authorized agent of the STATE OF NORTH CAROLINA, certifies that the Department is issuing an IMPROVEMENT PERMIT for the above referenced property. This permit is being issued in accordance with the *Laws and Rules For Sewage Treatment and Disposal Systems* and is subject to the following provisions:

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- The permitted system shall be installed in accordance with the included PLOT PLAN.
- This IMPROVEMENT PERMIT is transferable.

Authorized Agent: Jacob Presley

Owner/Legal Agent: Gayle Allen

Signature: [Signature]

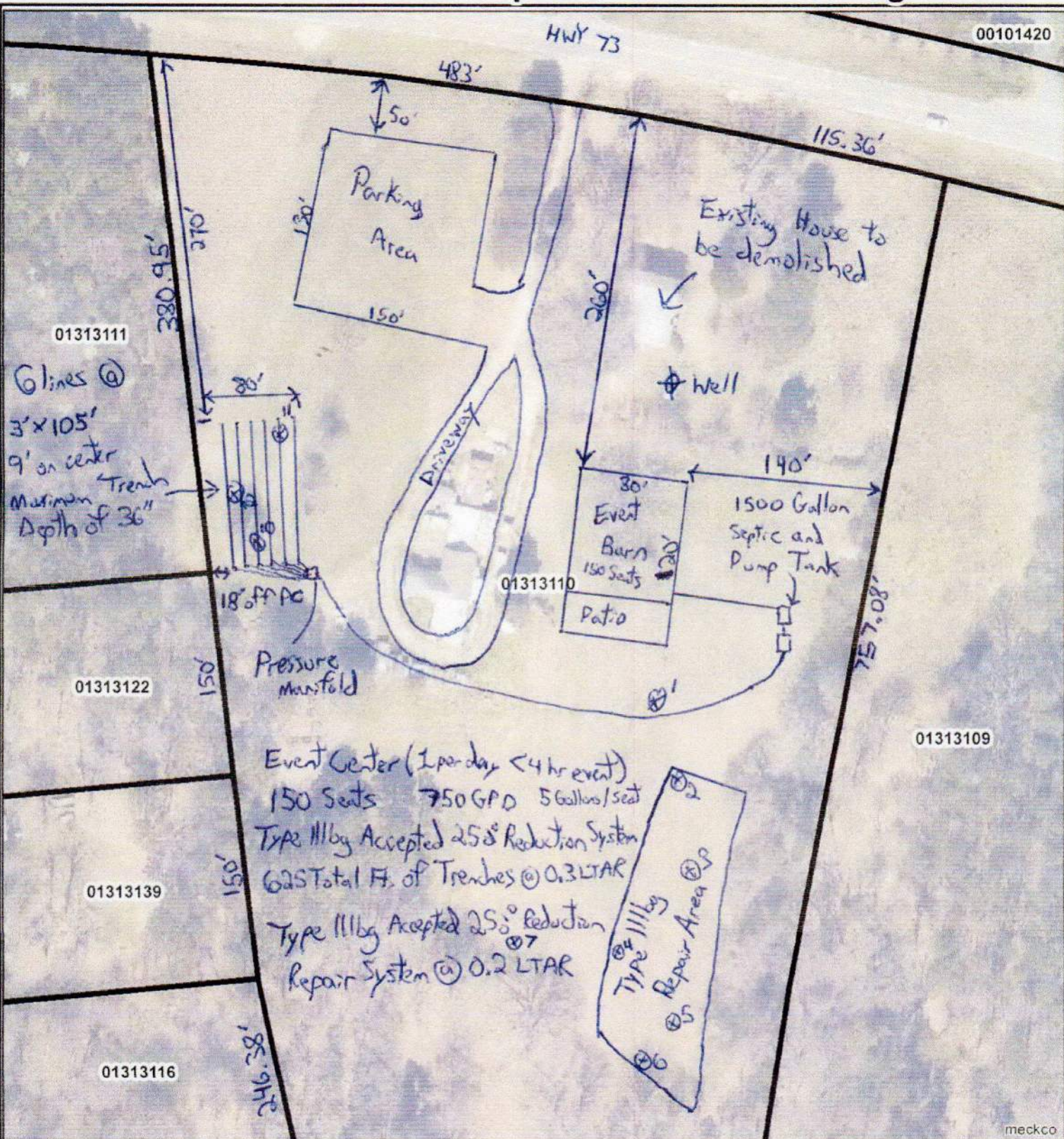
Signature: [Signature]

Date Issued: 1/15/2020

Print Name

On-site Wastewater Improvement Permit Diagram

00101420



Permit #: 30010896

PID #: 013-131-10

File # 105038

Address: 14400 NC 73 HWY

Authorized Agent: _____

Date: 1-15-20

Owner/ Legal Agent: _____

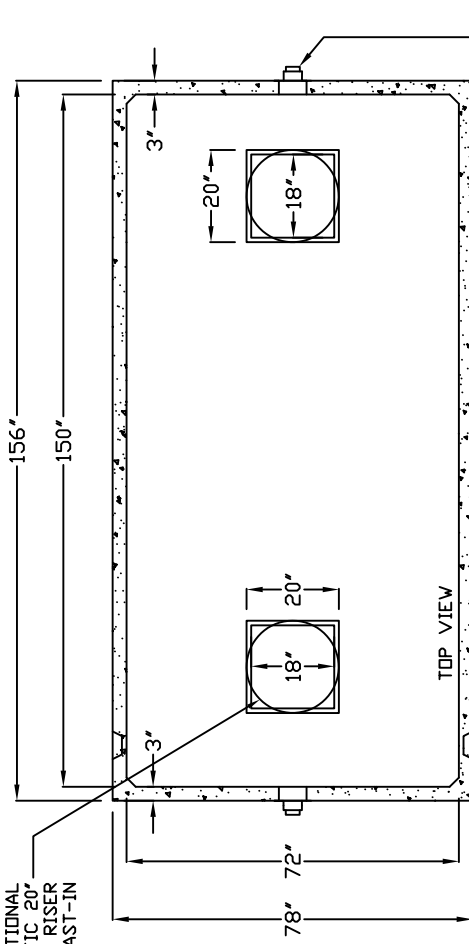
Date: 1/16/20

Mecklenburg County Health Department
Environmental Health - Groundwater and Wastewater Services



1 inch = 100 feet

**NOTE-SQUARE ACCESS FOR CONCRETE RISER OR OPTIONAL PLASTIC 20" ROUND RISER CAST-IN

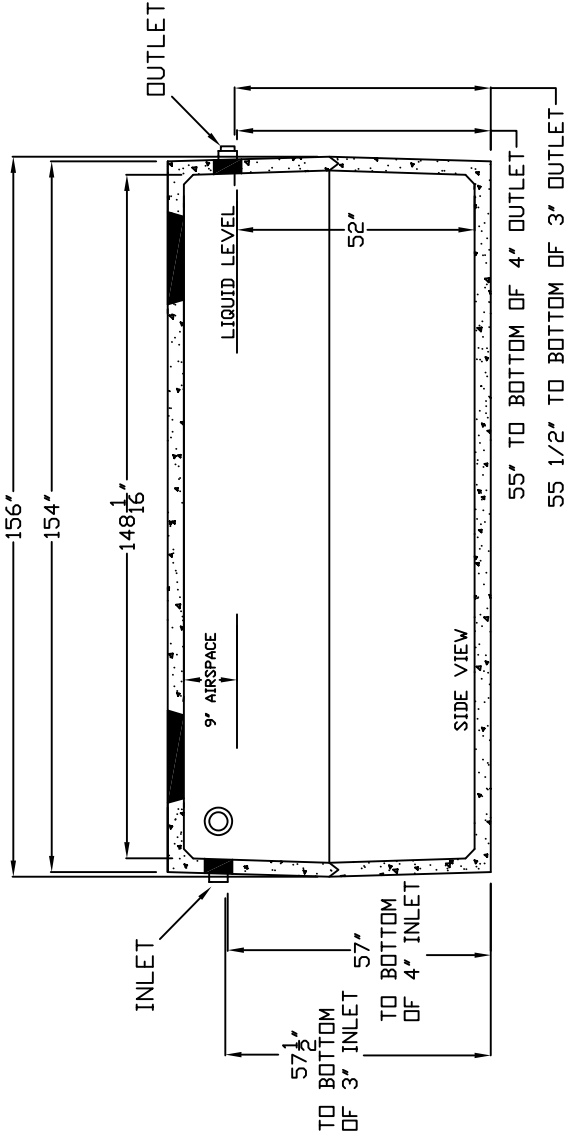


TOP VIEW

**NOTE - TOP VIEW MEASUREMENTS ARE TO WIDEST DIMENSION

3" TO 4" INLET & OUTLET BOOTS ON ENDS ONLY

NO BOOTS ON SIDE INLETS, USE CONCRETE KNOCKOUTS



SIDE VIEW

INLET

OUTLET

LIQUID LEVEL

9" AIRSPACE

57 1/2"
TO BOTTOM
OF 3" INLET

57"
TO BOTTOM
OF 4" INLET

55" TO BOTTOM OF 4" OUTLET

55 1/2" TO BOTTOM OF 3" OUTLET

SHDAF PRECAST SEPTIC INC.

4130 WEST US HWY 64

LEXINGTON, NC 27295

PHONE (336) 787-5826

FAX (336) 787-2826

WWW.SHDAFPRECAST.COM

SHDAF-2000 NONTRAFFIC

PT-2102 NONTRAFFIC

LIQUID CAPACITY-2000 US GALLONS/9" AIRSPACE

TANK HEIGHT-68"

BOTTOM OF TANK TO CENTER OF INLET-59"

BOTTOM OF TANK TO CENTER OF OUTLET-57"

LENGTH TO WIDTH RATIO-2 TO 1

SIZE OF INLET & OUTLET-3" OR 4"

TYPE OF INLET & OUTLET-POLYLOCK OR EQUAL (MEETS ASTM C-923)

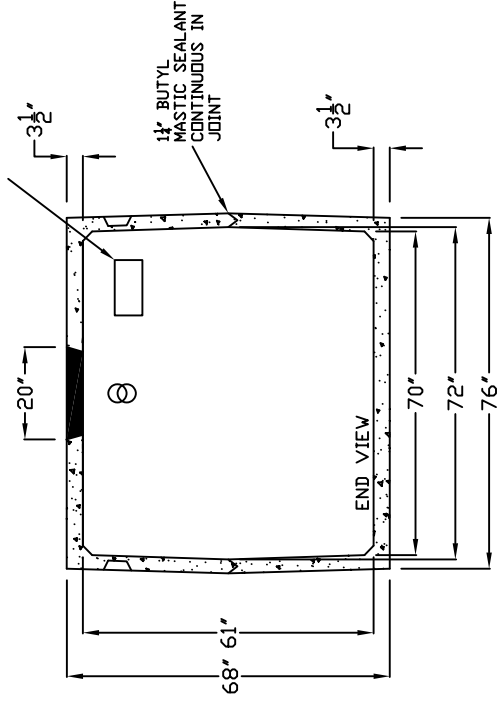
CONCRETE PSI-4000; TANK WEIGHT-16,000 LBS.

REINFORCEMENT PER STATE CODE

SCALE-N.T.S.

MODEL: MS 2000 PT
NON TRAFFIC
2000 Gallon Pump Tank

STATE APPROVAL #
SHDAF 2000
PT-2102



END VIEW

1 1/2" BUTYL
MASTIC SEALANT
CONTINUOUS IN
JOINT

Access Risers, Lids, & Accessories

Applications

Our fiberglass access lids, PVC risers, and other tank accessories allow tank access without excavation. They're adaptable to virtually any tank, both new and existing. Lids and accessories fit most types of ribbed PVC pipe, including Ultra-Rib, Ultra-Corr, KOR FLO, and Perma-Loc. Preassembled risers and stock pipe lengths can be purchased from Orenco. Or stock lengths can be purchased locally and cut as needed. All components are designed to work well together.



Orenco's fiberglass access lids, risers, and other accessories are superior in quality, watertight, non-corroding, and lightweight yet strong. Custom imprinting is available on quantity orders of 24- and 30-in. diameter lids (610 and 760 mm).

To Order

Call your nearest Orenco Systems®, Inc. Distributor. For nearest Distributor, call Orenco at 800-348-9843, or visit www.orenco.com and click on "Distributor Locator."

Standard Features & Benefits

Fiberglass Lids

- Lids withstand 2500-lb wheel loads (1100 kg), stronger than any other lid on the market.
- While not designed for vehicular traffic, our lids have a breaking point greater than 8000 lb (3600 kg).
- Lids are fastened with stainless steel, tamper-resistant bolts (wrench included) to prevent accidental entry.
- Lids are an attractive green and blend in with landscaping. Custom colors and custom lid imprinting are available on quantity orders.
- Lids are flat to allow placement of backyard furnishings. No unsightly domes, no tripping.
- Lids are lightweight, watertight, non-skid, and non-corroding. Lid insulation and carbon filter vents are available options.
- Lids come in multiple diameters and are easy to install.

Risers & Accessories

- Risers come in various diameters and can be cast into a concrete tank, or bolted down with adapters.
- Adapter rings can also be cast right into a concrete tank.
- Risers and adapters can be easily bonded to fiberglass tanks with a structural adhesive.
- Grade rings allow installers to stack extensions onto risers in the field.
- Standard lengths in 6-in. (152-mm) increments are available, or custom risers can be cut in increments of 1-3 in. (25-76 mm), depending on diameter.
- Accessories such as adhesive, pipe grommets, cord grips, splice boxes, pipe cutting and drilling tools, insulation, vents, and fiberglass brackets are available.



Orenco Systems®
Incorporated

*Changing the Way the
World Does Wastewater®*

www.orenco.com

A Complete Package of Tank Accessories

Fiberglass Lids

Available in the following diameters: 12, 18, 24, 30, 48 in. (460, 610, 760, 1220 mm). Lighter-duty lids available in 8-, 12-, and 15-in. diameters (200, 305, 380 mm). Custom imprinting available on 24-in. and 30-in. lids (610 and 760 mm).



PVC Risers

Available in the following diameters: 12, 18, 24, 30, 48 in. (305, 460, 610, 760, 1220 mm). Can be installed with adapters or cast into concrete tank. Lighter-duty PIP risers available in 8-, 12-, and 15-in. diameters (205, 305, and 380 mm).

Tank Adapters

Available in 24- and 30-in. diameters (610 and 760 mm). Can be cast into or bolted to concrete tank.



Fiberglass RRFTA adapter fits square openings.



ABS PRFTA adapter fits round openings.

Bolt-Down Kits

For fastening tank adapter to tank. Kit includes stainless steel anchor bolts and butyl sealant.



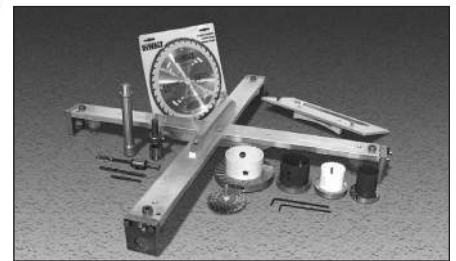
Lid Fasteners

Self-tapping stainless steel bolt can be used on risers with and without bolt catches.



Cutting Jigs and Tools

For cutting Perma-Loc, Ultra-Rib, KOR FLO, and Ultra-Corr pipe in the field and preparing pipe for grommets/lid attachment.



Structural Adhesives

Choose from several types depending on application. Single- and two-component.



Riser Extension Adapters (Grade Rings)

These easy-to-install adapters allow height adjustment of risers in the field.



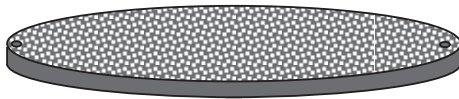
Distributed By:

Fiberglass Access Lids

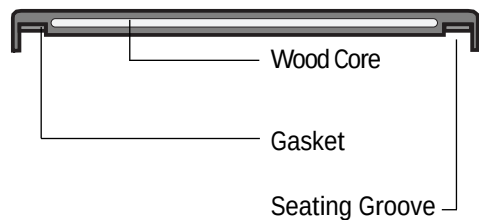
Applications

Orenco Fiberglass Access Lids are used as riser covers, pump basin covers, and access port covers. Lids fit "Perma-Loc," "Ultra-Rib," and KOR FLO type pipe.

Actual View



Cutaway View



General

Orenco Fiberglass Access Lids are molded using fiberglass reinforced polyester resin encapsulating a wood core. The finish is green and the top surface is textured to provide a nonskid surface. (Gasketed lids include a polyurethane gasket or EPDM o-ring, which is cast-in). Lid comes with either two or four 1/4" stainless steel flathead socket cap screws and a hex key wrench. Orenco Fiberglass Access Lids are capable of supporting a 2500 lb. wheel load; however, they are not designed or recommended for vehicular traffic.

Standard Models

FL18G-4BU, FL21G, FL24G, FL24-4B, FL24G-4BK, FL30G, FL48G

Nomenclature

FL			
			</

Specifications

Dimensions	Model FL18	Model FL21	Model FL24	Model FL30	Model FL48
O.D. (in.)	20.0	22.5	26.25	32.0	53.875
Groove I.D. (in.)	17.5	20.75	23.5	29.5	47.5
Avg. Thickness (in.)	0.625	1.0	0.75	1.25	1.5

Options Available

Feature	Model Code Adder	Optional/Standard
Air Vent	V	Optional
Carbon Filter ¹	CF	Optional
Lid Insulation ²	I2 or I4	Optional

¹For more information on this option, refer to the Carbon Filters submittal data sheet, NSU-RLA-CF-1.

²Blue styrofoam; R-value per 2" increment is 10.

Materials of Construction

Fiberglass Reinforced Polyester

Wood Core

EPDM or Polyurethane Gasket

PL-525 Filter

The PL-525 Filter is rated for 10,000 GPD (gallons per day) making it one of the largest filters in its class. It has 525 linear feet of 1/16" filtration slots. Like the Polylok PL-122, the Polylok PL-525 has an automatic shut-off ball installed with every filter. When the filter is removed for cleaning, the ball will float up and temporarily shut off the system so the effluent won't leave the tank.

Features:

- Rated for 10,000 GPD (gallons per day).
- 525 linear feet of 1/16" filtration.
- Accepts 4" and 6" SCHD 40 pipe.
- Built in gas deflector.
- Automatic shut-off ball when filter is removed.
- Alarm accessibility.
- Accepts PVC extension handle.

PL-525 Installation:

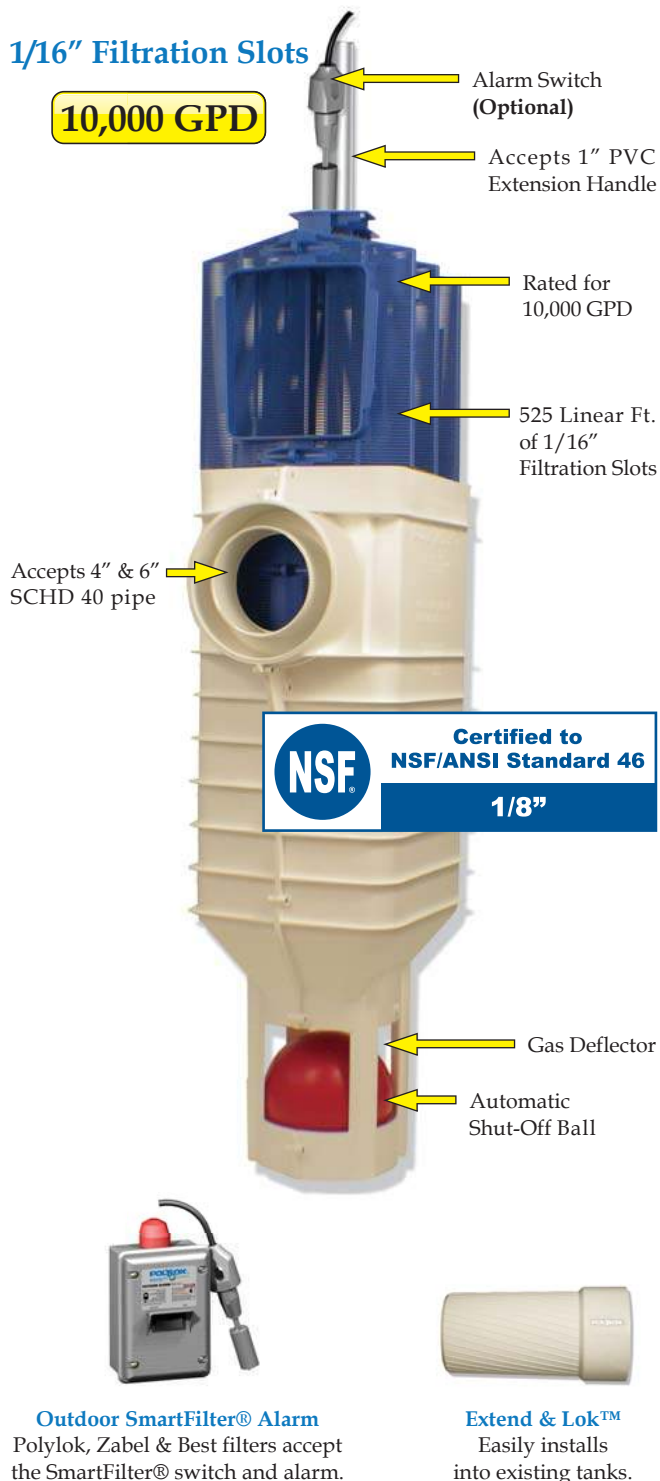
Ideal for residential and commercial waste flows up to 10,000 gallons per day (GPD).

1. Locate the outlet of the septic tank.
2. Remove the tank cover and pump tank if necessary.
3. Glue the filter housing to the 4" or 6" outlet pipe. If the filter is not centered under the access opening use a Polylok Extend & Lok or piece of pipe to center filter.
4. Insert the PL-525 filter into its housing.
5. Replace and secure the septic tank cover.

PL-525 Maintenance:

The PL-525 Effluent Filters will operate efficiently for several years under normal conditions before requiring cleaning. It is recommended that the filter be cleaned every time the tank is pumped, or at least every three years. If the installed filter contains an optional alarm, the owner will be notified by an alarm when the filter needs servicing. Servicing should be done by a certified septic tank pumper or installer.

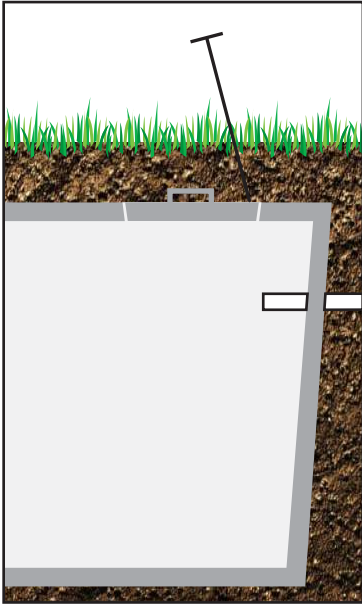
1. Locate the outlet of the septic tank.
2. Remove tank cover and pump tank if necessary.
3. Do not use plumbing when filter is removed.
4. Pull PL-525 cartridge out of the housing.
5. Hose off filter over the septic tank. Make sure all solids fall back into septic tank.
6. Insert the filter cartridge back into the housing making sure the filter is properly aligned and completely inserted.
7. Replace and secure septic tank cover.



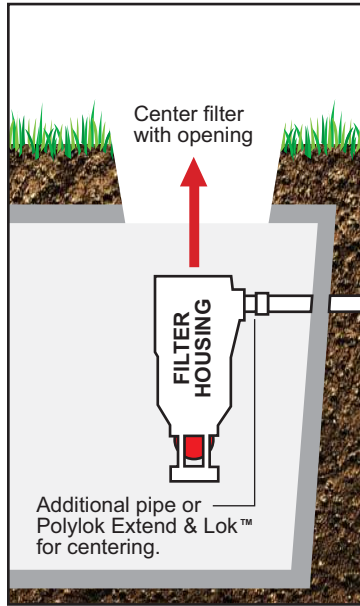
INSTALLATION INSTRUCTIONS

PL-525/PL-625 FILTER

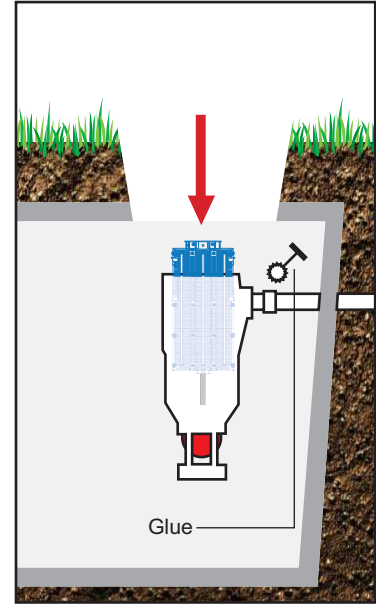
INSTALLATION INSTRUCTIONS



- Step 1:**
(A) Locate the outlet of the septic tank.
(B) Remove tank cover and pump tank if necessary.

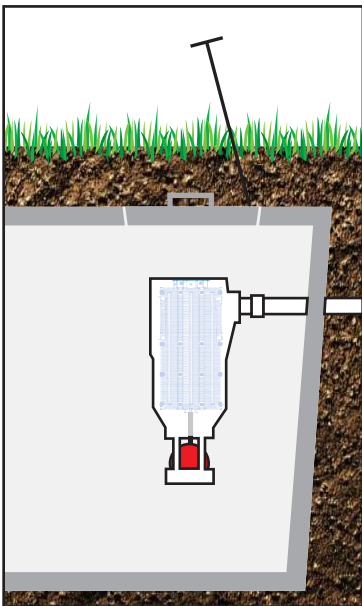


- Step 2:**
(A) Before installation, place the filter housing on to the outlet pipe.
(B) Make sure that the housing is positioned so the filter can be removed from the tank for maintenance and service.



- Step 3:**
(A) Glue the filter housing on the outlet pipe.
(B) Insert the filter cartridge in the housing, making sure the filter cartridge is properly aligned and completely inserted in the housing.

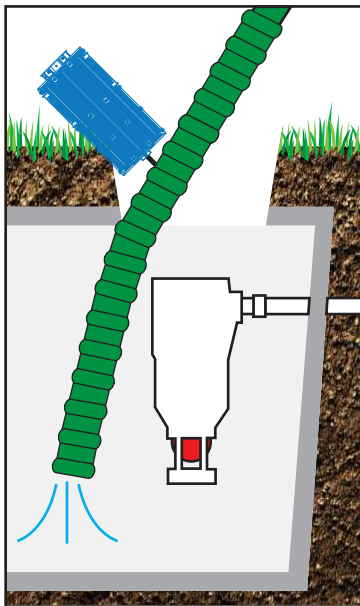
MAINTENANCE INSTRUCTIONS



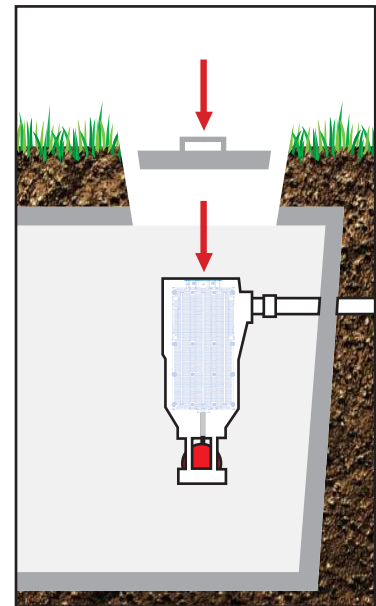
- Step 1:**
Locate the outlet of the septic tank.

**DO NOT USE PLUMBING
WHEN FILTER IS REMOVED**

**USE RUBBER GLOVES
WHEN CLEANING FILTER**



- Step 2:**
(A) Remove tank cover and pump if necessary.
(B) Pull the filter out of the housing.
(C) Hose off the filter over the septic tank. Make sure all solids fall back into the septic tank.



- Step 3:**
(A) Insert the filter cartridge back into the the housing making sure the filter is properly aligned and completely inserted.
(B) Replace septic tank cover

INSTALLATION INSTRUCTIONS

PL-525/PL-625 FILTER

PL-525/PL-625 FEATURES & BENEFITS



PL-525



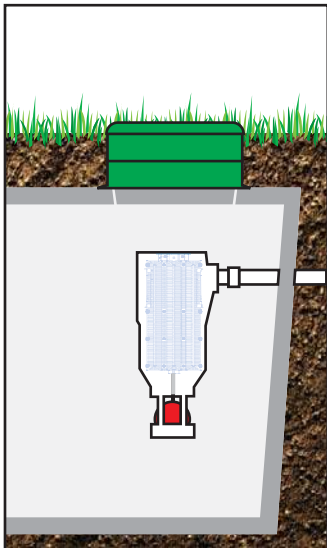
PL-625

The PL-525/625 Effluent Filter should operate efficiently for several years under normal conditions before requiring cleaning. It is recommended that the filter be cleaned every time the tank is pumped or at least every three years. If the installed filter contains an optional alarm, the owner will be notified by an alarm when the filter needs servicing. Servicing should be done by a certified septic tank pumper or installer.

Features & Benefits:

- Rated for 10,000 GPD
- PL-525 = 525 Linear Feet of 1/18" Filtration
PL-625 = 625 Linear Feet of 1/32" Filtration
- Accepts 4" and 6" SCHD. 40 pipe
- Built in Gas Deflector
- Automatic Shut-Off Ball when Filter is Removed
- Alarm Accessibility
- Accepts PVC Extension Handle

RECOMMENDED PRODUCTS



Risers & Riser Covers

Polylok risers bring your septic tank cover to grade. This allows locating and servicing your filter easier and time saving by eliminating digging to find tank entrance.



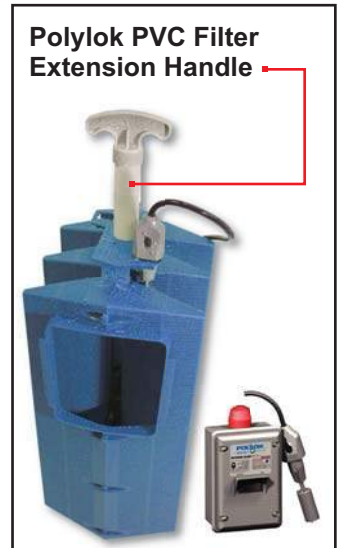
Extend & Lok™

Polylok Extend & Lok™ is a simple, easy to use solution that can extend the inlet or outlet pipe and make filter and/or baffle installation a snap. Fits 3" and 4" pipe.



Riser Safety Screens

Polylok safety screens prevent tragic accidents from happening by children and pets falling into open septic tank entrances.



Filter Alarm Panel and SmartFilter™ Control Switch

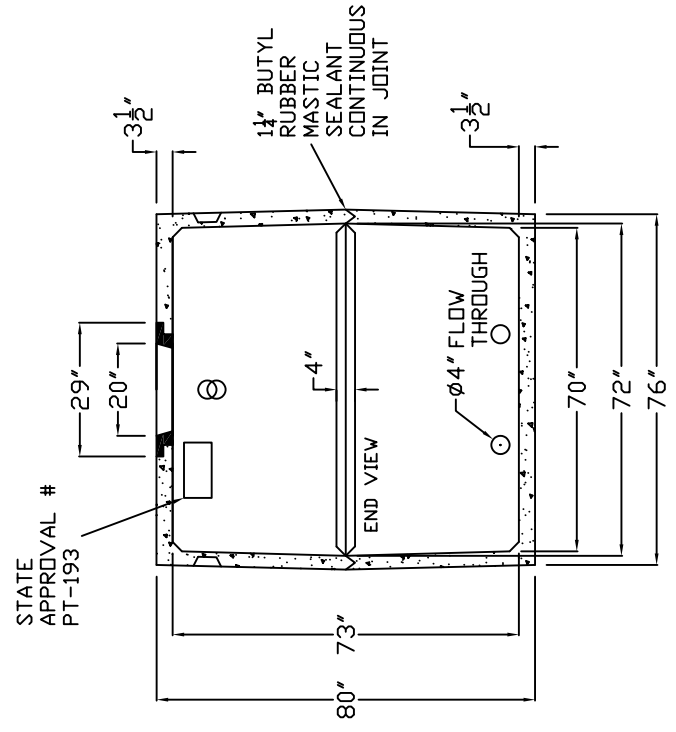
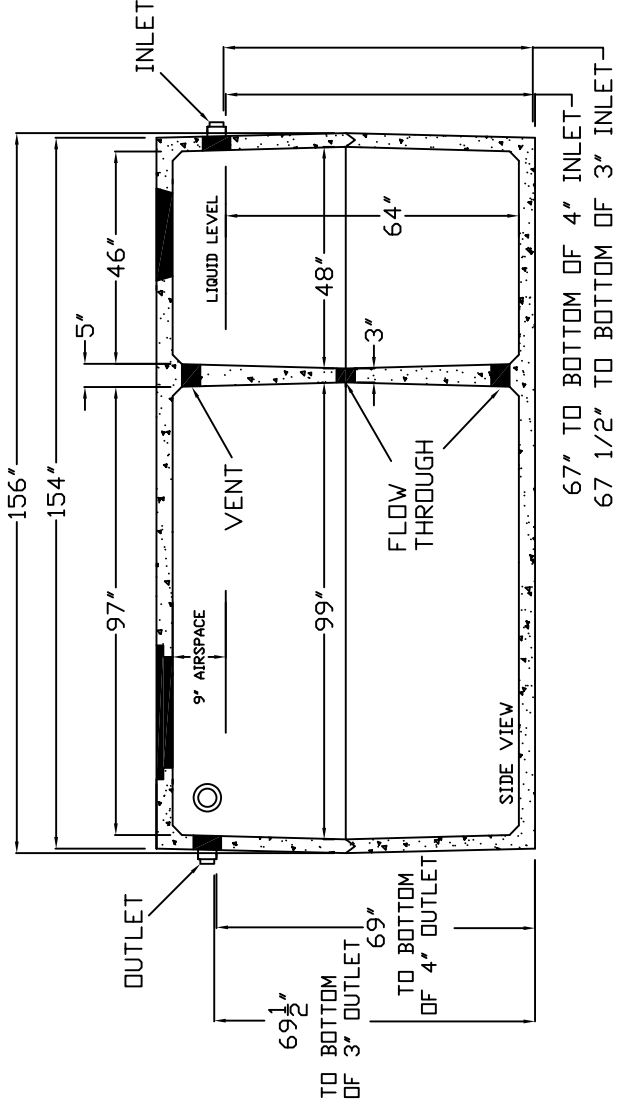
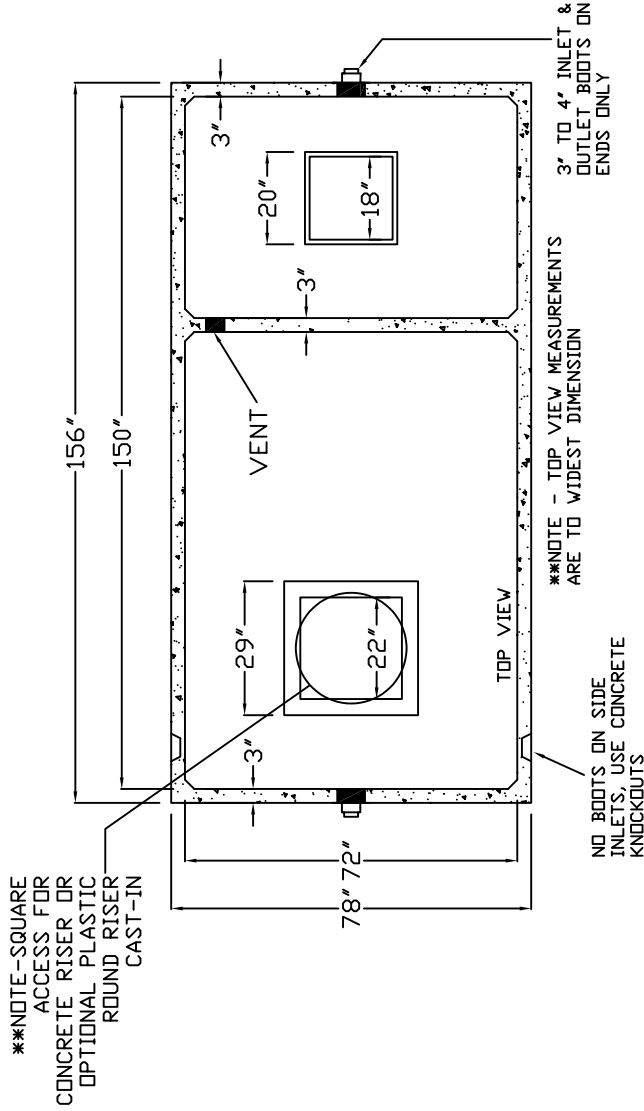
Polylok filter alarm panels and switches provide a visual and audible notification of impending filter and tank servicing.

SHOAF PRECAST SEPTIC INC.
4130 WEST US HWY 64
LEXINGTON, NC 27295
PHONE (336) 787-5826
FAX (336) 787-2826

MODEL: MS 3500 PT **NON TRAFFIC** **3500 Gallon Pump Tank**

WWW.SHOAFPRECAST.COM
SHOAF-3500 NONTRAFFIC
PT-193 NONTRAFFIC
LIQUID CAPACITY-3500 US GALLONS INCLUDING 9" AIRSPACE
GALLONS PER INCH-44.57 (AVERAGE)
TANK HEIGHT-80"
BOTTOM OF TANK TO CENTER OF INLET-69"
BOTTOM OF TANK TO CENTER OF OUTLET-71"
LENGTH TO WIDTH RATIO-2 TO 1
SIZE OF INLET & OUTLET-3" OR 4" PIPE
TYPE OF INLET & OUTLET-POLYLOCK OR EQUAL (MEETS ASTM C-923)
CONCRETE PSI-4000; TANK WEIGHT-20,000 LBS.
REINFORCEMENT PER STATE CODE

SCALE-N.T.S.





FEATURES

Impeller: Cast iron, semi-open, non-clog with pump-out vanes for mechanical seal protection. Balanced for smooth operation. Silicon bronze impeller available as an option.

Casing: Cast iron volute type for maximum efficiency. 2" NPT discharge.

Mechanical Seal: Silicon Carbide vs. Silicon Carbide sealing faces. Stainless steel metal parts, BUNA-N elastomers.

Shaft: Corrosion-resistant, stainless steel. Threaded design. Locknut on all models to guard against component damage on accidental reverse rotation.

Fasteners: 300 series stainless steel.

Capable of running dry without damage to components.

Designed for continuous operation when fully submerged.

EXTENDED WARRANTY AVAILABLE FOR RESIDENTIAL APPLICATIONS.

WE Series Model 3885

SUBMERSIBLE EFFLUENT PUMPS

Wastewater

APPLICATIONS

Specifically designed for the following uses:

- Homes, Farms, Trailer Courts, Motels, Schools, Hospitals, Industry, Effluent Systems

SPECIFICATIONS

Pump

- Solids handling capabilities: $\frac{3}{4}$ " maximum.
- Discharge size: 2" NPT.
- Capacities: up to 140 GPM.
- Total heads: up to 128 feet TDH.
- Temperature: 104°F (40°C) continuous, 140°F (60°C) intermittent.
- See order numbers on reverse side for specific HP, voltage, phase and RPM's available.

MOTORS

- Fully submerged in high-grade turbine oil for lubrication and efficient heat transfer.
- Class B insulation on $\frac{1}{3}$ - 1½ HP models.
- Class F insulation on 2 HP models.

Single phase (60 Hz):

- Capacitor start motors for maximum starting torque.
- Built-in overload with automatic reset.

- SJTOW or STOW severe duty oil and water resistant power cords.
- $\frac{1}{3}$ - 1 HP models have NEMA three prong grounding plugs.
- 1½ HP and larger units have bare lead cord ends.

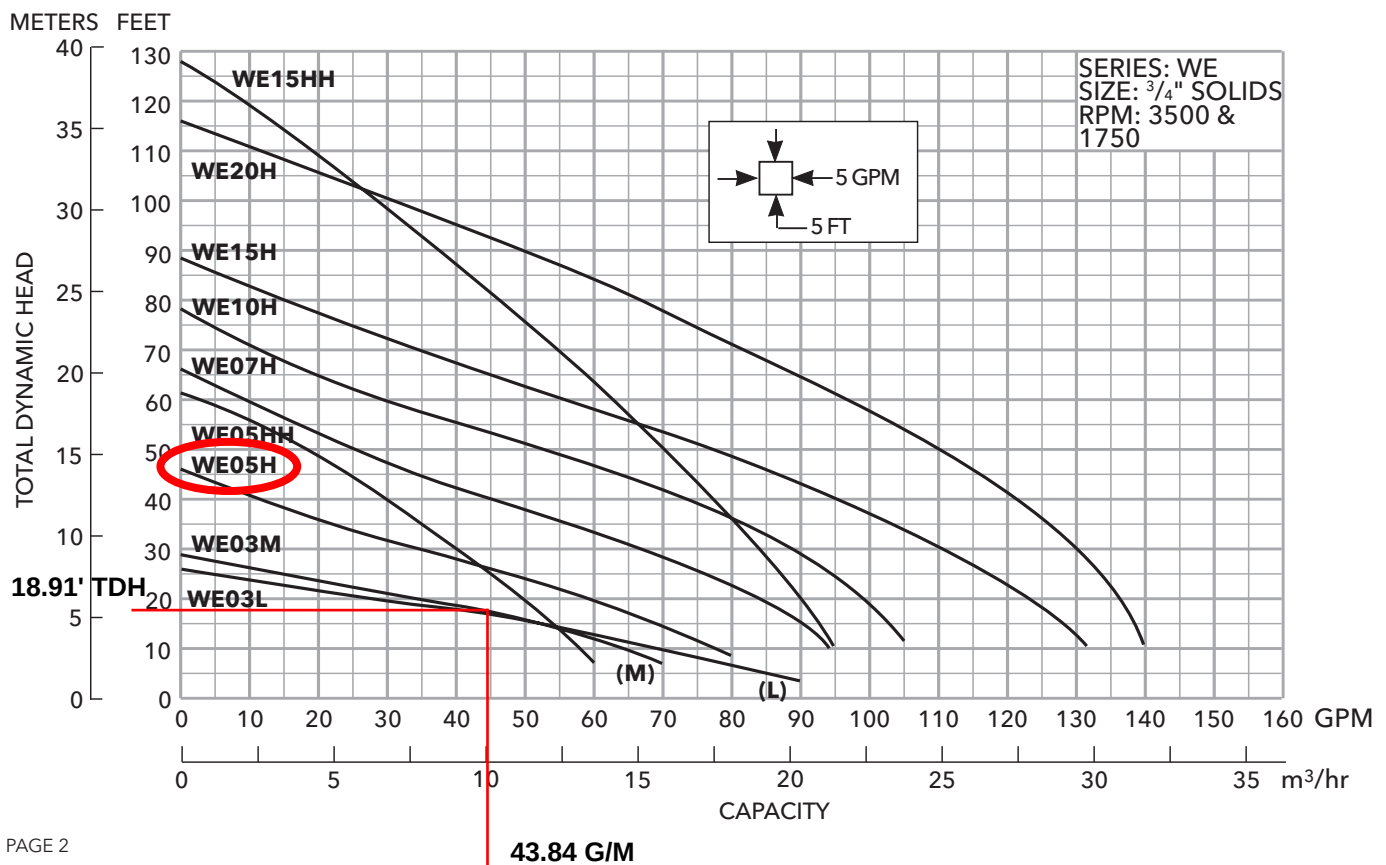
Three phase (60 Hz):

- Class 10 overload protection must be provided in separately ordered starter unit.
- STOW power cords all have bare lead cord ends.
- Designed for Continuous Operation: Pump ratings are within the motor manufacturer's recommended working limits, can be operated continuously without damage when fully submerged.
- Bearings: Upper and lower heavy duty ball bearing construction.
- Power Cable: Severe duty rated, oil and water resistant. Epoxy seal on motor end provides secondary moisture barrier in case of outer jacket damage and to prevent oil wicking. Standard cord is 20'. Optional lengths are available.
- O-ring: Assures positive sealing against contaminants and oil leakage.

AGENCY LISTINGS



Tested to UL 778 and CSA 22.2 108 Standards
By Canadian Standards Association File #LR38549



MODELS

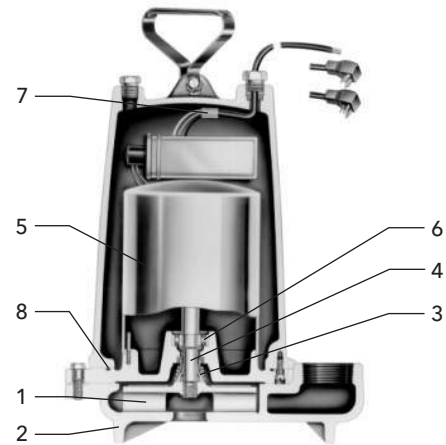
Order Number	HP	Phase	Volts	RPM	Impeller Diameter (in.)	Maximum Amps	Locked Rotor Amps	KVA Code	Full Load Efficiency %	Resistance		Power Cable Size	Weight (lbs.)
										Start	Line-Line		
WE0311L	0.33	1	115	1750	5.38	10.7	30.0	M	54	11.9	1.7	16/3	56
WE0318L			208			6.8	19.5	K	51	9.1	4.2		
WE0312L			230			4.9	14.1	L	53	14.5	8.0		
WE0311M			115			10.7	30.0	M	54	11.9	1.7		
WE0318M			208			6.8	19.5	K	51	9.1	4.2		
WE0312M			230			4.9	14.1	L	53	14.5	8.0		
WE0511H	0.5	1	115	3450	3.56	14.5	46.0	M	54	7.5	1.0	14/3	60
WE0518H			208			8.1	31.0	K	68	9.7	2.4	16/3	60
WE0512H			230			7.3	34.5	M	53	9.6	4.0	16/3	60
WE0538H			200			4.9	22.6	R	68	NA	3.8	14/4	60
WE0532H		3	230			3.3	18.8	R	70	NA	5.8	14/4	60
WE0534H			460			1.7	9.4	R	70	NA	23.2	14/4	60
WE0537H			575			1.4	7.5	R	62	NA	35.3	14/4	60
WE0511HH	0.75	1	115	3450	4.06	14.5	46.0	M	54	7.5	1.0	14/3	60
WE0518HH			208			8.1	31.0	K	68	9.7	2.4	16/3	60
WE0512HH			230			7.3	34.5	M	53	9.6	4.0	16/3	60
WE0538HH		3	200			4.9	22.6	R	68	NA	3.8	14/4	60
WE0532HH			230			3.6	18.8	R	70	NA	5.8	14/4	60
WE0534HH			460			1.8	9.4	R	70	NA	23.2	14/4	60
WE0537HH	1.0	1	575	3450	4.44	1.5	7.5	R	62	NA	35.3	14/4	60
WE0718H			208			11.0	31.0	K	68	9.7	2.4	14/3	70
WE0712H			230			10.0	27.5	J	65	12.2	2.7	14/3	70
WE0738H		3	200			6.2	20.6	L	64	NA	5.7	14/4	70
WE0732H			230			5.4	15.7	K	68	NA	8.6	14/4	70
WE0734H			460			2.7	7.9	K	68	NA	34.2	14/4	70
WE0737H	1.5	1	575	3450	4.56	2.2	9.9	L	78	NA	26.5	14/4	70
WE1018H			208			14.0	59.0	K	68	9.3	1.1	14/3	70
WE1012H			230			12.5	36.2	J	69	10.3	2.1	14/3	70
WE1038H		3	200			8.1	37.6	M	77	NA	2.7	14/4	70
WE1032H			230			7.0	24.1	L	79	NA	4.1	14/4	70
WE1034H			460			3.5	12.1	L	79	NA	16.2	14/4	70
WE1037H	2.0	1	575	3450	5.50	2.8	9.9	L	78	NA	26.5	14/4	70
WE1518H			208			17.5	59.0	K	68	9.3	1.1	14/3	80
WE1512H			230			15.7	50.0	H	68	11.3	1.6	14/3	80
WE1538H		3	200			10.6	40.6	K	79	NA	1.9	14/4	80
WE1532H			230			9.2	31.7	K	78	NA	2.9	14/4	80
WE1534H			460			4.6	15.9	K	78	NA	11.4	14/4	80
WE1537H	2.5	1	575	3450	5.50	3.7	13.1	K	75	NA	16.9	14/4	80
WE1518HH			208			17.5	59.0	K	68	9.3	1.1	14/3	80
WE1512HH			230			15.7	50.0	H	68	11.3	1.6	14/3	80
WE1538HH		3	200			10.6	40.6	K	79	NA	1.9	14/4	80
WE1532HH			230			9.2	31.7	K	78	NA	2.9	14/4	80
WE1534HH			460			4.6	15.9	K	78	NA	11.4	14/4	80
WE1537HH	3.0	1	575	3450	5.38	3.7	13.1	K	75	NA	16.9	14/4	80
WE2012H			230			18.0	49.6	F	78	3.2	1.2	14/3	83
WE2038H			200			12.0	42.4	K	78	NA	1.7	14/4	83
WE2032H		3	230			11.6	42.4	K	78	NA	1.7	14/4	83
WE2034H			460			5.8	21.2	K	78	NA	6.6	14/4	83
WE2037H			575			4.7	16.3	L	78	NA	10.5	14/4	83

PERFORMANCE RATINGS (gallons per minute)

Order No.	WE-03L	WE-03M	WE-05H	WE-07H	WE-10H	WE-15H	WE-05HH	WE-15HH	WE-20H
HP	1/3	1/3	1/2	3/4	1	1 1/2	1/2	1 1/2	2
RPM	1750	1750	3500	3500	3500	3500	3500	3500	3500
5	86	-	-	-	-	-	-	-	-
10	70	63	78	94	-	-	58	95	-
15	52	52	70	90	103	128	53	93	138
20	27	35	60	83	98	123	49	90	136
25	5	15	48	76	94	117	45	87	133
30	-	-	35	67	88	110	40	83	130
35	-	-	22	57	82	103	35	80	126
40	-	-	-	45	74	95	30	77	121
45	-	-	-	35	64	86	25	74	116
50	-	-	-	25	53	77	-	70	110
55	-	-	-	-	40	67	-	66	103
60	-	-	-	-	30	56	-	63	96
65	-	-	-	-	20	45	-	58	89
70	-	-	-	-	-	35	-	55	81
75	-	-	-	-	-	25	-	51	74
80	-	-	-	-	-	-	-	47	66
90	-	-	-	-	-	-	-	37	49
100	-	-	-	-	-	-	-	28	30

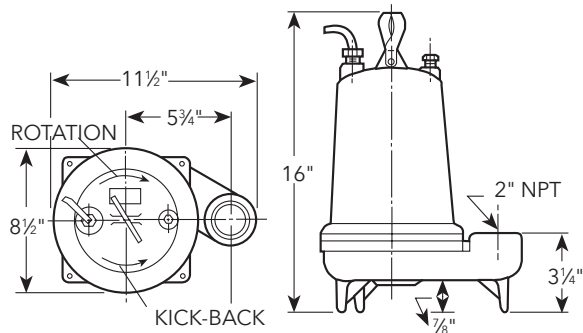
COMPONENTS

Item No.	Description
1	Impeller
2	Casing
3	Mechanical Seal
4	Motor Shaft
5	Motor
6	Ball Bearings
7	Power Cable
8	Casing O-Ring



DIMENSIONS

(All dimensions are in inches. Do not use for construction purposes.)



xylem
Let's Solve Water

Xylem, Inc.
2881 East Bayard Street Ext., Suite A
Seneca Falls, NY 13148
Phone: (866) 325-4210
Fax: (888) 322-5877
www.xyleminc.com/brands/gouldswatertechnology

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NTD-MF-MF-1
Rev. 1.2, © 07/13
Page 1 of 2

Float Switch Assemblies

Signal- and Motor-Rated Float Switch Matrix

Float	State ¹	Type ²	IR ³	Volts	Amps	hp	Tether	X	Y	Drawdown ⁴
Signal-rated mercury floats⁵ (for control switch applications)										
A Model ^a	Normally open	Mercury	Yes	n/a	n/a	n/a	2.00 in.	n/a	n/a	n/a
T Model	Normally closed	Mercury	Yes	n/a	n/a	n/a	2.00 in.	n/a	n/a	n/a
Signal-rated mechanical floats⁵ (for control switch applications)										
L Model ^a	Normally open	Mechanical	Yes	n/a	n/a	n/a	2.00 in.	1.50 in.	1.50 in.	3.00 in.
N Model ^b	Normally closed	Mechanical	No	n/a	n/a	n/a	2.00 in.	1.50 in.	1.50 in.	3.00 in.
P Model ^b	Normally open	Mechanical	No	n/a	n/a	n/a	2.00 in.	1.50 in.	1.50 in.	3.00 in.
V Model ^a	Normally open	Mechanical, small drawdown	Yes	n/a	n/a	n/a	2.00 in.	< 1 in.	< 1 in.	< 1 in.
X Model	Normally closed	Mechanical, small drawdown	Yes	n/a	n/a	n/a	2.00 in.	< 1 in.	< 1 in.	< 1 in.
Motor-rated floats⁵ (for pump switch applications)										
B Model ^b	Normally open	Mechanical	No	120V	13A	1/2 hp	2.00 in. ^c	2.50 in.	1.50 in.	4.00 in.
				240V	13A	1 hp	3.00 in.	3.00 in.	1.50 in.	4.50 in.
							4.00 in.	3.25 in.	1.50 in.	4.75 in.
C Model ^b	Normally open	Mechanical	No	120V	13A	1/2 hp	2.00 in.	3.00 in.	2.50 in.	5.50 in.
				240V	15A	2 hp	3.00 in. ^c	3.50 in.	3.00 in.	6.50 in.
							4.00 in.	4.00 in.	3.50 in.	7.50 in.
							5.00 in.	4.50 in.	4.00 in.	8.50 in.
							6.00 in.	5.25 in.	4.25 in.	9.50 in.
D Model ^b	Normally open	Mechanical	No	120V	15A	3/4 hp	2.00 in. ^c	3.00 in.	2.50 in.	5.50 in.
				240V	15A	2 hp	3.00 in.	3.50 in.	3.00 in.	6.50 in.
							4.00 in.	4.00 in.	3.50 in.	7.50 in.
							5.00 in.	4.50 in.	4.00 in.	8.50 in.
							6.00 in.	5.25 in.	4.25 in.	9.50 in.
G Model	Normally open	Mercury	Yes	120V	15A	3/4 hp	2.00 in.	1.50 in.	3.00 in.	4.50 in.
				240V	15A	2 hp	3.00 in. ^c	1.75 in.	3.00 in.	4.75 in.
							4.00 in.	2.00 in.	3.50 in.	5.50 in.

a. Suitable for use with VCOM and MVP.

b. Suitable for use with potable water.

c. Standard tether length

Notes

¹ State: normally open or normally closed

The default state of a float — normally open or normally closed — refers to the contact positions in the float when the float is resting (down). Float switches have an internal contact. The terms “normally open” (N/O) and “normally closed” (N/C) refer to the state of the float switch contact in the down position. A normally open float switch has an open contact (off) in the down position and a normally closed float switch has a closed contact (on) in the down position. Different panel functions require different types of float switches. Most applications require float switches that are normally open. One notable exception is the redundant off and low-level alarm function that requires a normally closed float switch, except with MVP and VCOM panels.

² Type

Floats have mechanical or mercury contactor types. The important distinction between these is that mercury floats are not rated for potable water.

³ IR (intrinsically safe relay)

Approved for use with intrinsically safe, Class I, Division 1 applications, where reliable float switch operation with very low current is required.

⁴ Drawdown

Drawdown (in inches) refers to the difference in liquid level between a float switch’s activation and deactivation points. Drawdown can be altered by adjusting the tether length of the float switch cord. When selecting float switches, keep in mind that any float switch that can directly start and stop a pump (one that has no motor contactor in the control panel) should have a drawdown capability, to avoid rapid cycling of the pump.

⁵ Signal-rated or motor-rated

Every float has a maximum amount of current it can handle. Exceeding these limits may cause premature failure. Signal-rated or “control” floats are used to activate pump control panels and alarms. Only low amperage signals pass through these float switches, hence the float switch is “signal-rated.” All Orenco panels that use motor contactors can use signal-rated float switches. In some systems, a float switch is used to directly start and stop a pump. In this application, the current that is running the pump passes through the float switch as well, and the float switch must be “motor-rated.” In most instances, a motor-rated float switch can be used as a signal float switch.

Float Switch Assemblies

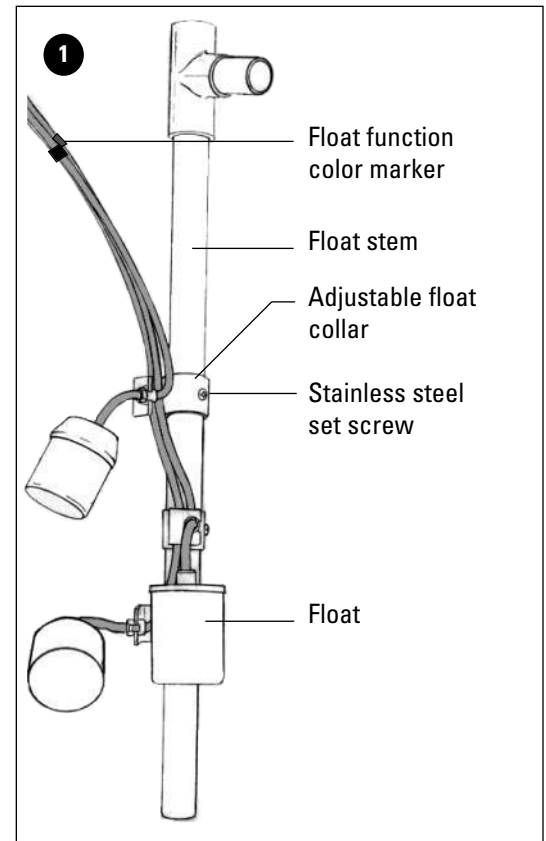
Installation, Operation and Maintenance Instructions **Model MF**_____

Installation Instructions

The float switch assembly is typically mounted in the screened pump vault or effluent screen inside of a septic or dosing tank. The assembly is detachable without removal of the screened pump vault or effluent screen. A typical float switch assembly is shown below.

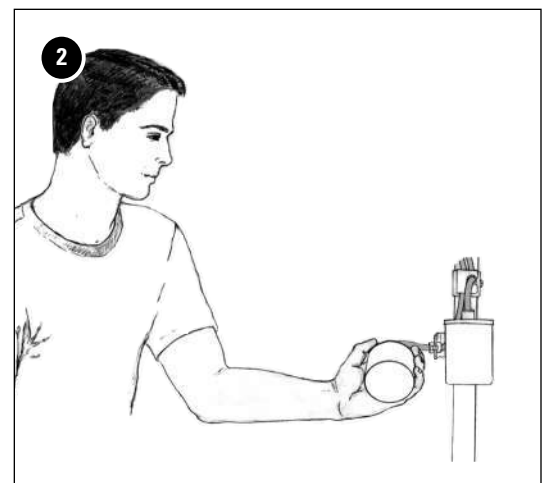
Step 1:

Each float cable is provided with a color marker. This marker indicates the function of the float. Make sure that your float cable color markers correspond with the wiring diagram provided. If the wiring diagram does not match your float cable marker colors, contact Oreco Systems® Inc. or your local dealer for assistance.

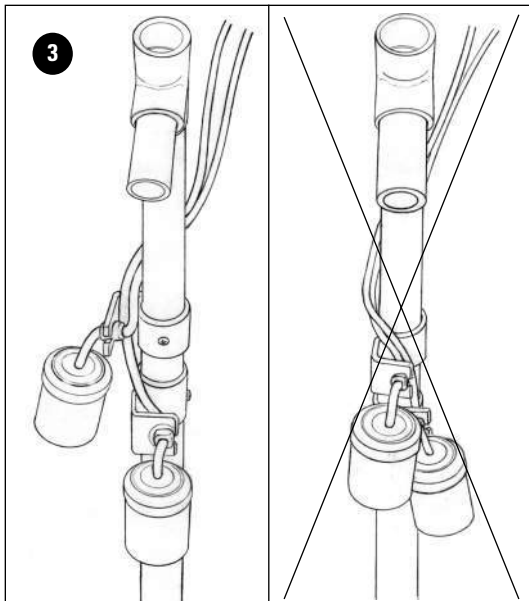


Step 2:

To check for proper float switch operation, move each switch up and down and check for interference. Remove the assembly from its holding bracket by snapping it out of the holding bracket.



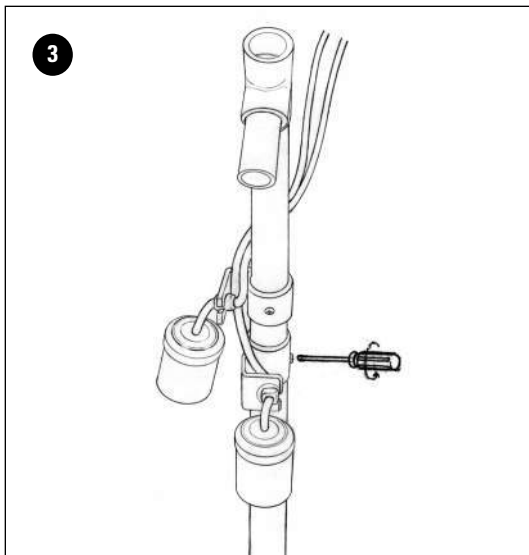
Installation Instructions (continued)



Step 3:

If any float interferes with another, the float may be adjusted by loosening the stainless steel set screw provided in the float collar. Using a phillips screwdriver, slowly back the screw out of the collar to a point at which the collar may be adjusted. Be careful not to back the screw completely out of the collar. Carefully rotate the collar on the stem until the float switches can move freely past one another. Tighten the stainless steel set screw and recheck.

Warning: *Be careful not to alter the the tether lengths of any of the floats. Alteration of the tether length may affect proper operation of the float switch assembly.*

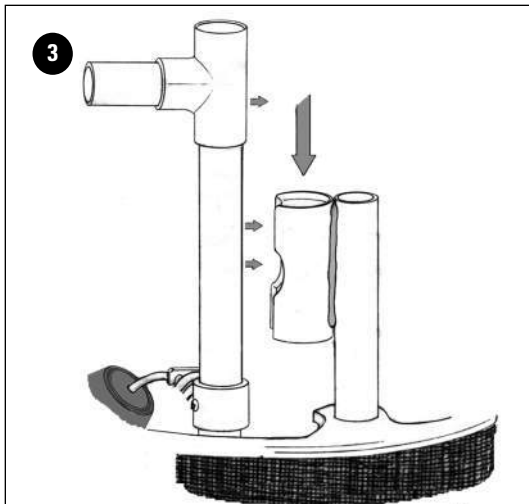


Step 4:

Check the float settings with the project plans and specifications. If the settings need to be adjusted, loosen the set screw as described in step 3.

Adjust the float switches to the desired level and tighten the set screw. Make sure float level settings do not violate any state or local regulations.

Note: *The float stem provided is the maximum length possible without interfering with the pump minimum liquid level or screened pump vault intake ports. Never lengthen the float stem without prior approval from Orenco. Lengthening of the float stem will void the warranty.*



Step 5:

Replace the float switch assembly in the holding bracket. Make sure the assembly snaps fully into the bracket.

Step 6:

To allow for easy removal of a float switch assembly, a 1" diameter handle may be added to the top of the float switch assembly. Measure the distance from the top of the float switch assembly up to about one foot from grade level. Cut a 1" diameter PVC pipe to the measured length and glue it into the handle.

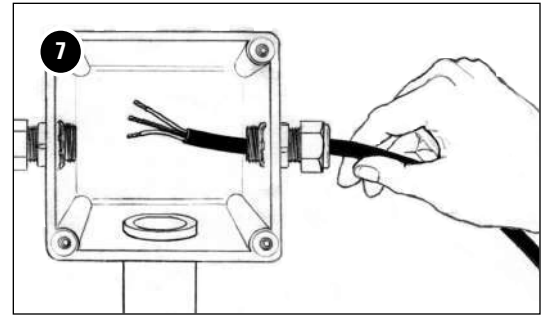
Installation Instructions (continued)

Step 7:

When used with an Orenco electrical splice box:

Push the level control wires through the watertight cord grips into the electrical splice box. Leave an adequate length of electrical cable coiled inside the riser to allow for easy removal of the pump and float switch assembly. **Do not remove the colored markers or the paper tags from the float cables, and do not try to thread the markers and tag through the cord grip.** Tighten the cord grips by hand, not by tool, then test the tightness of the cord grips by tugging on each cable. A cable is secure when the cord grip is tight enough to prevent slippage. Adequate lengths of cable should be left within the splice box to allow easy removal for future disconnecting and resplicing.

Note: See the splice box instructions (EIN-SB-SB-1) and corresponding splice box diagram for connection instructions.



Maintenance Instructions

During the annual inspection, follow the testing procedures provided to ensure that the system is operating properly. If a float is found to be faulty, either during the annual inspection or during troubleshooting after an alarm condition, see the section below titled Removing and Replacing Inoperative Floats.

Removing and Replacing Inoperative Floats

Important: Before doing any work either on the wiring to the level control floats and pump in the vault or in the pump control panel, switch the circuit breakers in the panel to their "OFF" positions; then switch off the power to the system at the service entrance panel.

1. Remove the float assembly from the vault.
2. Using a Phillips screwdriver, remove the stainless steel screws from the splice box lid, being careful not to drop the screws into the tank. If the splice box was submerged, or if there is a crack in the conduit, there may be water in the splice box. If this is the case, remove water from the splice box with a syringe, sponge, or other appropriate method. Loosen the cord grip at the splice box and verify the appropriate splice for the float. Unscrew the wire nuts and remove the float.
3. Remove the inoperative float and replace it with a new one. Push the float cable through the watertight cord grip into the electrical splice box. Leave an adequate length of electrical cord coiled inside the riser to allow for easy removal of the float assembly. Do not remove the colored markers or the paper tags from the float cords, and do not try to thread the markers and tag through the cord grip. Tighten the cord grip *by hand, not by tool*, then test the tightness of the cord grip by tugging on the cord. A cord is secure when the cord grip is tight enough to prevent slippage. An adequate length of cord should be left within the splice box to allow for easy removal for future disconnecting and resplicing.
4. Refer to document EIN-SB-SB-1 for instructions to splice the float wire to the wire from the control panel. Attach the float wires using the waterproof wire nuts. It is necessary to replace this wire nut with a new watertight wire nut. Always use watertight wire nuts or heat shrink splice kits for all connections!
5. Replace the float and collar and return the assembly to the pump vault.
6. Reconnect power and test the unit.

MVP-Simplex Control Panel

Applications

The MVP-Simplex control panel has a dual-mode feature, making it ideal for both timed- and demand-dosing in single-pump systems. All MVPs include an easy-to-use, programmable logic unit that incorporates many timing and logic functions, such as multiple timing intervals to adjust for changing flow conditions and a built-in elapsed time meter and counter.



Easy to set, accurate, and surprisingly affordable, the MVP brings intelligent control technology to the water and wastewater handling industries.

Standard Features & Benefits

- Eight inputs and four outputs
- Simple setting instructions are easy to remember; parameters have understandable abbreviations
- Intervals as long as 99 hours can be set with an accuracy of $\pm 1\%$
- Programmable for timed or on-demand dosing
- For timed dosing, multiple timer intervals (normal timer, override timer) can be set to accommodate varying flow conditions
- Large, backlit LCD display is easy to read
- Built-in programming keys allow reprogramming in the field without a portable computer
- Ability to use one model of float for all functions simplifies installation
- UL 508 listed in US and Canada
- Complete instructions and diagrams come with panel and are affixed to the inside, for in-field reference
- Three-year limited warranty

Standard Features for System Maintenance

- Totalized and resettable data for:
 - Elapsed pump run times
 - Pump cycle counts
 - Low-and high-level alarms
 - Overrides (timed-dose mode only)
 - Power failures
- Different alarm/light signals for different alarm conditions; alarm screen activates when an alarm condition occurs and the alarm type, start time, and date are reported automatically
- Redundant off feature as standard
- Automatic reactivation of silenced alarm (when problem is not corrected) prevents system failure
- 120 V output for remote alarm activation as standard
- Float status screen with error notification and float position indication
- Timed delays on float inputs prevent chattering and pump burnout (over)

To Order

Call your nearest Orenco Systems[®], Inc. Distributor. For nearest Distributor, call Orenco at 800-348-9843, or visit www.orenco.com and click on "Where to Buy."

Optional Features & Benefits*

- Removable EEPROM card for reprogramming the panel in the shop or in the field
- UL698A (Intrinsically Safe listing) for use in hazardous locations
- Self-regulating anticondensation heater (which radiates additional wattage as temperature drops)
- Pump run light to indicate that the pump is currently activated
- Power light to indicate that the control panel is energized
- Surge arrestor to reduce problems caused by power surges and spikes

* Additional options available on a custom basis. Contact Orenco Controls for more information.

Standard Models

MVP-S1DM, MVP-S2DM

Model Code for Ordering

MVP - S **1** **DM** **PTRO PRL FL TS**

Standard options (list in order):

HT = heater
SA = surge arrestor
PRL = pump run light
PL = power light

Dual-mode (timed- and demand-dose)

Intrinsically safe relays (requires larger panel):

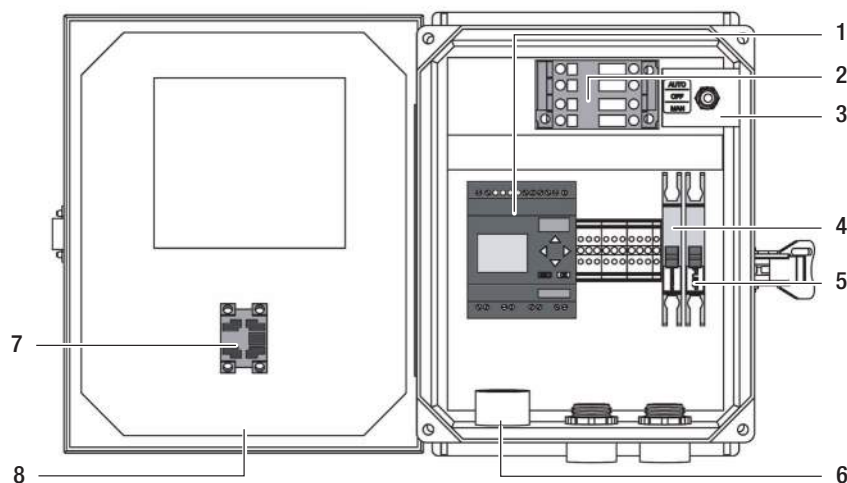
Blank = standard, no IR relays
IR = intrinsically safe relays

Pump voltage:

1 = 120 VAC
2 = 120 or 240 VAC

Simplex motor control

MVP control panel



1. Programmable Logic Unit
2. Motor-Start Contactor
3. Toggle Switch
4. Controls Circuit Breaker

5. Pump Circuit Breaker
6. Audible Alarm
7. Visual Alarm
8. Panel Enclosure



State of North Carolina
Department of Environment
and Natural Resources
Division of Environmental Health

Michael F. Easley, Governor
William G. Ross Jr., Secretary
Terry Pierce, Director



November 8, 2004

Mr. Sam Carter
Orenco Systems, Incorporated
814 Airway Avenue
Sutherlin, Oregon 97479
(800)348-9843; Fax: (541)459-2884

Subject: **Approval of Two Orenco Flow Equalization Panels**

Dear Mr. Carter:

On August 24, 2004, we received the submittal package for MVP and Vericomm Pump Control Panels to be used with Flow Equalization. On October 28, 2004, we completed inspection and testing for two specific models and found minor modifications are necessary for the products to meet Innovative Approval #IWWS 2004-01. On November 1, 2004, you submitted a letter specifically stating:

1. All Orenco Flow Equalization Control Panels will have a Hand/Off/Auto switch.
2. They (*All Orenco Flow Equalization Control Panels*) will also have either two locking hasps or a locking hasp and two screws for securing the panel door closed.

Therefore, with the provisions listed above we approve the following two models of Orenco Systems, Inc. flow equalization control panels:

1. MVP-S1 PTRO PRL FL TS (Simplex)
2. VCOM-S1 PTRO PRL FL TS (Simplex) includes web-based telemetry unit and phone line requirement. To field test this product, a null modem computer interface and computer are necessary. Due to the very specialized features of this product it may only be operated by Orenco Systems, Inc. authorized operators. This must be written authorization provided on Orenco Systems, Inc. letterhead. The operator must be on the site when the local health department completes inspections of the system.

ON-SITE WASTEWATER SECTION

1642 Mail Service Center, Raleigh, North Carolina 27699-1642
Telephone 919-715-3270 FAX 919-715-3227 E-mail: joe.pearce@ncmail.net

November 8, 2004
Page 2 of 2

Please be aware that these panels are subject to periodic inspections, and should units be found to be in noncompliance with the submission or Innovative Approval, then the approval may be suspended or revoked. Please feel free to contact me if you have any questions pertaining to this approval. I may be reached at the address and phone and facsimile numbers listed on this letter or I may be contacted directly by phone at (919) 715-3270 or using electronic mail via the Internet at <joe.pearce@ncmail.net>.

Sincerely,

Original Signed By

Joseph Pearce, PE

cc: Steve Barry, AQWA

Installation Manual



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97479-9012

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FACSIMILE:
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Most Versatile Panel MVP-S1 PT RO Manual# EIN-CP-S-501

This Manual Contains:

Description

1. Installation Instructions
2. Panel Wiring Diagram
3. Float Arrangement Diagram
4. MVP-S PT RO Operation
5. MVP-S PT RO Setting Instructions
6. MVP-Time & Date Setting Instructions

Document Number

EIN-CP-GEN-1
EDW-WD-S-93
EDW-FA-S-10
EIN-CP-OP-5
EIN-CP-SET-14
EIN-CP-SET-111

Panel Installation



Before Installing Panel

1. *Read all instructions before proceeding with the installation. Improper installation may void warranties.*
2. Inspect your order for completeness and inspect each component for shipment damage. If something is missing or damaged, you will need to contact your supplier to obtain replacements.
3. Check to be sure the instructions and items supplied comply with state and local regulations.
4. A qualified electrician must be employed to install and service the panel and ancillary wiring. The equipment must be installed in compliance with the National Electric Code, as well as state and local codes.

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Placement of the Control Panel

5. Install the electrical control or alarm panel within view of the tank. The panel should be attached to a post or an exterior wall. Panels that contain motor contactors make a thumping sound, each time a pump is started or stopped. Therefore, these panels should not be mounted to an exterior wall unless it is in a location away from living areas, such as on a garage wall. If possible, position the panel in the shade to protect it from weather. Extreme temperatures can cause inconsistent performance of the electrical components. Locate the panel at a convenient height (usually about five feet above the ground) and where it will be accessible for maintenance.

Install Floats and Pumps

6. Install the electrical splice box(es) for the floats and pump(s) before installing the actual floats and pumping equipment. The splice box(es) are installed in the grommet(s) provided near the top of the riser.
7. Install the floats. Thread the float and pump cords through the cord grips into the PVC splice box, leaving adequate lengths of electrical cord coiled inside the riser to allow easy removal of the pump and float assembly. Do not remove the colored markers or the paper tags from the float cords, and do not try to thread the markers and tag through the cord grip. These should be left on the float cord, outside the splice box. Tighten the cord grips, using hand pressure or a wrench if necessary, until the cord will no longer move in the cord grip. If the cord grips are not tight enough, the seal will not be watertight, but overtightening may damage the cord or the cord grip, so use only as much force as necessary. Adequate lengths of cord should be left within the splice box to allow for easy removal for future disconnecting and re-splicing.
8. Run the wires from the control panel to the splice box. The wires can be brought through a conduit, or can be buried using suitable direct-burial wire. Conduit that enters the splice box must be sealed, even if the wires are direct-buried, to prevent the infiltration of water into the splice box. Use an electrically approved sealant to plug the wires coming in through the conduit hub. The number of wires required depends on the control panel and the number of floats and pumps used. This can be determined by consulting the Float Arrangement diagram appropriate for the control panel and float arrangement being used.

Wire should be sized at 14 AWG for the floats. Refer to Figure 1 to determine the proper size for the pump wires. When calculating wire size, the length and size of the branch circuit wires from the service entrance panel to the pump control panel must also be taken into account. Wire that's too small can cause an excessive voltage drop and poor pump performance.

Wires should be color coded or otherwise marked to aid in wiring the control panel. Drawing EIN-SB-SB-1 lists recommended colors for each of the wires. Colors may refer to either the color of the wire's insulation, the color of a tag, or the color of an electrical tape marker.

9. All splices made in the splice box should use waterproof wire nuts or butt connectors and heat shrink tubing. The splices must be waterproof! Splices that are not waterproof may cause a malfunction of the pump controls if water should leak into the splice box. Refer to Drawing EIN-SB-SB-1 for instructions on making waterproof splices. Refer to the appropriate Float Arrangement diagram for instructions on how to connect the floats together.

Connect Control Panel

10. Connect the wires coming from floats to the terminals in the control panel. Refer to the appropriate Float Arrangement diagram for the correct terminal connections.

11. Connect the wires coming from the pump(s) to the pump terminals. Refer to the panel wiring diagram for the correct terminal connections.

12. Connect the incoming power to the panel. Power to the panel must be appropriate to the control panel and pump motor (i.e. 120VAC, single phase for a 120 VAC motor, 240 VAC single phase for a 240 VAC motor, etc.) Insure that the panel is properly grounded and that the fuse or breaker and wire size, from the main power panel and to the pump, are sized correctly. Separate circuits for the pump controls and each of the pump motors is recommended. Note: Voltage for the controls in the panel is always 120VAC, although the pump voltage may be 120VAC or 240 VAC.

13. Use 60° minimum CU conductors only. Torque the terminal blocks to 15 LB-IN and the ground lugs to 45 LB-IN. Torque the circuit breakers to 20 LB-IN for 14-10 AWG wire, 25 LB-IN for 8 AWG wire, and 27 LB-IN for 6-4 AWG wire.

14. When power is applied to the control panel, the wires to the pump may be energized. Do not service the pump or any electrical wiring in the pump vault without disconnecting the power at the circuit breaker and the fuse. The pump vault area is a hazardous area, and may contain explosive gases. Take appropriate precautions before working in the pump vault.

15. If you have any questions please contact Orenco Systems, Inc.

Figure 1. Recommended Breaker & Wire Size

Pump Motor Size	Breaker size	Wire Size	Max Distance*
120 VAC 1/2 hp	20 amp	10 AWG	105 ft
240 VAC 1/2 hp	15 amp	14 AWG	161 ft
3/4 hp	20 amp	14 AWG	130 ft
1 hp	20 amp	12 AWG	172 ft
1 1/2 hp	20 amp	12 AWG	126 ft

* This is the maximum distance from this subpanel to the pump motor for the recommended wire size. Distance is based on 3% maximum voltage drop from subpanel to load at maximum recognized pump motor amps at 75° C.

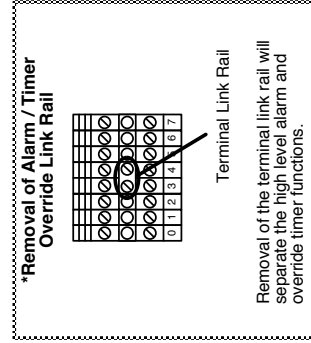
Control Panel Wiring Diagram Model MVP-S1 PT R0

Key

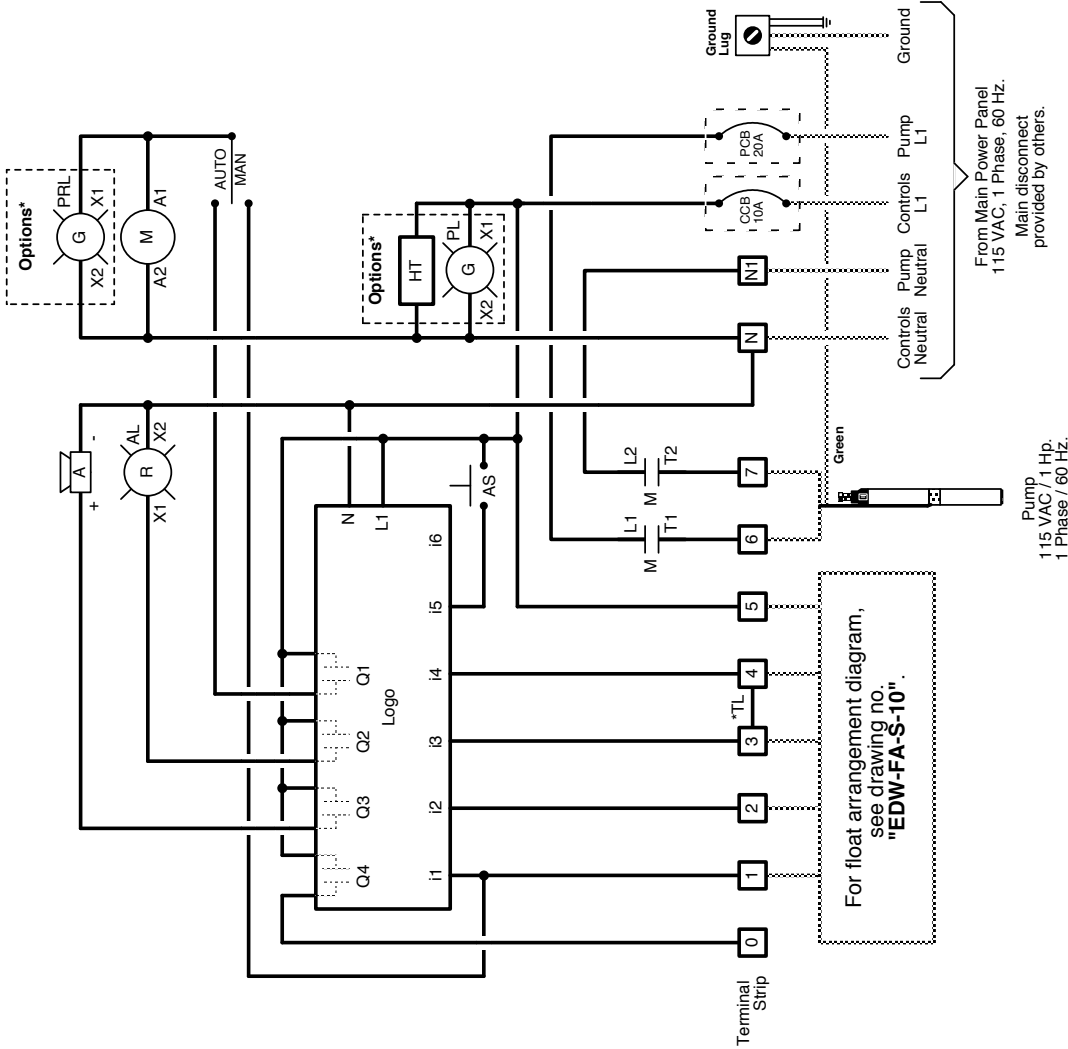
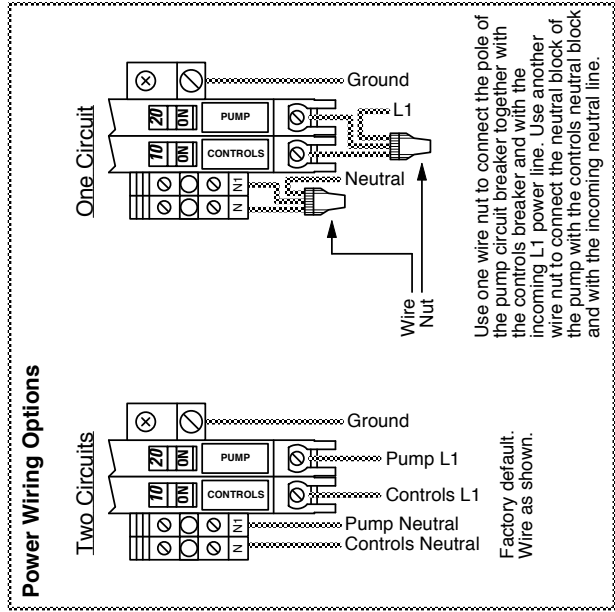
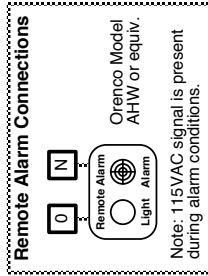
- = Factory Wire
- = Field Wire
- A = Alternate Field Wire
- AL = Audio Alarm, 115 VAC
- AS = Alarm Light
- AS = Audio Silence Switch
- CCB = Controls Circuit Breaker
- Logo = Logic Module
- M = Motor Contactor
- PCB = Pump Circuit Breaker
- TL = Terminal Link

***Options**

- HT = Heater
- PL = Power Light
- PRL = Pump Run Light



For MVP-S operation
description, see
drawing no.
"EIN-CP-OP-5".



For float arrangement diagram,
see drawing no.
"EDW-FA-S-10".

Pump
115 VAC / 1 Hp.
1 Phase / 60 Hz.

NOTE: Motors must have
internal overload protection



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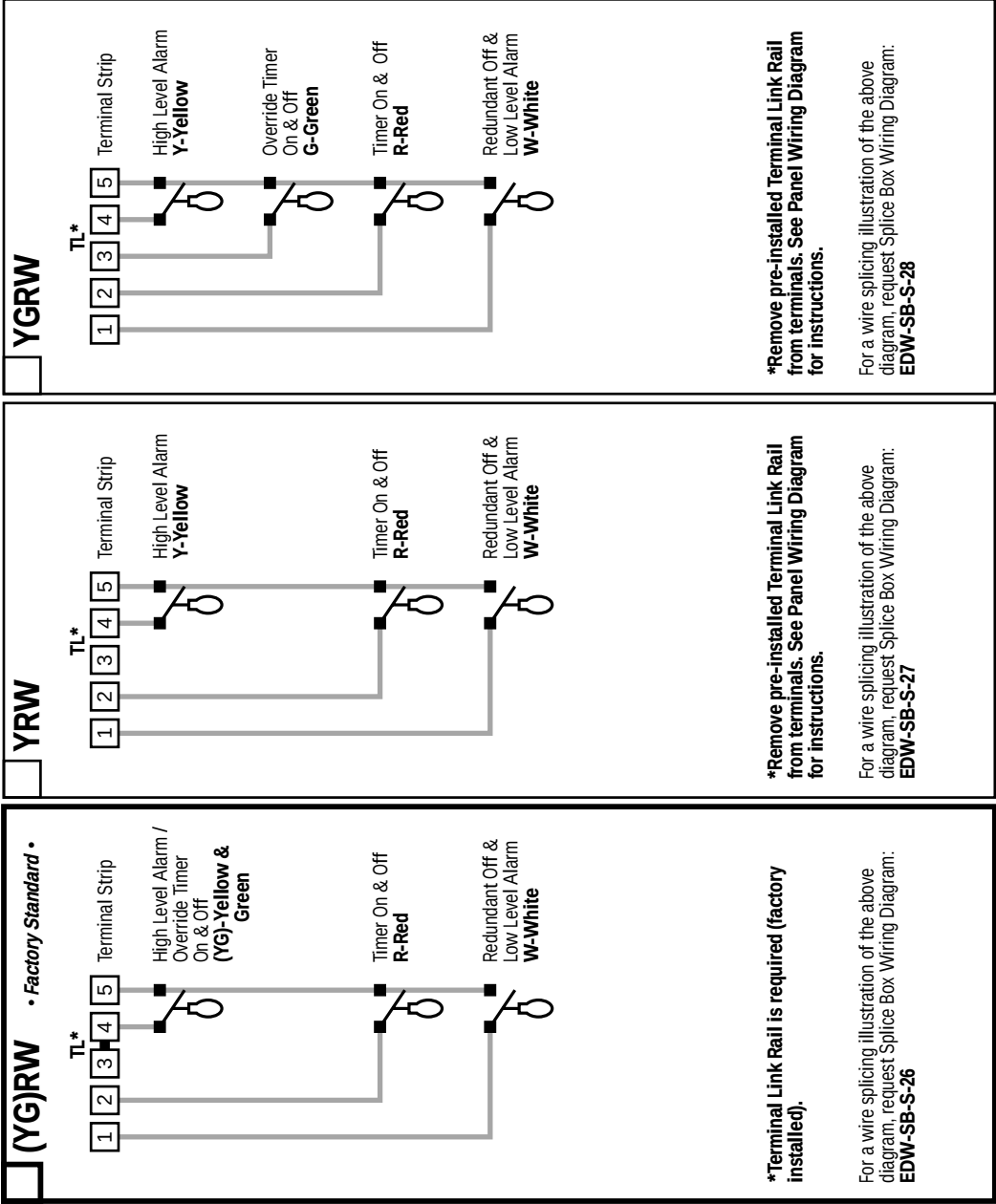
FACSIMILE:
(541) 459-2884

Float Types

- Typical OSI float model: A
- Specs: contact - normally open differential - no minimum power rating - signal
- Possible substitutions: B,C,D

Float Arrangement Diagram

Check the appropriate box for the float function (color code) used in your system.



Control Panel Series

MVP-S PTRO

Drawing No.

EDW-FA-S-10

EDW-FA-S-10
Rev 2.2 ©12/18/98

Splice Box Wiring Diagram



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Key

Black Wire

White Wire

Green Wire

Waterproof

Wire Nut

Heat Shrink &
Butt Connector *

* Refer to drawing EIN-SB-SB-1
for splicing instructions.

Float Tag Colors

Y - Yellow

P - Purple

B - Blue

G - Green

R - Red

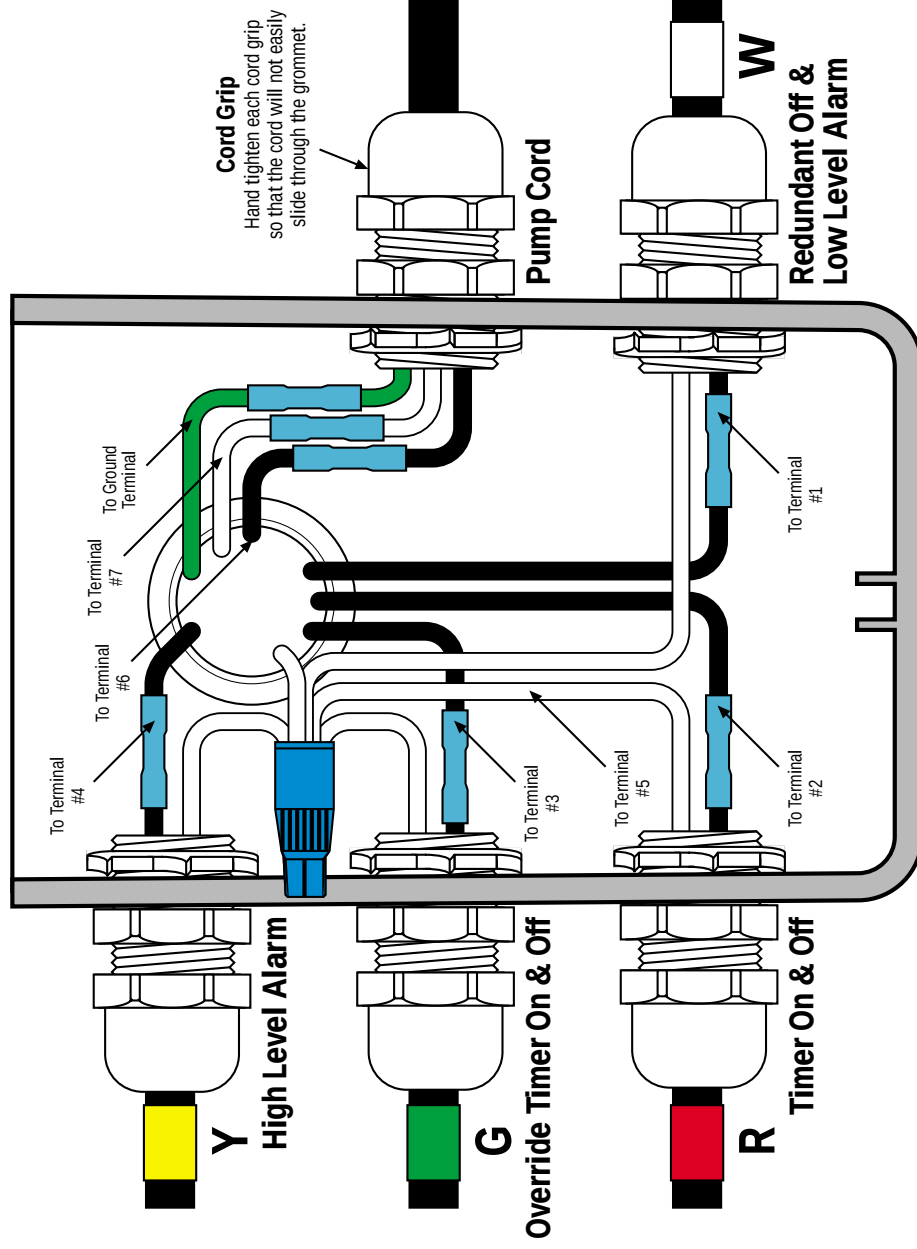
O - Orange

E - Grey

W - White

Note: Multi-function floats will
have more than one marker

Attention: Failure to follow splicing
instructions will void warranty



Control Panel Series

MVP-S PT RO

Float Function Color Code

YGRW

Splice Box Model

SB5

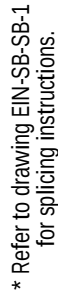
Drawing No.

EDW-SB-S-28

EDW-SB-S-28
Rev 1.0 ©06/10/99

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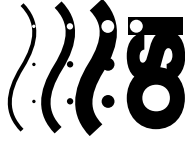


Y - Yellow
P - Purple
B - Blue
G - Green
R - Red
O - Orange
E - Grey
W - White

Attention: Failure to follow splicing instructions will void warranty



Splice Box Wiring Diagram



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Key

Black Wire

White Wire

Green Wire

Waterproof

Wire Nut

Heat Shrink &
Butt Connector *

* Refer to drawing EIN-SB-SB-1
for splicing instructions.

Float Tag Colors

Y - Yellow

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B - Blue

G - Green

R - Red

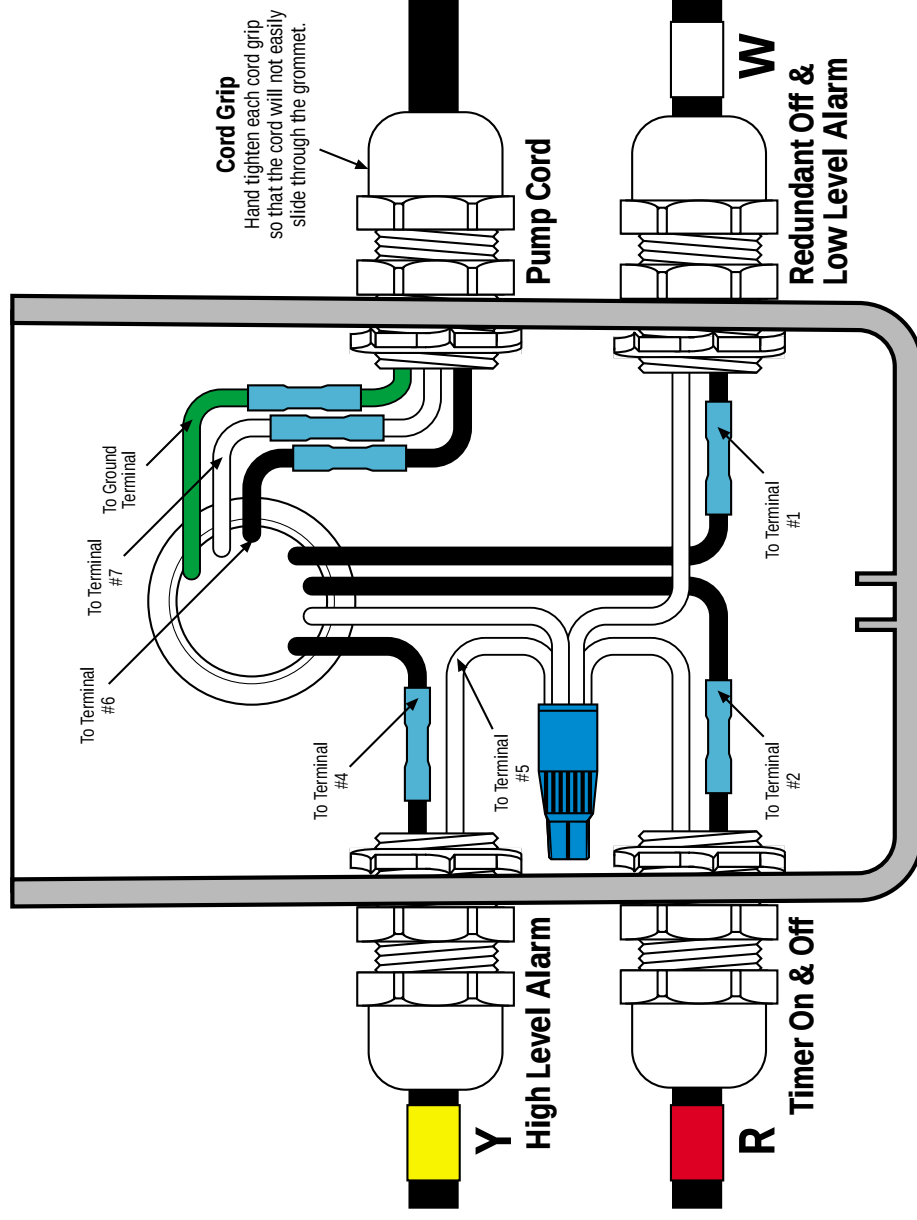
O - Orange

E - Grey

W - White

Note: Multi-function floats will
have more than one marker

Attention: Failure to follow splicing
instructions will void warranty



Control Panel Series

MVP-S PT RO

Float Function Color Code

YRW

Splice Box Model

SB4

Drawing No.

EDW-SB-S-27

MVP-S PT RO Operation



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Oreco's Most Versatile Panel (MVP) line of control panels includes an easy-to-use programmable logic unit that incorporates many timing and logic functions. The units have built in screens which show the time and date, digital input status, digital output status, analog input status (3 screens), analog output status, memory flag status and an ESC + Cursor key status. (The analog input status, analog output status, memory flag status and ESC + Cursor key status screens are not used in this application.) Additionally, the following system data screens have been included in your panel:

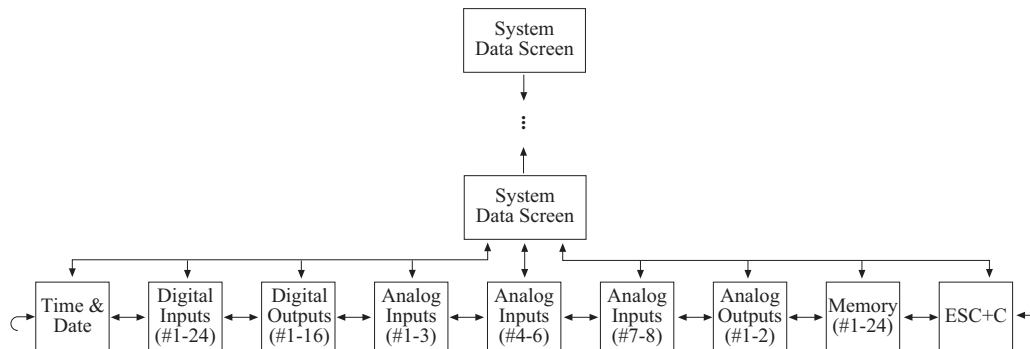
System Data Screens:

1. Pump Cycl CT & ETM
2. High Lvl CT & Override CT
3. Low Lvl CT & Timer Flt CT
4. Power Faults & Operating Hr

Description:

- Pump cycle counter at top of screen and pump run time in minutes beneath
- High level alarm counter at top of screen and override cycle counter beneath
- Low level alarm counter at top of screen and timer float counter beneath
- Power fault counter at top of screen and operating hours beneath

To move between screens, use the four arrow keys. The screens are accessed as shown below:



Digital Input and Digital Output Screens: The unit will activate various inputs and outputs as it operates (please refer to the Liquid Crystal Display screens shown below). Knowing what conditions cause the inputs and outputs to activate can be a helpful installation and troubleshooting tool. The following inputs and outputs have been used with your control panel:

Digital Input Functions:

1. Redundant Off & Low Level Alarm Float
2. Timer On & Off Float
3. Override Timer On & Off Float
4. High Level Alarm Float
5. Push To Silence

Activation Conditions:

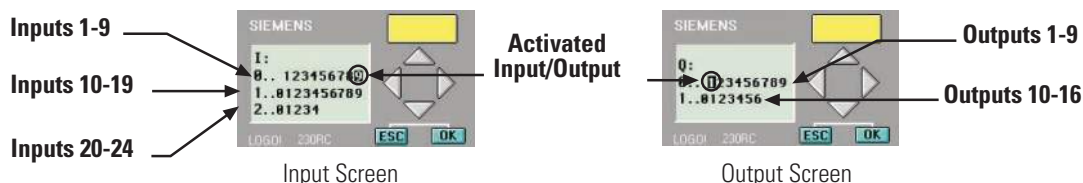
- Float in up position
- Float in up position
- Float in up position
- Float in up position
- Pushbutton is pressed

Digital Output Functions:

1. Pump
2. Level Alarm Light
3. Audible Alarm
4. General Alarm

Activation Conditions:

- Pump is activated
- Level Alarm Light is activated
- Audible Alarm is activated
- Alarm condition exists



Your control panel can perform the float functions listed below. Depending on the number of floats for your application, some functions may be omitted or combined.

High Level Alarm: This float activates the alarm light (steady) and audible alarm when lifted for longer than the high level alarm delay. The audible alarm may be silenced by pressing the illuminated PUSH TO SILENCE button on the front of the control panel. The alarm light (steady) will remain on until the float is lowered, and the audible alarm will reactivate in 12 hours if condition is not corrected.

Override Timer On & Off: This float activates the override timer function when lifted for more than two seconds. This timer function controls the pump cycles during high flow conditions. The override timer function will remain active until at least the set minimum number of override cycles have been completed and the float has lowered. When the override timer function has been completed, normal timer operation will resume.

Timer On & Off: This float activates the timer function when lifted. The timer will be activated while the float is up and will be deactivated 30 seconds after the float is lowered. This timer function controls the pump cycles during normal flow conditions. Note: The timer will start with its off cycle.

Redundant Off & Low Level Alarm: This float turns off the pump when lowered for more than two seconds. This float is a secondary off float which will operate if the Timer On & Off float fails. Pumping will be disabled in both the automatic and manual modes. This float also activates the alarm light (flashing) and audible alarm. The audible alarm may be silenced by pressing the illuminated PUSH TO SILENCE button on the front of the control panel. The alarm light will remain flashing until the float is lifted, and the audible alarm will reactivate in 12 hours if condition is not corrected.

MVP-S PT RO Setting Instructions



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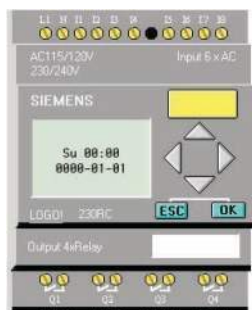
Oreco's Most Versatile Panel (MVP) line of control panels includes an easy-to-use programmable logic unit that incorporates many timing and logic functions. The unit has been programmed at the factory for the control functions required. The unit includes adjustable operational parameters and viewable monitoring information. Some operational parameters may need changing for your particular application.

The unit uses block names to identify the various parameters (please refer to the Liquid Crystal Display screen shown in Step #3). The following block types have been used with your control panel:

Block Names	Description	Factory Default	Time Range	Block Type
HLA Dly	High Level Alarm Delay	5 seconds	MM:SS	Timer
Off Time	Timer Off Time	60 minutes	MM:SS	Timer
On Time	Timer On Time	40 seconds	MM:SS	Timer
OVR Off	Override Timer Off Time	30 minutes	MM:SS	Timer
OVR On	Override Timer On Time	40 seconds	MM:SS	Timer
MinOCycl	Minimum Override Cycles	3 cycles		Counter

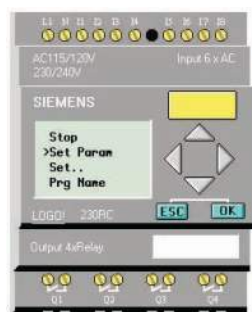
Timer blocks have three timebase units that can be used; s = seconds, m = minutes, h = hours. If an **h** appears after the timer setting then the time will be HH:MM (e.g. 01:55h = 1 hour and 55 minutes). If an **m** appears after the timer setting then the time will be MM:SS (e.g. 05:00m = 5 minutes and 0 seconds). If an **s** appears after the timer setting then the time will be SS.ss (e.g. 25:13s = 25.13 seconds).

All adjustable parameters DO NOT use the same type of blocks, check the block types above to determine which steps apply to your application.



Changing Adjustable Parameter Blocks:

Step 1: Press ▼ repeatedly until the display does not change. To begin the configuration process, press the “ESC” key.



Step 2: Press ▼ on the unit to select “Set Param.” Then press the “OK” key.

Warning: Do not select “Stop.” Doing so may erase the panel programming, which can not be restored without the use of an EEPROM card, which is not included with the panel. If this is selected by accident, a confirmation screen will come up. Select “No” and press the “OK” key immediately.

Changing Adjustable Parameter Timer Blocks:

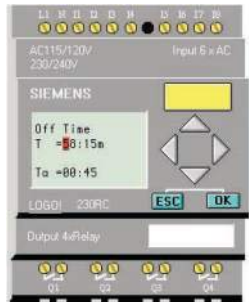


Step 3: Press **▲** or **▼** to view the parameter values. In this example, “Off Time” is being viewed.

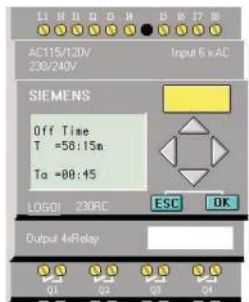


Step 4: The first line indicates the set value for the parameter. In this example, the set time is 1 hour and 55 minutes, “**T=01:55h.**” To change the set value for the parameter, press the “**OK**” key.

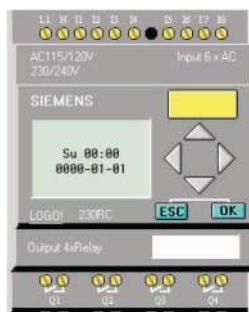
The second line indicates, in real time, how much time has elapsed for the cycle that is currently in process. The current value of the parameter is 45 minutes, “**Ta=00:45.**”



Step 5: The cursor will appear in the set value. To select the digit to be changed, press **◀** or **▶**. To change the value of a digit, press **▲** or **▼**. In this example, the set value has been changed from 1 hour and 55 minutes to 58 minutes and 15 seconds. (The timebase can be changed from hours = h to minutes = m or seconds = s by moving the cursor to the far right and pressing **▲** or **▼**).



Step 6: When the desired time value has been entered, press the “**OK**” key. The new time value will now be in effect.



Step 7: To exit parameter mode, press the “**ESC**” key twice.

Changing Adjustable Parameter Counter Blocks:



Step 3: Press $\blacktriangle$ or $\blacktriangledown$ to view the parameter values. In this example, “MinOCycl” is being viewed.



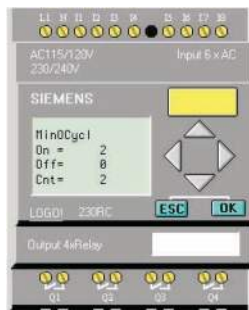
Step 4: The first line indicates the on threshold for the parameter. In this example, the “MinOCycl” is 3, “On = 3.” To change the set value for the parameter, press the “OK” key.

The second line indicates the off threshold. This value must be set to zero, “Off = 0.”

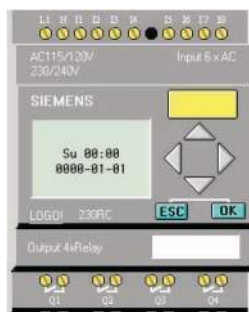
The third line indicates, in real time, how many counts have occurred for this process. The current value of the parameter is 2, “Cnt = 2.”



Step 5: The cursor will appear in the set value. To select the digit to be changed, press $\blacktriangleleft$ or $\blacktriangleright$. To change the value of a digit, press $\blacktriangle$ or $\blacktriangledown$. In this example, the set value has been changed from 3 to 2.



Step 6: When the desired counter value has been entered, press the “OK” key. The new value will now be in effect.



Step 7: To exit parameter mode, press the “ESC” key twice.

MVP-S PT RO Reference Chart Program Code: SI103-50 Input Functions: 1. RO & Low Level Alarm Float 2. Timer On & Off Float 3. Override Timer On & Off Float 4. High Level Alarm Float 5. Push to Silence Output Functions: 1. Pump 2. Level Light 3. Audible Alarm 4. General Alarm Condition for activation: Float in up position Float in up position Float in up position Float in up position Pushbutton is pressed Condition for activation: Pump is activated Alarm Light is activated Audible Alarm is activated Alarm condition exists Built In Screens: Built in screens are: time & date, digital inputs, digital outputs, analog inputs, analog outputs, memory flag, and ESC+cursor key status. To view these screens, press the down arrow repeatedly until a built in screen appears, then use the left and right arrow keys to change between screens. System Data Screens: To change between screens, press the up and down arrow keys. The following screens have been used with your panel. Screens: 1. Pump Cycl CT & ETM 2. High Lvl CT & Override CT 3. Low Lvl CT & Timer Flt CT 4. Power Faults & Operating Hr Description: Pump cycle counter on top and pump run time in minutes below High level alarm counter on top and override cycle counter below Low level alarm counter on top and timer float counter below Power fault counter on top and operating hours below Selecting Blocks for Viewing or Adjusting: To begin to adjust parameters, press 'ESC'. Block Names: HLA Dly Off Time On Time OVR Off OVR On MinOCycl Description: High Level Alarm Delay Timer Off Time Timer On Time Override Timer Off Time Override Timer On Time Minimum Override Cycles Time Range: MM:SS MM:SS MM:SS MM:SS MM:SS EIN-CP-REF-1 Rev 6.0 © 08/09/05	MVP-S PT RO Reference Chart Program Code: SI103-50 Input Functions: 1. RO & Low Level Alarm Float 2. Timer On & Off Float 3. Override Timer On & Off Float 4. High Level Alarm Float 5. Push to Silence Output Functions: 1. Pump 2. Level Light 3. Audible Alarm 4. General Alarm Condition for activation: Float in up position Float in up position Float in up position Float in up position Pushbutton is pressed Condition for activation: Pump is activated Alarm Light is activated Audible Alarm is activated Alarm condition exists Built In Screens: Built in screens are: time & date, digital inputs, digital outputs, analog inputs, analog outputs, memory flag, and ESC+cursor key status. To view these screens, press the down arrow repeatedly until a built in screen appears, then use the left and right arrow keys to change between screens. System Data Screens: To change between screens, press the up and down arrow keys. The following screens have been used with your panel. Screens: 1. Pump Cycl CT & ETM 2. High Lvl CT & Override CT 3. Low Lvl CT & Timer Flt CT 4. Power Faults & Operating Hr Description: Pump cycle counter on top and pump run time in minutes below High level alarm counter on top and override cycle counter below Low level alarm counter on top and timer float counter below Power fault counter on top and operating hours below Selecting Blocks for Viewing or Adjusting: To begin to adjust parameters, press 'ESC'. Block Names: HLA Dly Off Time On Time OVR Off OVR On MinOCycl Description: High Level Alarm Delay Timer Off Time Timer On Time Override Timer Off Time Override Timer On Time Minimum Override Cycles Time Range: MM:SS MM:SS MM:SS MM:SS MM:SS EIN-CP-REF-1 Rev 6.0 © 08/09/05
MVP-S PT RO Reference Chart Program Code: SI103-50 Input Functions: 1. RO & Low Level Alarm Float 2. Timer On & Off Float 3. Override Timer On & Off Float 4. High Level Alarm Float 5. Push to Silence Output Functions: 1. Pump 2. Level Light 3. Audible Alarm 4. General Alarm Condition for activation: Float in up position Float in up position Float in up position Float in up position Pushbutton is pressed Condition for activation: Pump is activated Alarm Light is activated Audible Alarm is activated Alarm condition exists Built In Screens: Built in screens are: time & date, digital inputs, digital outputs, analog inputs, analog outputs, memory flag, and ESC+cursor key status. To view these screens, press the down arrow repeatedly until a built in screen appears, then use the left and right arrow keys to change between screens. System Data Screens: To change between screens, press the up and down arrow keys. The following screens have been used with your panel. Screens: 1. Pump Cycl CT & ETM 2. High Lvl CT & Override CT 3. Low Lvl CT & Timer Flt CT 4. Power Faults & Operating Hr Description: Pump cycle counter on top and pump run time in minutes below High level alarm counter on top and override cycle counter below Low level alarm counter on top and timer float counter below Power fault counter on top and operating hours below Selecting Blocks for Viewing or Adjusting: To begin to adjust parameters, press 'ESC'. Block Names: HLA Dly Off Time On Time OVR Off OVR On MinOCycl Description: High Level Alarm Delay Timer Off Time Timer On Time Override Timer Off Time Override Timer On Time Minimum Override Cycles Time Range: MM:SS MM:SS MM:SS MM:SS MM:SS EIN-CP-REF-1 Rev 6.0 © 08/09/05	MVP-S PT RO Reference Chart Program Code: SI103-50 Input Functions: 1. RO & Low Level Alarm Float 2. Timer On & Off Float 3. Override Timer On & Off Float 4. High Level Alarm Float 5. Push to Silence Output Functions: 1. Pump 2. Level Light 3. Audible Alarm 4. General Alarm Condition for activation: Float in up position Float in up position Float in up position Float in up position Pushbutton is pressed Condition for activation: Pump is activated Alarm Light is activated Audible Alarm is activated Alarm condition exists Built In Screens: Built in screens are: time & date, digital inputs, digital outputs, analog inputs, analog outputs, memory flag, and ESC+cursor key status. To view these screens, press the down arrow repeatedly until a built in screen appears, then use the left and right arrow keys to change between screens. System Data Screens: To change between screens, press the up and down arrow keys. The following screens have been used with your panel. Screens: 1. Pump Cycl CT & ETM 2. High Lvl CT & Override CT 3. Low Lvl CT & Timer Flt CT 4. Power Faults & Operating Hr Description: Pump cycle counter on top and pump run time in minutes below High level alarm counter on top and override cycle counter below Low level alarm counter on top and timer float counter below Power fault counter on top and operating hours below Selecting Blocks for Viewing or Adjusting: To begin to adjust parameters, press 'ESC'. Block Names: HLA Dly Off Time On Time OVR Off OVR On MinOCycl Description: High Level Alarm Delay Timer Off Time Timer On Time Override Timer Off Time Override Timer On Time Minimum Override Cycles Time Range: MM:SS MM:SS MM:SS MM:SS MM:SS EIN-CP-REF-1 Rev 6.0 © 08/09/05

MVP - Control Panel Instructions

Contrast Adjustment and Time & Date Settings



Oreco Systems®
Incorporated

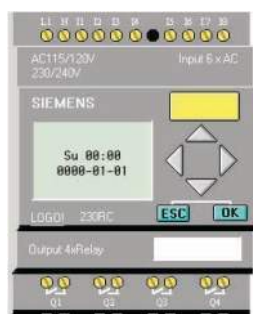
814 AIRWAY AVENUE
SUTHERLIN, OREGON
97479-9012

TELEPHONE:
(541) 459-4449

FACSIMILE:
(541) 459-2884

Oreco's Most Versatile Panel (MVP) line of control panels includes an easy-to-use programmable logic unit that incorporates many timing and logic functions. The readability of the display may vary with temperature and ambient light. If the screen is difficult to read, adjusting the contrast is recommended. Instructions for adjusting the contrast are shown below. Setting the date and time is typically not necessary. However, if required, the time and date can be set by following instructions shown below.

To adjust the settings, use the four arrow keys located on the face of the unit (up, down, left, and right), along with the "ESC" key and the "OK" key. Follow the steps, below:



Changing Settings:

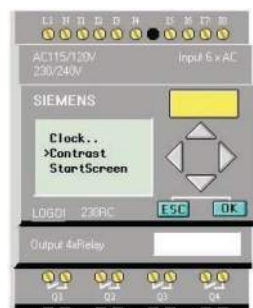
Step 1: Press ▼ repeatedly until the display does not change. To begin the configuration process, press the "ESC" key.



Step 2: Select "Set..." (Press ▲ or ▼), and then press the "OK" key.

Warning: Do not select "Stop". Doing so may erase the panel programming, which can not be restored without the use of an EEPROM card, which is not included with the panel. If this is selected by accident, a confirmation screen will come up. Select "No" and press the "OK" key immediately.

If adjusting contrast, continue with the steps below. If adjusting time & date, skip to "Setting Time and Date:" on next page.



Adjusting Contrast:

Step 3: Select "Contrast" (Press ▲ or ▼), and then press the "OK" key.



Step 4: Select the desired contrast (Press ◀ or ▶), and then press the "OK" key.



Step 5: To exit, press the “ESC” key once.

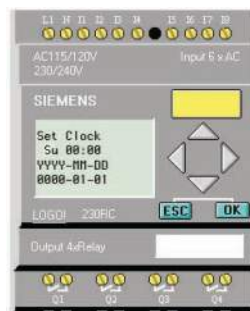


Setting Time and Date:

Step 3: Select “Clock...” (Press ▲ or ▼), and then press the “OK” key.

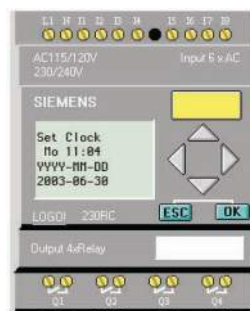


Step 4: Select “Set Clock” (Press ▲ or ▼), and then press the “OK” key.



Step 5: Move the cursor to the desired position by pressing ◀ or ▶.

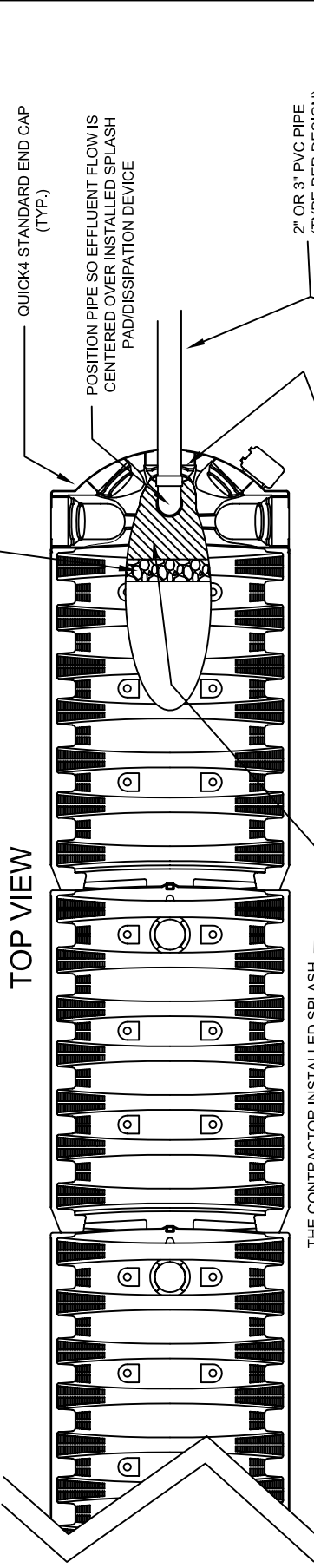
Step 6: Change the value by pressing ▲ or ▼.



Step 7: To confirm your entries press the “OK” key once. Then, press the “ESC” key twice.

NORTH CAROLINA INFILTRATOR QUICK4 STANDARD-W FLOW DISSIPATER FOR PRESSURE SYSTEMS

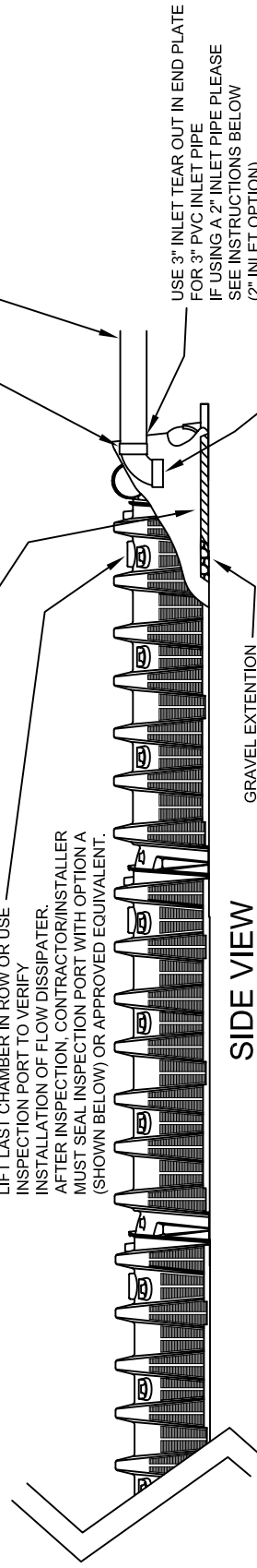
TOP VIEW



NOTE: 1. DESIGN CAN BE SUBSTITUTED FOR ANY INFILTRATOR SYSTEMS PRODUCT
2. INFILTRATOR SYSTEMS, INC. SUPPLIES CHAMBERS AND ENDPLATES ONLY. ADDITIONAL PRODUCTS AND MATERIALS TO BE PROVIDED BY CONTRACTOR/INSTALLER.

LIFT LAST CHAMBER IN ROW OR USE INSPECTION PORT TO VERIFY INSTALLATION OF FLOW DISSIPATER. AFTER INSPECTION, CONTRACTOR/INSTALLER MUST SEAL INSPECTION PORT WITH OPTION A (SHOWN BELOW) OR APPROVED EQUIVALENT.

SIDE VIEW



AFTER INSPECTION: GLUE 4" PVC PIPE CAP TO TOP OF 4" PVC PIPE AND INSERT BOTH PIECES INTO OPEN INSPECTION PORT

OPTION A:

4" PVC PIPE CAP

4" PVC PIPE 4'-6" LONG

FOR SIDE INLETTING WITH 2" PIPE FOLLOW SAME PROCEDURE

2" PVC INLET

2" INLET OPTION

INFILTRATOR SYSTEMS, INC.
6 BUSINESS PARK ROAD
P.O. BOX 768
OLD SAYBROOK, CT 06475
PH. (800) 221-4436
FX. (860) 577-7001
WWW.INFILTRATORSYSTEMS.COM

ORANGE COUNTY, NC
INFILTRATOR
QUICK4 STANDARD-W
FLOW DISSIPATER
FOR PRESSURE SYSTEMS

Scale NOT TO SCALE

Date 04/06/2005

Drawn By: BCP

Checked DFH

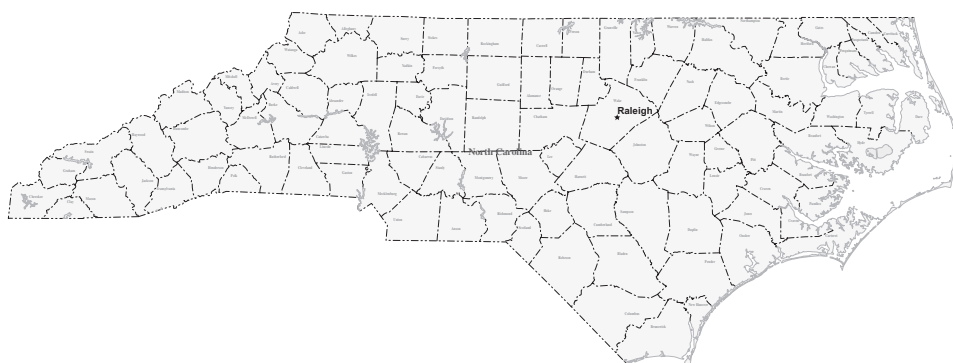
ACAD No. NC_04STD-W_D_A_5(90_dissipater)

Sheet 1 Of 1



INFILTRATOR®
water technologies

Design and Installation Manual for Infiltrator Chambers in North Carolina



North Carolina



Infiltrator Chambers in North Carolina

INTRODUCTION	2
STATE APPROVAL SUMMARY	4
PRODUCTS	5
SYSTEM SIZING	7
CHAMBER CONFIGURATIONS	11
INSTALLATION INSTRUCTIONS	20
INSPECTORS CHECKLIST	26
WARRANTY	27

The purpose of this product information sheet is to provide specific design and installation information pertinent for the use of Infiltrator Quick4 Plus chambers in North Carolina.

For more detailed design information,
please contact Infiltrator Water Technologies at 1-800-221-4436

North Carolina

INTRODUCTION

Quick4 Chambers

Quick4 High Capacity, Quick4 Plus Standard, Quick4 Standard and Quick4 Plus Standard Low Profile (LP) chambers fit into a 36-inch-wide trench. The Quick4 Plus Standard LP chamber is 4 inches shorter than the other standard chamber model, allowing for shallower installation. The Quick4 Plus line of endcaps is available with these chambers, providing increased flexibility in system configurations. All chambers can be installed in a conventional bed system (15A NCAC 18A.1955). Ask your local Infiltrator sales representative for specific information on various system-inletting options.

Quick4 Plus Standard Nominal Chamber Specifications

Size:	34"W x 48"L x 12"H
Storage Capacity:	45 gal
Invert Elevation:	5.3", 8"
Equivalency Rating/Sizing	4.0 ft ² /lf
Minimum Trench Spacing:	9-ft on center

QUICK4 PLUS STANDARD



Quick4 Plus Standard Low Profile (LP) Nominal Chamber Specifications

Size:	34"W x 48"L x 8"H
Storage Capacity:	32 gal
Invert Elevation:	3.3", 9"
Equivalency Rating/Sizing	3.0 ft ² /lf
Minimum Trench Spacing:	9-ft on center

QUICK4 PLUS STANDARD LOW PROFILE (LP)



Quick4 Equalizer 24 Chamber Nominal Specifications

Size	16"W x 53"L x 11"H
Storage Capacity	20.8 gal
Invert Elevation	6"
Equivalency Rating/Sizing	2.0 ft ² /lf
Minimum Trench Spacing:	6-ft on center

QUICK4 EQUALIZER 24



Quick4 High Capacity Chamber Nominal Specifications

Size	34"W x 48"L x 16"H
Storage Capacity	62 gal
Invert Elevation	11.5"
Equivalency Rating/Sizing	4.0 ft ² /lf
Minimum Trench Spacing:	9-ft on center

QUICK4 HIGH CAPACITY



INTRODUCTION

Quick4 Equalizer 36 Chamber Nominal Specifications

Size	22"W x 53"L x 12"H
Storage Capacity	32 gal
Invert Elevation	6"
Equivalency Rating/Sizing	3.0 ft ² /lf
Minimum Trench Spacing:	7-ft on center



Infiltrator IM-Series Tanks		
Tank	 IM-1060	 IM-1530
Applications	Suitable for use as a pump tank, 2-compartment septic tank or rainwater storage tank, shallow, multiple, and serial tank configurations.	Suitable for use as a pump tank, 2-compartment septic tank or rainwater storage tank, shallow, multiple, and serial tank configurations.
Working Capacity	1,094 gal	1,537 gal
Total Capacity	1,287 gal	1,787 gal
Septic Tank Approval Number	STB-2071	STB-3000
Pump Tank Approval Number	PT-2077	PT-2096

STATE APPROVAL SUMMARY

Excerpt from AWWA 2005-01-R4. Accepted approval with 4.0 ft²/lf for the Quick4 Plus Standard chamber model and sizing only. Allows for substitution of any conventional permits.

IX. Responsibilities and Permitting

- A. The local health department shall permit these accepted system in an equivalent manner as a conventional system, when the requirements of 15A NCAC 18A .1900 et. Seq., laws, and conditions of this accepted system approval are met.
- B. When use of one or more of these accepted systems is requested in the application for a Construction Authorization, the local health department shall include a design for the designated accepted system(s) in accordance with the approved siting, sizing, and design criteria on the Construction Authorization.
- C. When a permit or authorization is issued for a conventional system, the permit or authorization shall contain a statement that indicates that an accepted system may also be used. These accepted systems may be installed without permit/authorization modification, prior approval of the health department, or separate sign-off, if the accepted system can be placed in the permitted/authorized trench footprint and the installation is in accordance with the accepted system approval, without unauthorized product alteration.
- D. When substitution with one of these accepted systems for a conventional system or another accepted system is made, permit modification, prior approval of the health department or separate owner sign-off is not required as long as no changes are necessary in the location of each nitrification line (except reduction in line length and/or number as allowed for in this approval), trench depth, or effluent distribution method.
- E. Notwithstanding paragraphs C and D above, when a substitution in system type compared to a previously permitted or authorized system type or types shall result in a change in the location of any nitrification line (including any increase in line length), trench depth, or effluent distribution method, prior approval by the local health department is required before system installation. The local health department shall modify the permit/authorization upon a finding that all provisions of this approval and all other applicable rules shall be met.
- F. The type of system installed shall be indicated on the Operation Permit, including designation of the manufacturer and model or unique code.

CHAMBER APPROVAL SUMMARY

Model	Accepted ¹	Innovative ²	Controlled Demonstration ³
Quick4 Plus Standard	x	x	
Quick4 Plus Standard LP		x	x
Quick4 High Capacity		x	
Quick4 Equalizer 36		x	
Quick4 Equalizer 24		x	

1. AWWA 2005-01-R4

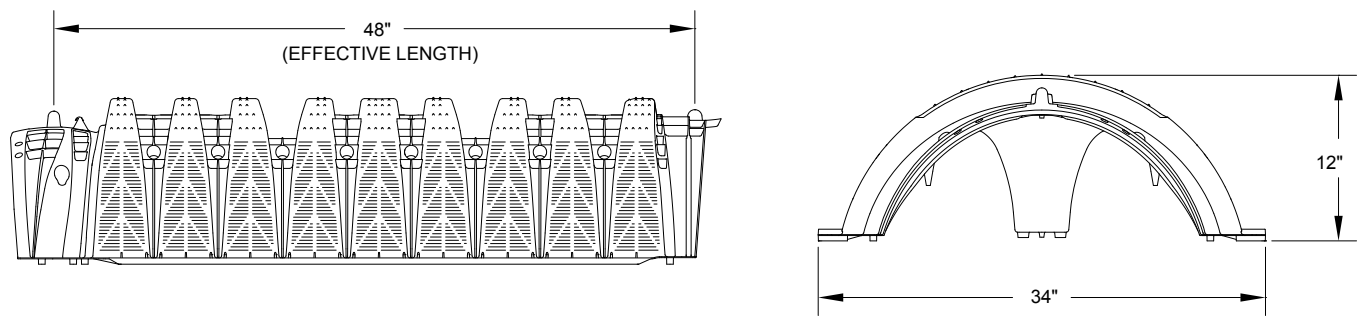
2. IWWA-2010-1-R2

3. CDWS 2010-1-R2B

PRODUCTS

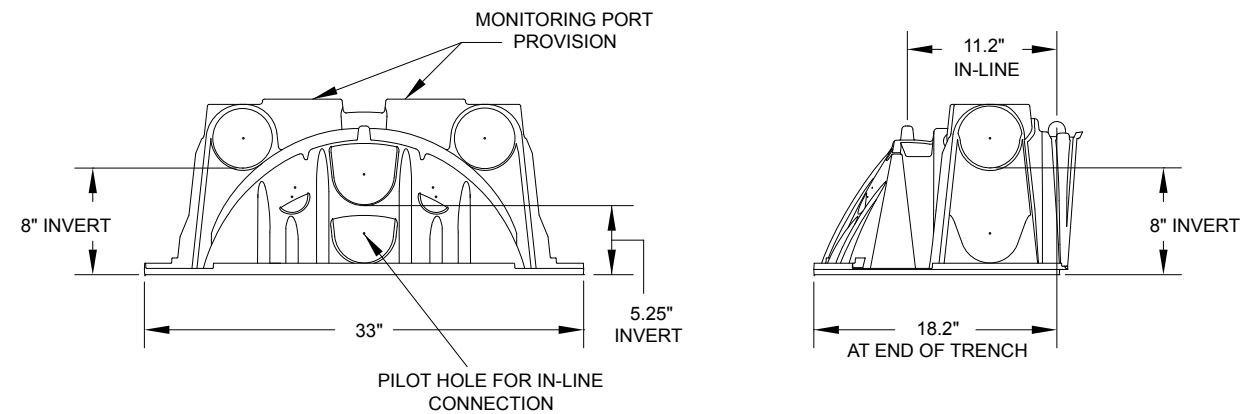
Quick4 Plus Standard Chamber

SIDE AND END VIEWS (not to scale)



Quick4 Plus All-in-One12 Endcap

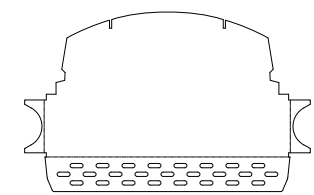
SIDE AND END VIEWS (not to scale)



NOTES:
For use with the Quick4 Plus Standard Chambers.

Quick4 Plus Standard High Flow Splash Plate

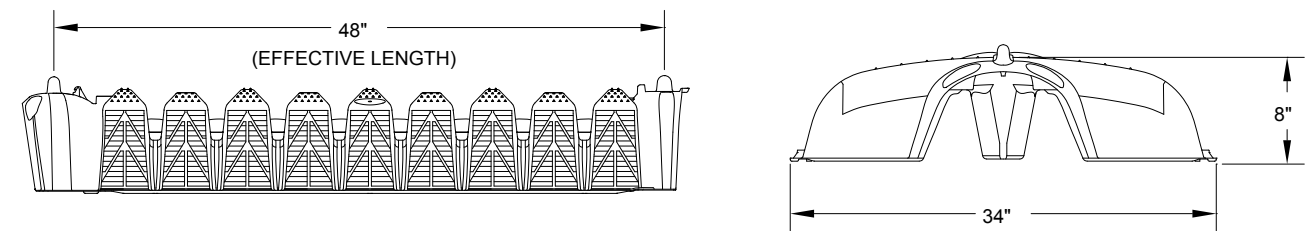
FLAT VIEW (not to scale)



PRODUCTS

Quick4 Plus Standard LP Chamber

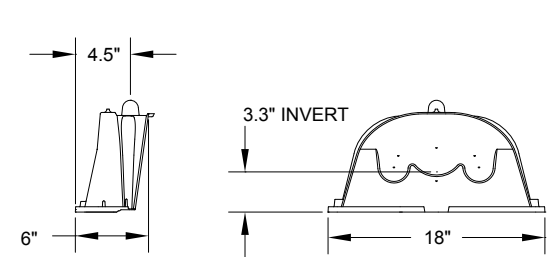
SIDE AND END VIEWS (not to scale)



NOTE: The Quick4 Plus Standard LP Chamber is compatible with the Quick4 Plus 8 Endcap and Quick4 Plus All-in-One 8 Endcap.

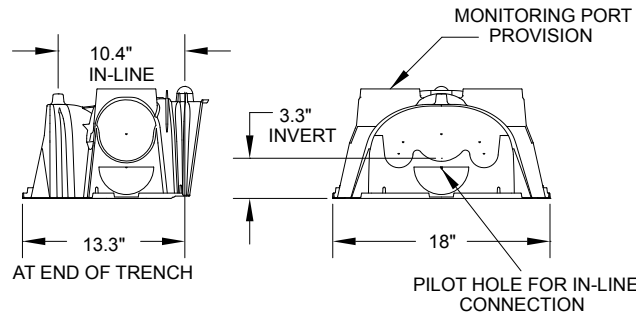
Quick4 Plus 8 Endcap

SIDE AND END VIEWS (not to scale)



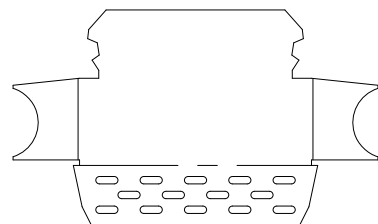
Quick4 Plus All-in-One 8 Endcap

SIDE AND END VIEWS (not to scale)



Quick4 Plus LP High Flow Splash Plate (not to scale)

Required when pumping into system



SYSTEM SIZING

Sizing of Infiltrator Chamber Systems for Residential Use

TABLE 1: 4 FT²/LF (25%) EQUIVALENCY RATING FACTOR – QUICK4 PLUS STANDARD OR QUICK4 HIGH CAPACITY CHAMBERS

Textural Group	Natural Soil LTAR (gpd. sq ft)	Stone & Pipe Conventional Trench			Q4 Plus Standard or Q4 High Capacity Chambers					
		2 Bedroom Trench Length (ft)	3 Bedroom Trench Length (ft)	4 Bedroom Trench Length (ft)	2 Bedroom		3 Bedroom		4 Bedroom	
					Trench Length (ft)	Chambers Required	Trench Length (ft)	Chambers Required	Trench Length (ft)	Chambers Required
Soil Group I Sands	1.0	80	120	160	60	15	90	23	120	30
	0.9	89	133	178	67	17	100	25	133	34
Soil Group II Coarse Loam	0.8	100	150	200	75	19	113	29	150	38
	0.7	114	171	229	86	22	129	33	171	43
Soil Group III Fine Loam	0.6	133	200	267	100	25	150	38	200	50
	0.5	160	240	320	120	30	180	45	240	60
	0.4	200	300	400	150	38	225	57	300	75
Soil Group IV Clays	0.3	267	400	533	200	50	300	75	400	100
	0.2	400	600	800	300	75	450	113	600	150
	0.1	800	1200	1600	600	150	900	225	1200	300

TABLE 2: 3 FT²/LF EQUIVALENCY RATING FACTOR – QUICK4 PLUS STANDARD LOW PROFILE (LP) CHAMBER

Textural Group	Natural Soil LTAR (gpd. sq ft)	Stone & Pipe Conventional Trench			Q4 Plus Standard Low Profile (LP) Chamber					
		2 Bedroom Trench Length (ft)	3 Bedroom Trench Length (ft)	4 Bedroom Trench Length (ft)	2 Bedroom		3 Bedroom		4 Bedroom	
					Trench Length (ft)	Chambers Required	Trench Length (ft)	Chambers Required	Trench Length (ft)	Chambers Required
Soil Group I Sands	1.0	80	120	160	80	20	120	30	160	40
	0.9	89	133	178	89	23	133	34	178	45
Soil Group II Coarse Loam	0.8	100	150	200	100	25	150	38	200	50
	0.7	114	171	229	114	29	171	43	229	58
Soil Group III Fine Loam	0.6	133	200	267	113	34	200	50	267	67
	0.5	160	240	320	160	40	240	60	320	80
	0.4	200	300	400	200	50	300	75	400	100
Soil Group IV Clays	0.3	267	400	533	267	67	400	100	533	134
	0.2	400	600	800	400	100	600	150	800	200
	0.1	800	1200	1600	800	200	1200	300	1600	400

NOTES:

1. Required trench bottom (sq ft) = design daily sewage flow (120 gallons per bedroom or 60 gallons per person, whichever is greater) / applicable long term acceptance rate (LTAR). The minimum daily sewage flow is 240 gallons per day.
2. Chamber sizing shall be calculated using the following ratings, Quick4 Plus Standard and Quick4 High Capacity at 4 ft²/lf, Quick4 Plus Standard LP at 3 ft²/lf.
3. To calculate sizing for additional bedrooms multiply the number of bedrooms by 120 and divide by the applicable LTAR.
4. Trench length provided in Tables 1 & 2 do not include endcaps.
5. All innovative and accepted chamber and polystyrene drainfield products have a maximum LTAR limit of 1.0 gpd/sq ft for Group I soils. If the soil at a site could be approved for an LTAR, for a gravel system, of greater than 1.0 gpd/sq ft, it is acceptable for a chamber or polystyrene drainfield product to be used at a maximum LTAR of 1.0 gpd/sq ft. The 25% reduction would still apply to all but low profile chambers.

SYSTEM SIZING

Sizing of Infiltrator Chamber Systems for Residential Use

TABLE 3: 3 FT²/LF EQUIVALENCY RATING FACTOR – QUICK4 EQUALIZER 36 CHAMBERS

Textural Group	Natural Soil LTAR (gpd. sq ft)	Stone & Pipe Conventional Trench			Q4 Equalizer 36 Chambers					
		2 Bedroom Trench Length (ft)	3 Bedroom Trench Length (ft)	4 Bedroom Trench Length (ft)	2 Bedroom		3 Bedroom		4 Bedroom	
					Trench Length (ft)	Chambers Required	Trench Length (ft)	Chambers Required	Trench Length (ft)	Chambers Required
Soil Group I Sands	1.0	80	120	160	80	20	120	30	160	40
	0.9	89	133	178	89	23	133	34	178	45
Soil Group II Coarse Loam	0.8	100	150	200	100	25	150	38	200	50
	0.7	114	171	229	114	29	171	43	229	58
Soil Group III Fine Loam	0.6	133	200	267	113	34	200	50	267	67
	0.5	160	240	320	160	40	240	60	320	80
	0.4	200	300	400	200	50	300	75	400	100
Soil Group IV Clays	0.3	267	400	533	267	67	400	100	533	134
	0.2	400	600	800	400	100	600	150	800	200
	0.1	800	1200	1600	800	200	1200	300	1600	400

TABLE 4: 2 FT²/LF EQUIVALENCY RATING FACTOR - QUICK4 EQUALIZER 24 CHAMBERS

Textural Group	Natural Soil LTAR (gpd. sq ft)	Stone & Pipe Conventional Trench			Q4 Equalizer 24 Chambers					
		2 Bedroom Trench Length (ft)	3 Bedroom Trench Length (ft)	4 Bedroom Trench Length (ft)	2 Bedroom		3 Bedroom		4 Bedroom	
					Trench Length (ft)	Chambers Required	Trench Length (ft)	Chambers Required	Trench Length (ft)	Chambers Required
Soil Group I Sands	1.0	80	120	160	80	30	120	45	160	60
	0.9	89	133	178	89	34	133	50	178	67
Soil Group II Coarse Loam	0.8	100	150	200	100	38	150	57	200	75
	0.7	114	171	229	114	43	171	65	229	86
Soil Group III Fine Loam	0.6	133	200	267	113	50	200	75	267	100
	0.5	160	240	320	160	60	240	90	320	120
	0.4	200	300	400	200	75	300	113	400	150
Soil Group IV Clays	0.3	267	400	533	267	100	400	150	533	200
	0.2	400	600	800	400	150	600	225	800	300
	0.1	800	1200	1600	800	300	1200	450	1600	600

NOTES:

1. Required trench bottom (sq ft) = design daily sewage flow (120 gallons per bedroom or 60 gallons per person, whichever is greater) / applicable long term acceptance rate (LTAR). The minimum daily sewage flow is 240 gallons per day.
2. Chamber sizing shall be calculated using the following ratings, Quick4 Equalizer 36 at 3 ft²/lf and Quick4 Equalizer 24 at 2 ft²/lf.
3. To calculate additional bedrooms multiply the number of bedrooms by 120 and divide by the applicable LTAR.
4. Trench length provided in Tables 1 & 2 do not include endcaps.
5. All innovative and accepted chamber and polystyrene drainfield products have a maximum LTAR limit of 1.0 gpd/sq ft for Group I soils. If the soil at a site could be approved for an LTAR, for a gravel system, of greater than 1.0 gpd/sq ft, it is acceptable for a chamber or polystyrene drainfield product to be used at a maximum LTAR of 1.0 gpd/sq ft. The 25% reduction would still apply to all but low profile chambers.

SYSTEM SIZING

Quick4 Plus Standard LP Chamber

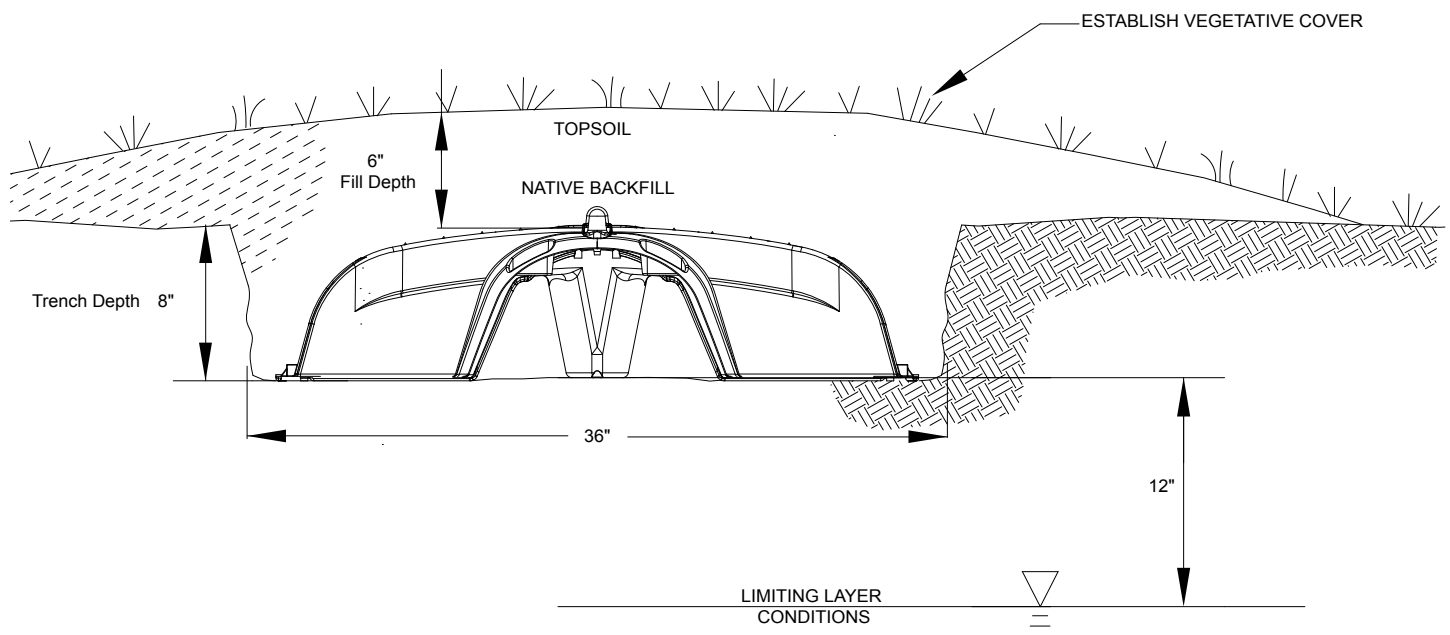
- Quick4 Plus Standard LP Chambers are sized at 1:1 with 3-foot-wide conventional gravel and pipe trenches and beds.
- Chambers are approved for use under IWWS-2010-1-R2 for installation in 24 inches of naturally occurring soil.
- For use in 20 (soil group II - IV) to 26 (soil group I) inches of naturally occurring soil:
 - The counties in Table 5 are approved under Innovative Wastewater System Approval, IWWS-290-1-R2.
 - All other counties are approved under Controlled Demonstration System Approval, CDWS-2010-1-R2B.

TABLE 5: INNOVATIVE WASTEWATER SYSTEM APPROVAL – APPROVED COUNTIES

Beaufort	Duplin	Pamlico
Bertie	Edgecombe	Pender
Bladen	Gates	Pasquotank
Brunswick	Greene	Perquimans
Camden	Hertford	Pitt
Carteret	Hoke	Robeson
Chowan	Hyde	Sampson
Columbus	Jones	Scotland
Craven	Lenoir	Tyrrell
Cumberland	Martin	Washington
Currituck	New Hanover	Wayne
Dare	Onslow	

Trench Detail

TYPICAL CROSS SECTION (not to scale)



NOTES:

1. Soil profiles referred to in this section are applicable to installations in soil groups II-IV. For installations in soil group I, please refer to the specified North Carolina approvals or contact Infiltrator.

SYSTEM SIZING

TABLE 6: Equivalency Factors for Quick4 Endcaps and Mid-Line Connections

Product	Excavated Trench Width (inches)	Approved Chamber Equivalency Factor Linear Foot Basis ¹ (ft ² /lf)	Linear Feet of Chamber Credit per Pair When Placed at Ends of Chamber Line (lf) ²	Linear Feet of Chamber Credit per Unit when Placed as as Mid-Line Connection (lf) ³
Quick4 Plus Standard All-in-One 12 Endcap	36	4.0	2	1
Quick4 Plus Standard LP All-in-One 8 Endcap	36	3.0	1	1
Quick4 HC MultiPort Endcap	36	4.0	2	NA
Quick4 Equalizer 36 MultiPort Endcap	24	3.0	1	NA
Quick4 Equalizer 24 Multiport Endcap	18-24	2.0	1	NA

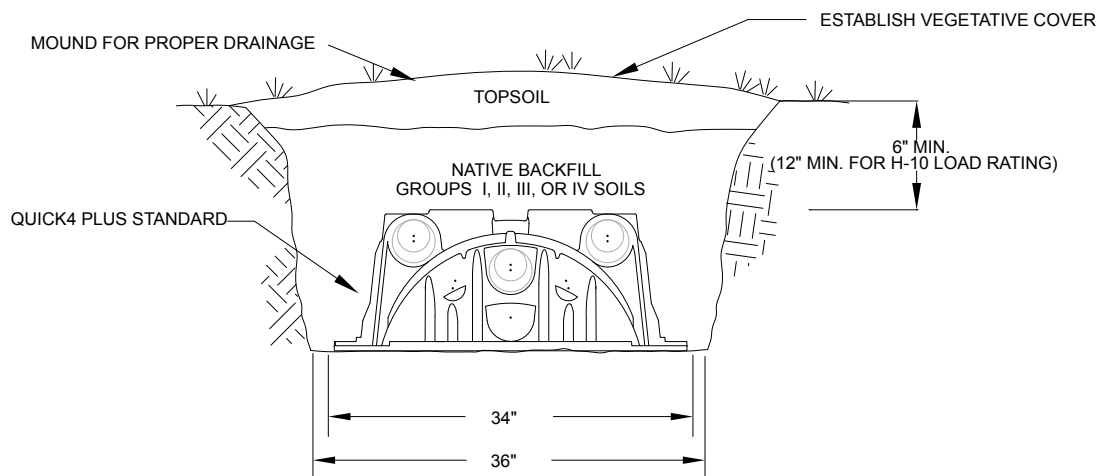
NOTES:

1. Actual linear foot equivalency rating of compatible chamber part.
2. Must install two (2) endcap parts to get approved linear feet of chamber credit.
3. Single endcap part installed within chamber line receives one (1) linear foot of chamber credit.

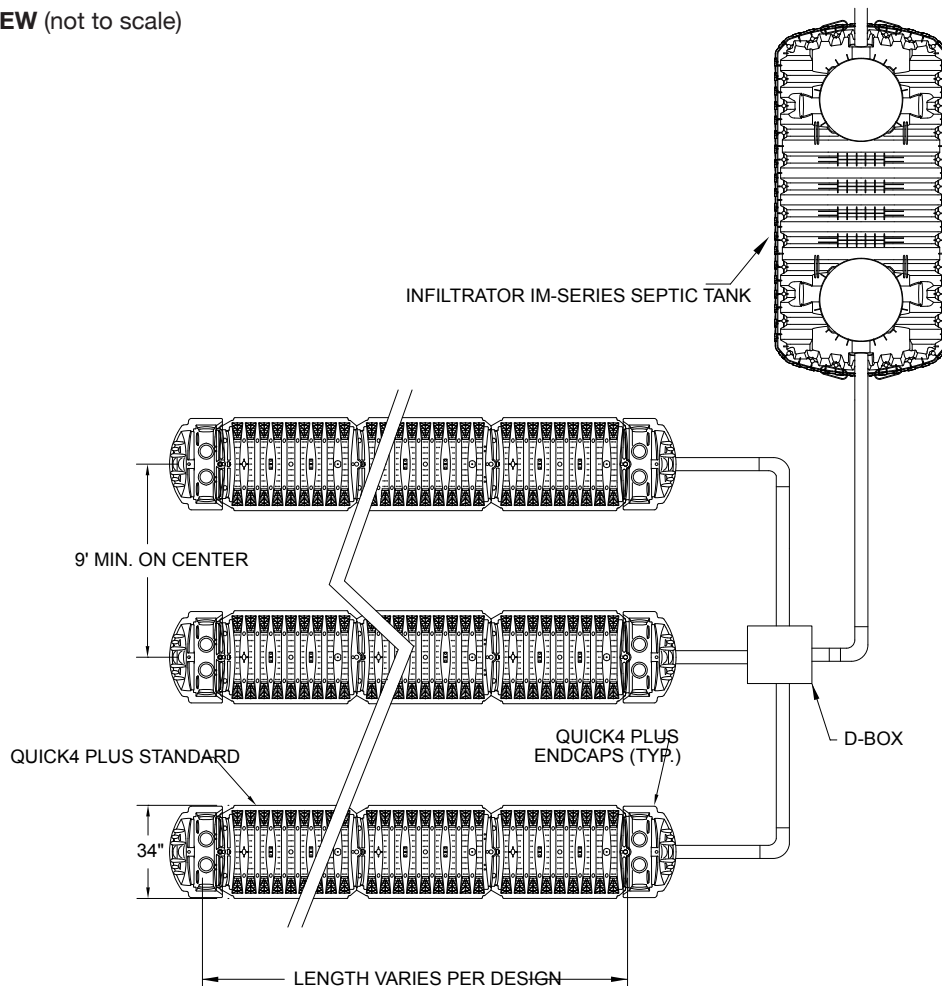
CHAMBER CONFIGURATIONS

Parallel Distribution

TYPICAL CROSS SECTION (not to scale)



TYPICAL PLAN VIEW (not to scale)



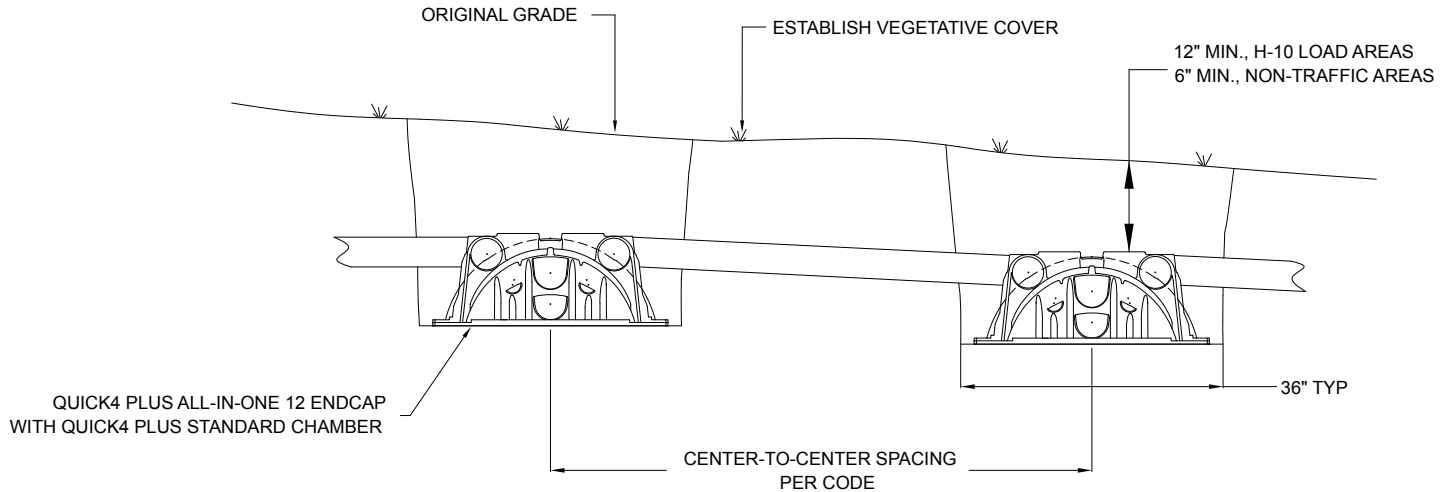
NOTES:

1. See endcap sizing chart to determine endcap linear foot credit.
2. Minimum 3" elevation drop required from d-box to endcap inlet invert.
3. These are schematic drawings only; pipe size, type and layout per design.
4. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

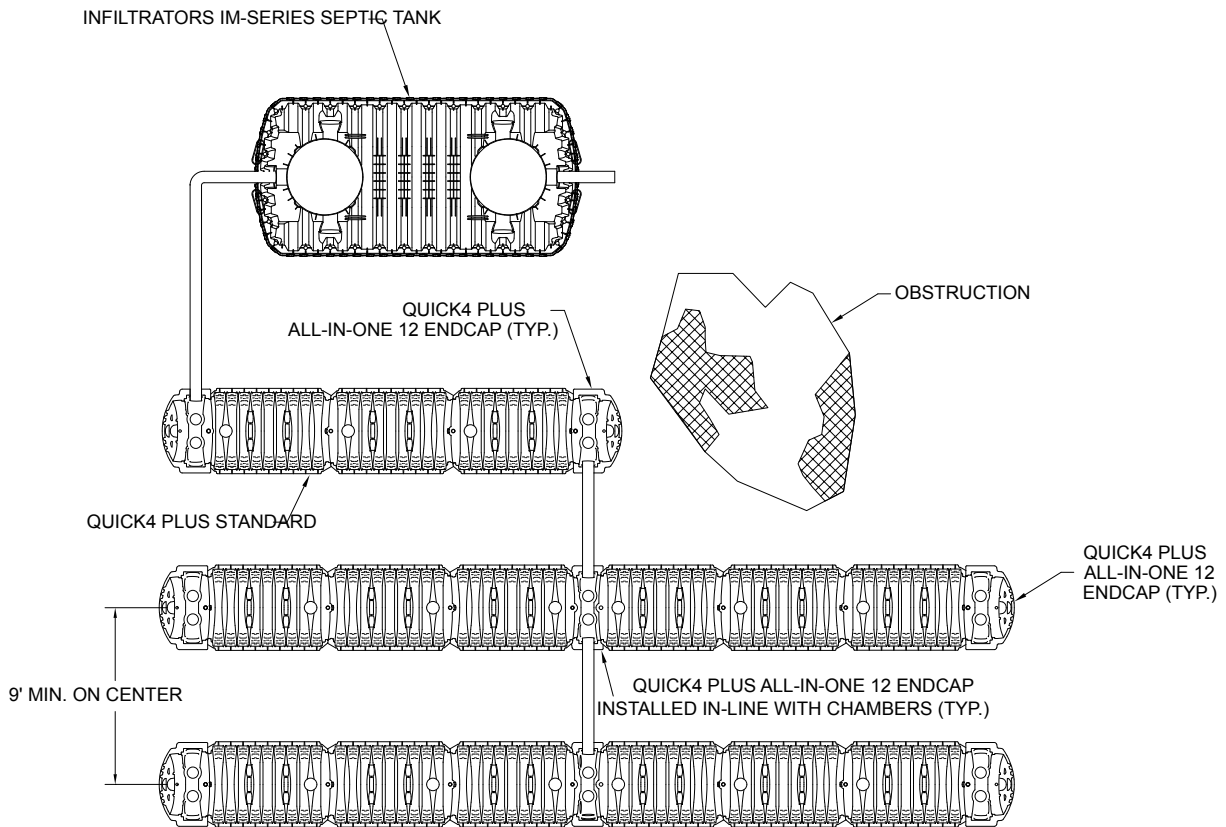
CHAMBER CONFIGURATIONS

Serial Distribution – Quick4 Plus Standard Chambers Cross Over On Hillside with Midline Connection

TYPICAL CROSS SECTION (not to scale)



TYPICAL PLAN VIEW (not to scale)



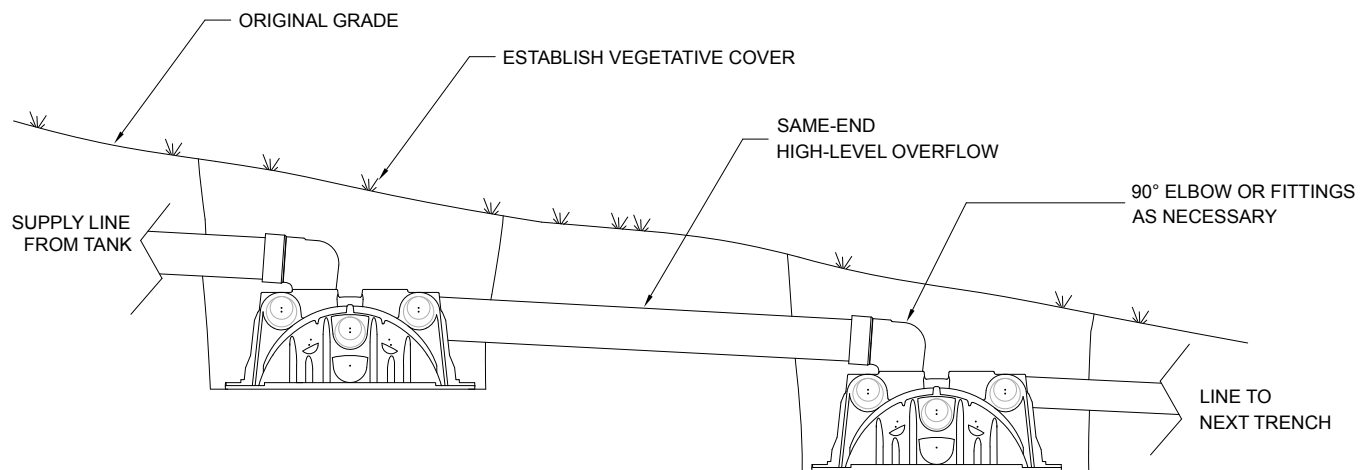
NOTES:

1. See endcap sizing chart to determine endcap linear foot credit.
2. Minimum 3" elevation drop required from d-box to endcap inlet invert.
3. The pipe connecting endcaps may be angled 4" upward to fully utilize each chamber row before flowing to the next row.
4. These are schematic drawings only; pipe size, type and layout per design.
5. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

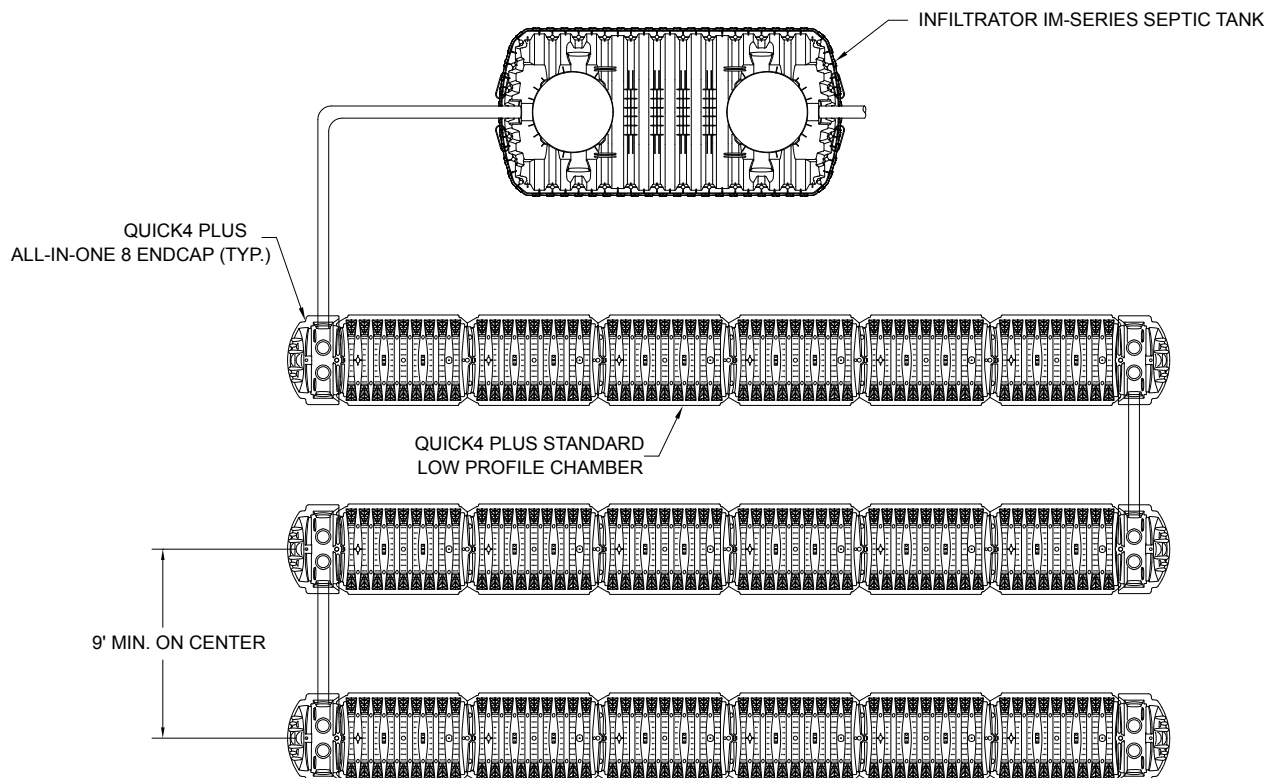
CHAMBER CONFIGURATIONS

Serial Distribution – Quick4 Plus Standard LP Chambers Using Alternating Ends

TYPICAL CROSS SECTION (not to scale)



TYPICAL PLAN VIEW (not to scale)



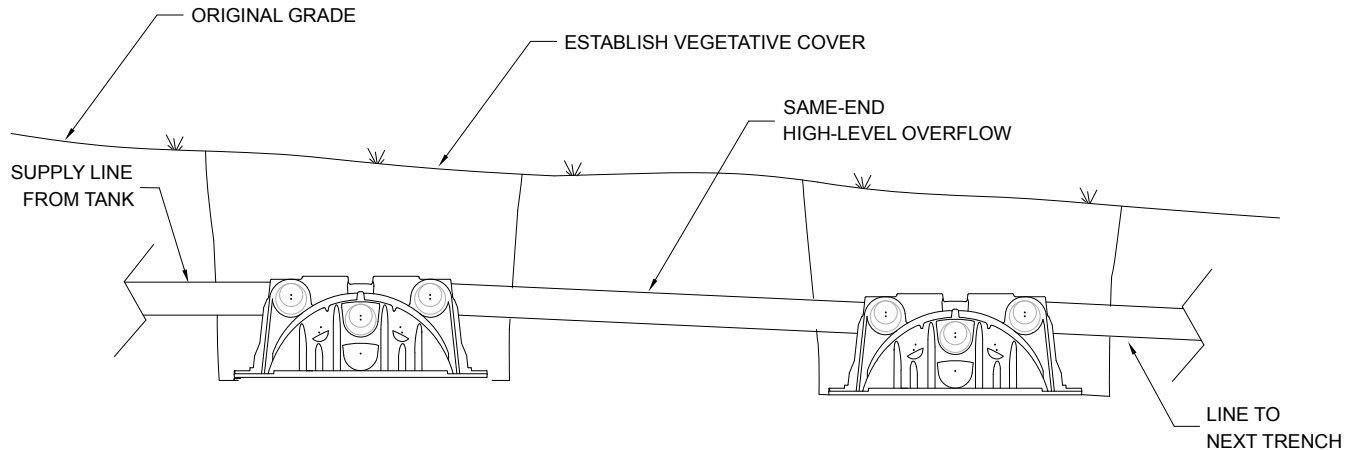
NOTES:

1. See endcap sizing chart to determine endcap linear foot credit.
2. Minimum 3" elevation drop required from d-box to endcap inlet invert.
3. The pipe connecting endcaps may be angled 4" upward to fully utilize each chamber row before flowing to the next row.
4. These are schematic drawings only; pipe size, type and layout per design.
5. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

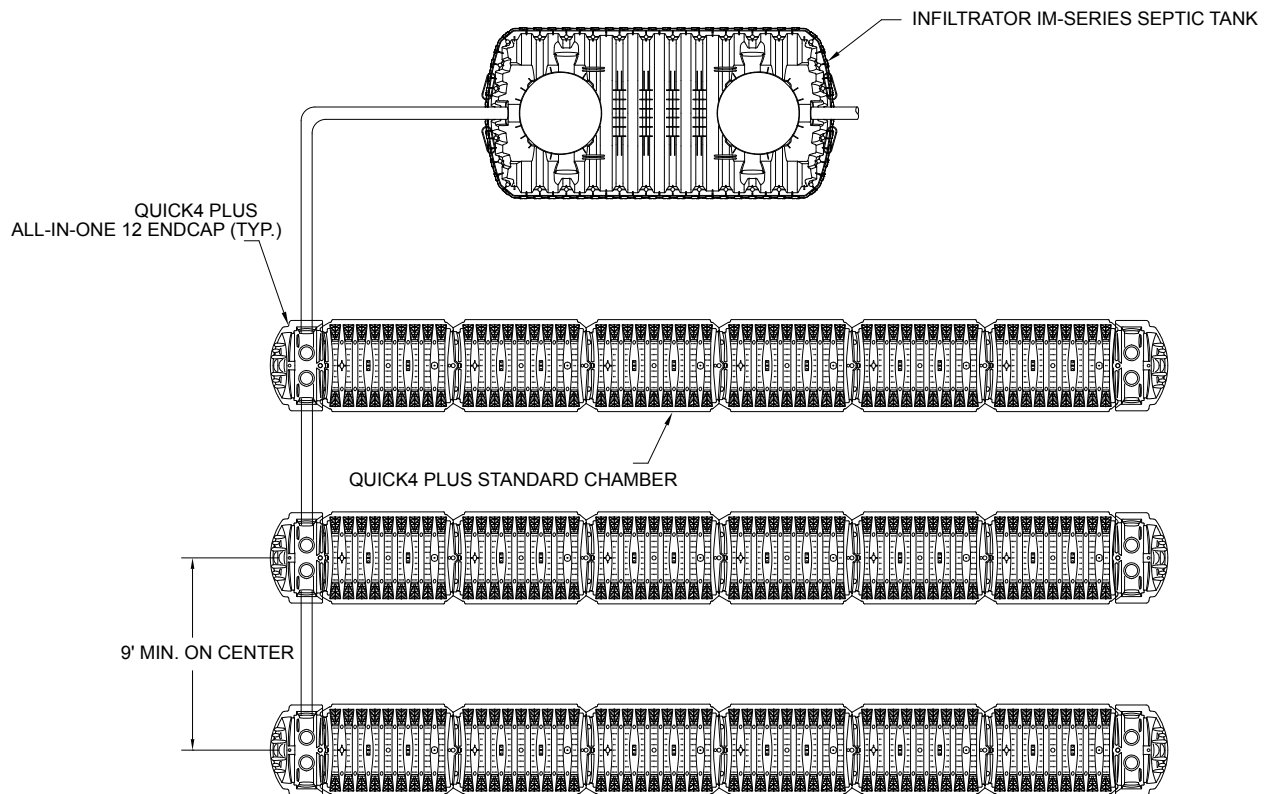
CHAMBER CONFIGURATIONS

Serial Distribution – Quick4 Plus Standard Chambers Using Quick4 Plus All-in-One 12 EndCaps as Drop Boxes

TYPICAL CROSS SECTION (not to scale)



TYPICAL PLAN VIEW (not to scale)



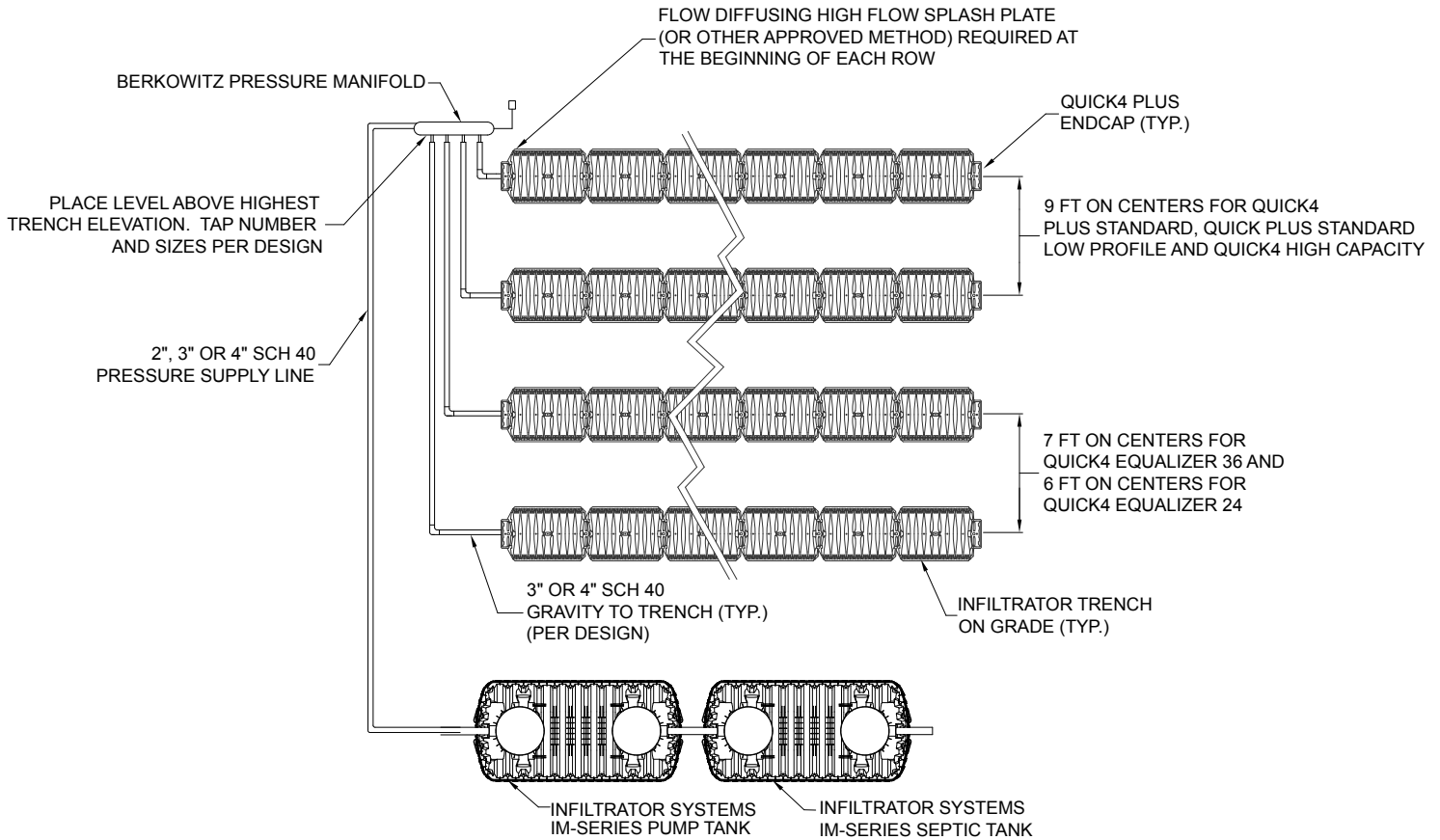
NOTES:

1. See endcap sizing chart to determine endcap linear foot credit.
2. Minimum 3" elevation drop required from d-box to endcap inlet invert.
3. The pipe connecting endcaps may be angled 4" upward to fully utilize each chamber row before flowing to the next row.
4. These are schematic drawings only; pipe size, type and layout per design.
5. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

CHAMBER CONFIGURATIONS

Pump Configuration – Pumping to a Manifold – Gravity Distribution to Trenches

TYPICAL PLAN VIEW (not to scale)



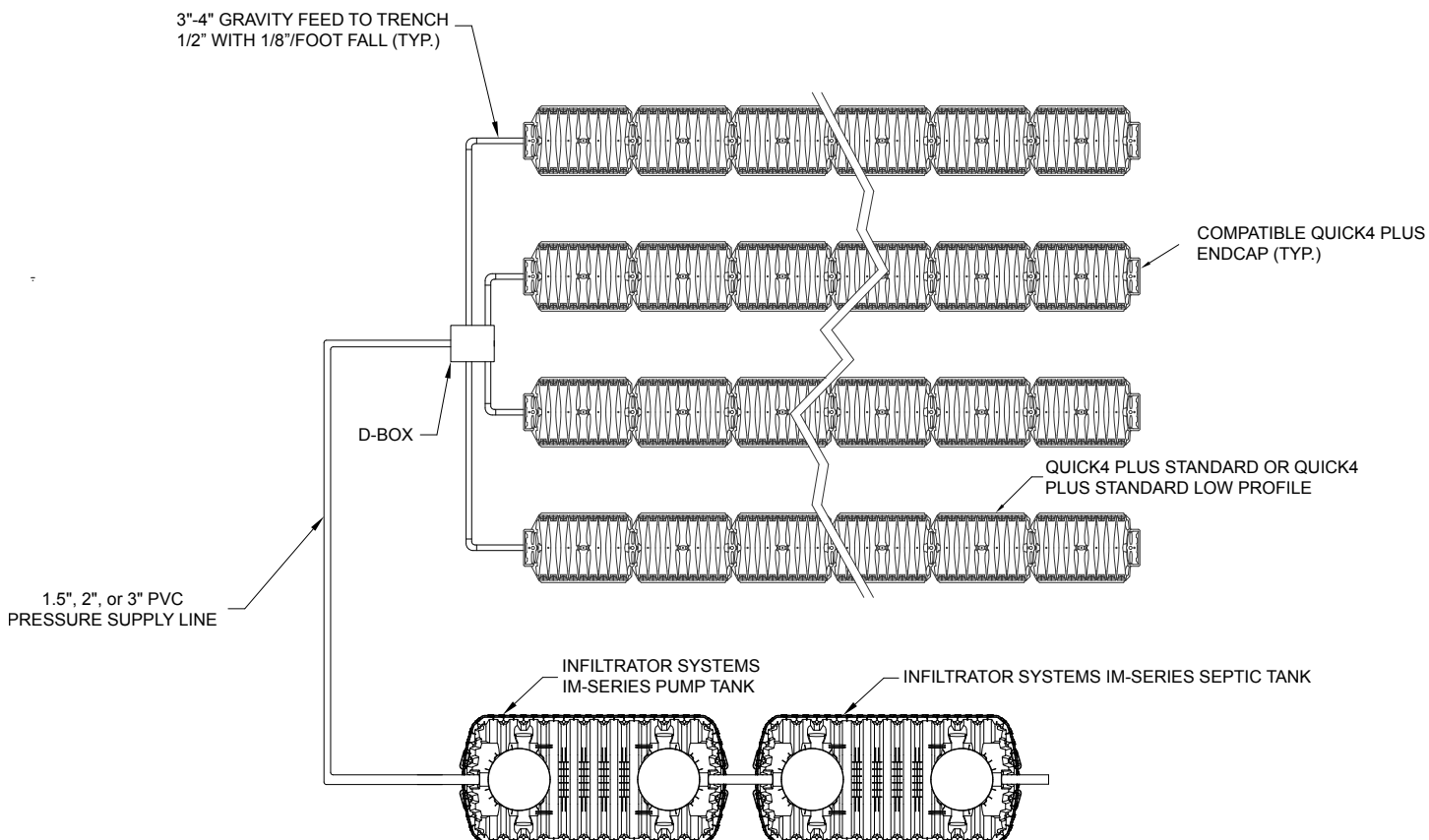
NOTES:

1. For dosing volumes, refer to Inspectors Checklist on page 27.
2. See endcap sizing chart to determine endcap linear foot credit.
3. Minimum 3" elevation drop required from d-box to endcap inlet invert.
4. These are schematic drawings only; pipe size, type and layout per design.
5. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

CHAMBER CONFIGURATIONS

Pump Configuration – Pumping to D-Box to Gravity With Equal Length Lines For Level Sites

TYPICAL PLAN VIEW (not to scale)



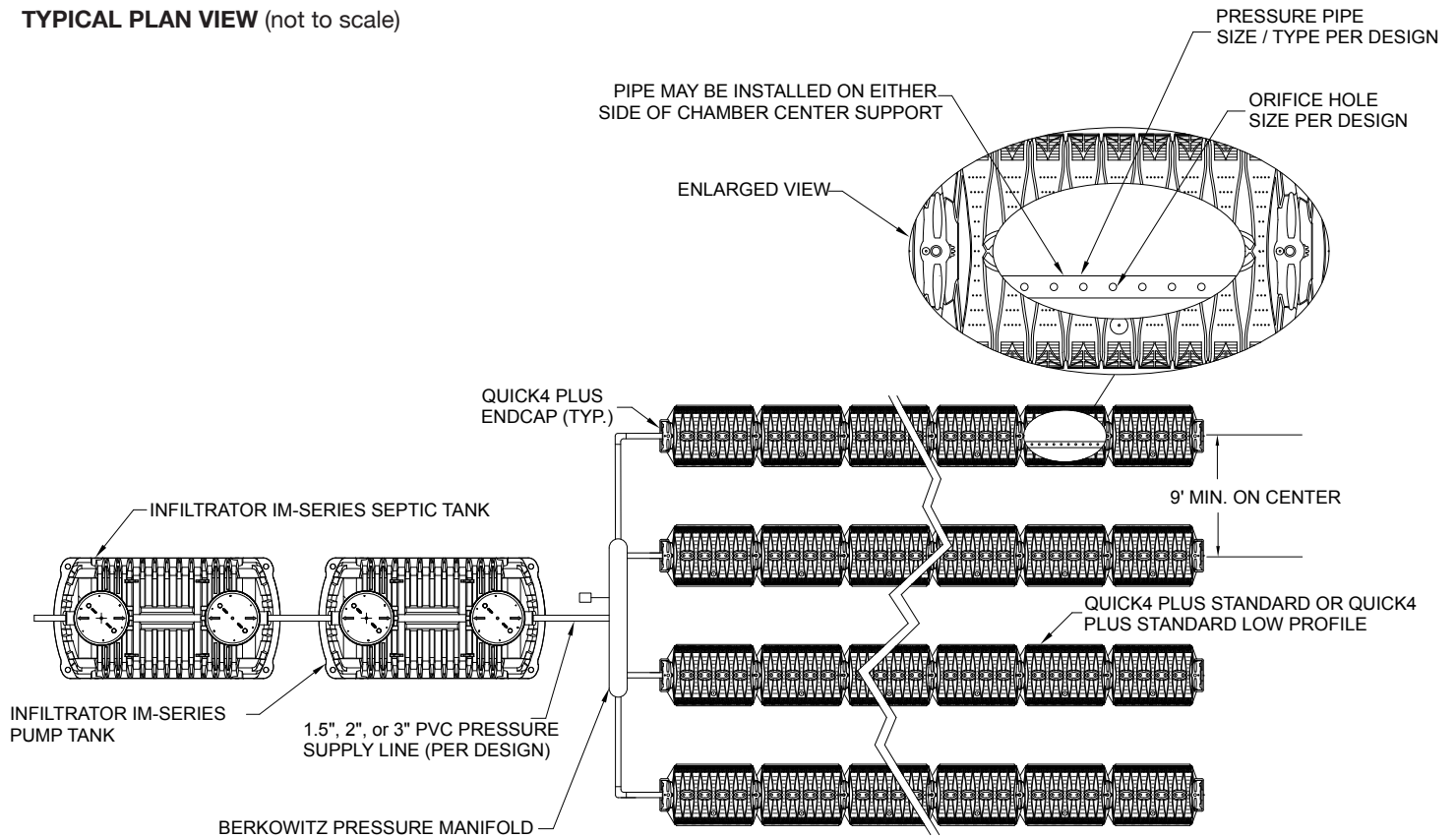
NOTES:

1. See endcap sizing chart to determine endcap linear foot credit.
2. Minimum 3" elevation drop required from d-box to endcap inlet invert.
3. Unequal length lines require manifold.
4. These are schematic drawings only; pipe size, type and layout per design.
5. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

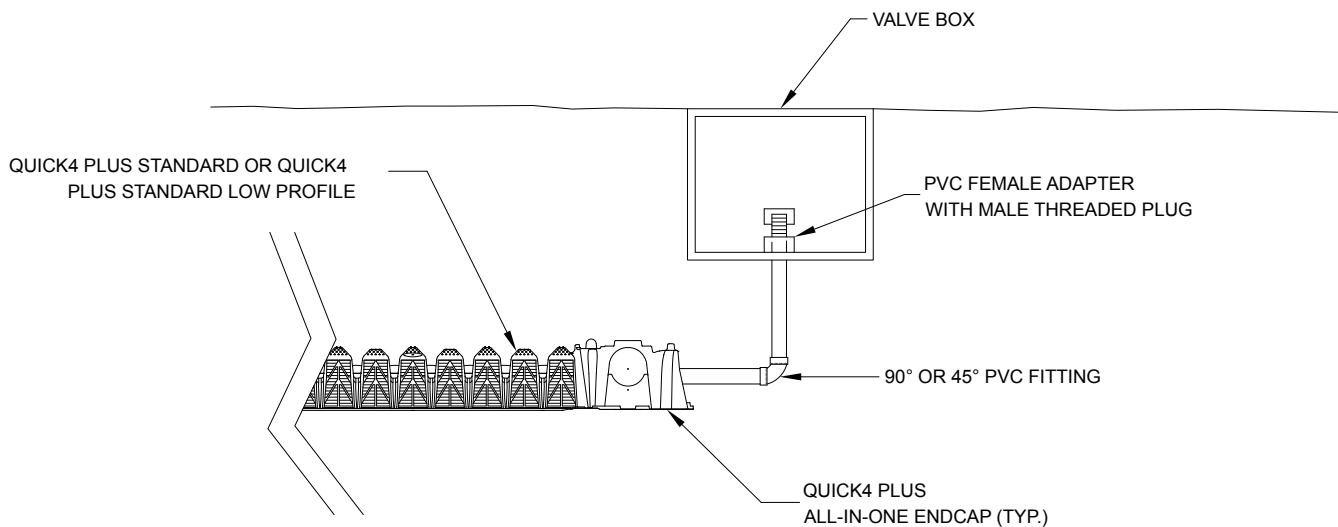
CHAMBER CONFIGURATIONS

Pressure Dosing System (LPP)

TYPICAL PLAN VIEW (not to scale)



TYPICAL VALVE BOX CROSS SECTION (not to scale)



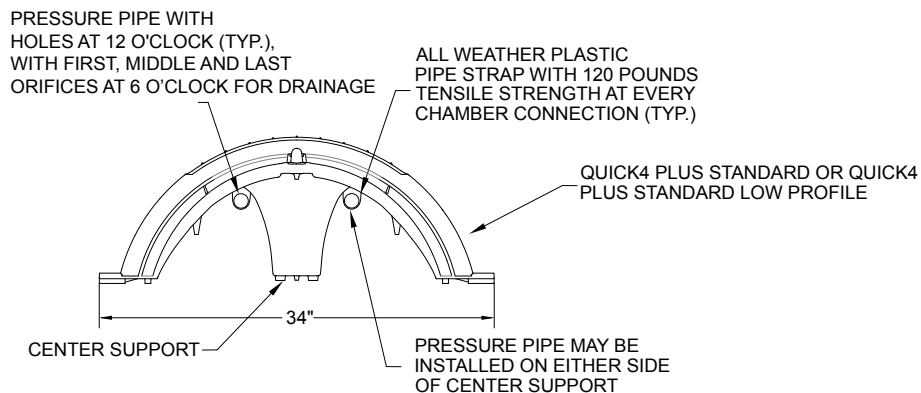
NOTES:

1. See endcap sizing chart to determine endcap linear foot credit.
2. Minimum 3" elevation drop required from d-box to endcap inlet invert.
3. These are schematic drawings only; pipe size, type and layout per design.
4. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

CHAMBER CONFIGURATIONS

Pressure Dosing System

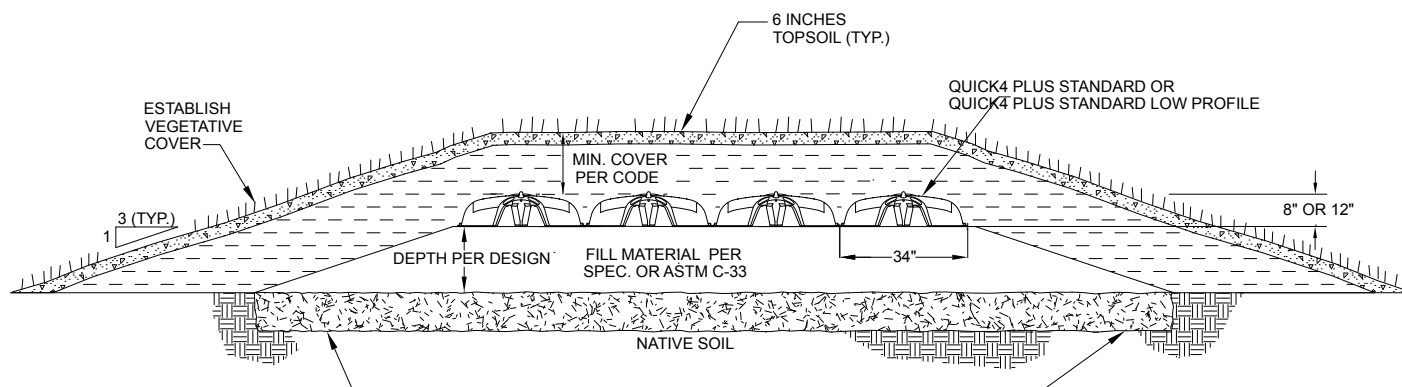
TYPICAL PLASTIC PIPE STRAP OPTION CROSS SECTION (not to scale)



NOTE: All Quick4 Plus chamber models may be pressure-dosed in this manner.

Fill (Sand Mound) System

TYPICAL CROSS SECTION (not to scale)



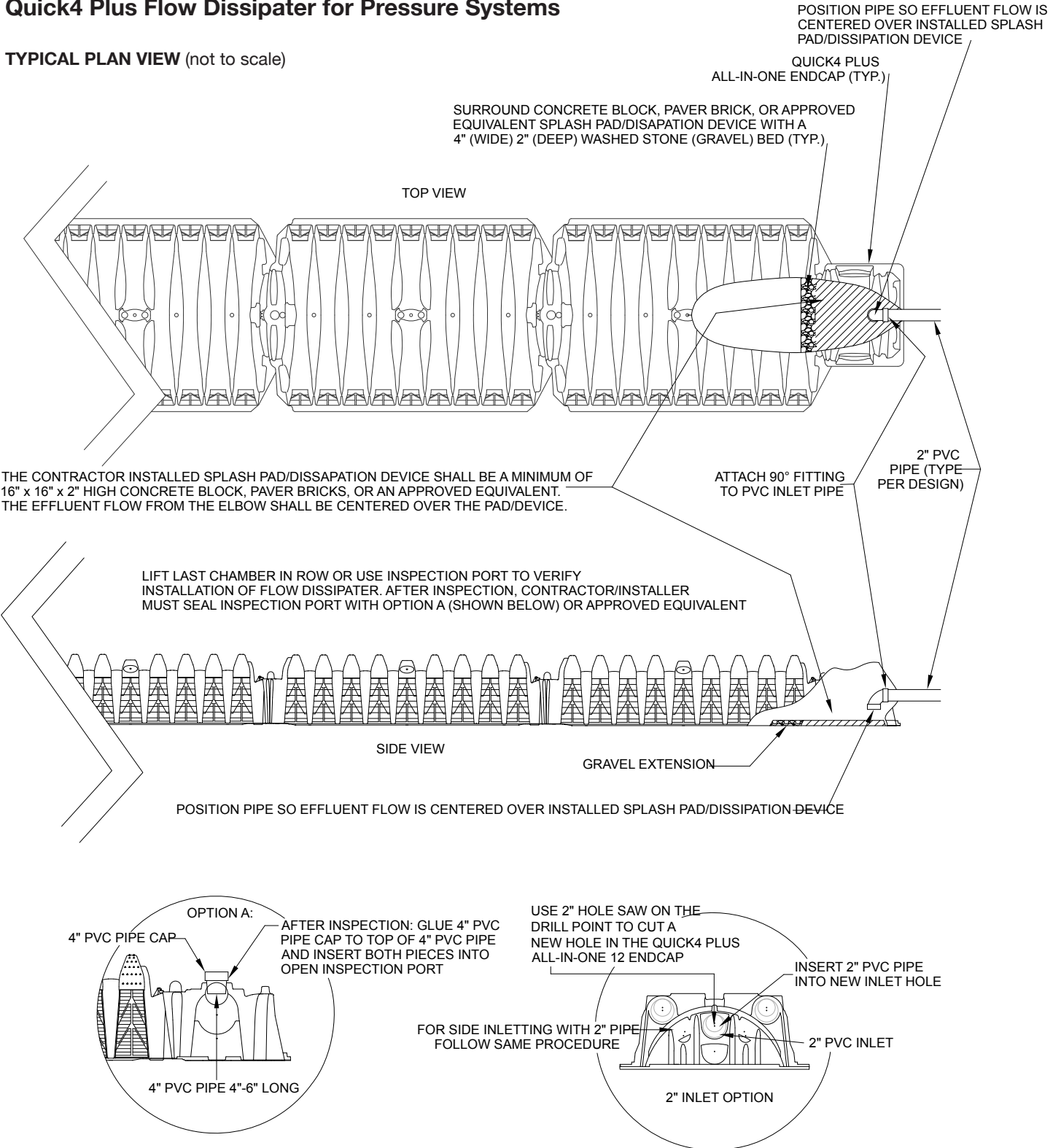
NOTES:

1. See endcap sizing chart to determine endcap linear foot credit.
2. Minimum 3" elevation drop required from d-box to endcap inlet invert.
3. The use of the Quick4 Plus Standard LP will reduce your mound height by 4".
4. These are schematic drawings only; pipe size, type and layout per design.
5. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

CHAMBER CONFIGURATIONS

Quick4 Plus Flow Dissipater for Pressure Systems

TYPICAL PLAN VIEW (not to scale)



- NOTES:**
1. See endcap sizing chart to determine endcap linear foot credit.
 2. Minimum 3" elevation drop required from d-box to endcap inlet invert.
 3. Design can be substituted for any Infiltrator Water Technologies product.
 4. Infiltrator Water Technologies supplies chambers and endcaps only. Additional products and materials to be supplied by contractor/installer.
 5. These are schematic drawings only; pipe size, type and layout per design.
 6. The Quick4 Plus Standard chamber is compatible with the Quick4 Plus All-in-One 12 Endcap. The Quick4 Plus Standard LP chamber is compatible with the Quick4 Plus All-in-One 8 Endcap and the Quick4 Plus 8 Endcap.

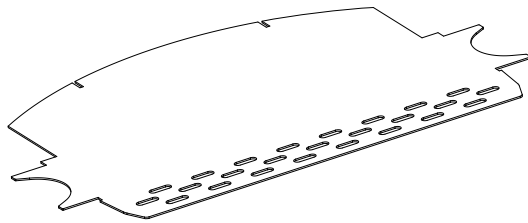
INSTALLATION INSTRUCTIONS

High Flow Splash Plate

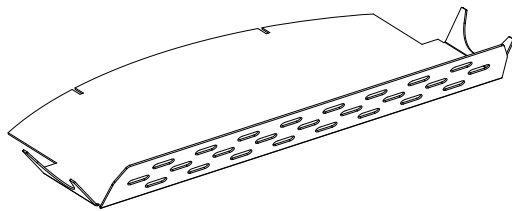
Infiltrator's high flow splash plates prevent soil erosion below the endcap invert, and can be used in conjunction with any gravity flow, pump or pressure system. However, it is only required for pump or pressure systems. No special tools or adhesives are needed for installation. A typical endcap and high flow splash plate assembly is shown.

NOTE: Install a 90-degree elbow inside the endcap to direct effluent onto the High Flow Splash Plate.

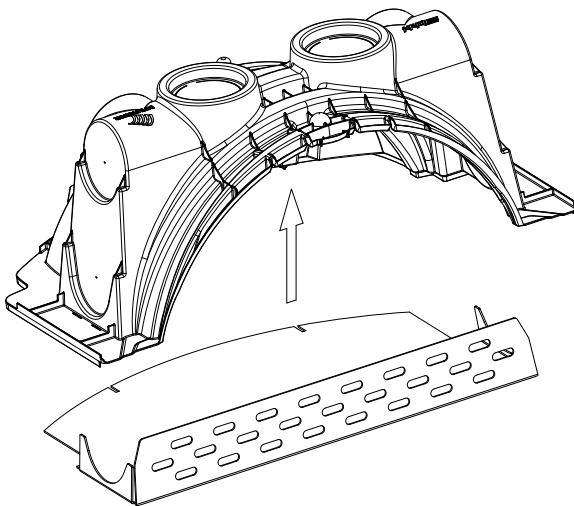
TYPICAL HIGH FLOW SPLASH PLATE AND ENDCAP ASSEMBLY



1



2



3

Quick4 Plus Chamber Systems

Before You Begin

These installation instructions are for Quick4 Plus chambers in North Carolina. These chambers may only be installed according to state and/or local regulations. If unsure of the installation requirements for a site, contact the local health department.

Similar to conventional systems, the soil and site conditions must be approved prior to installation. Conduct a thorough site evaluation to determine the proper size and location of the system before installation.

Materials and Equipment Needed

- | | |
|--|---|
| ☐ Quick4 Plus Standard Chambers | ☐ Screw Gun* |
| ☐ Quick4 Plus All-in-One 12 Endcaps | ☐ Small Valve-cover Box* |
| ☐ Quick4 Plus LP Chambers | ☐ 4" Cap for Inspection Port |
| ☐ Quick4 Plus 8 Endcaps | ☐ Utility Knife |
| ☐ Quick4 Plus All-in-One 8 Endcaps | ☐ Laser, Transit or Level |
| ☐ 1 1/4-inch Drywall Screws* | ☐ Tape Measure |
| ☐ Drill | ☐ Shovel and Rake |
| ☐ Hole Saw | ☐ *Optional. |

These guidelines for construction machinery must be followed during installation.

- ☐ Avoid direct contact with chambers when using construction equipment. Chambers require a 12-inch minimum of compacted cover to support a wheel load rating of 16,000 lbs/axle or equivalent to an H-10 AASHTO load rating.
- ☐ When installing in sandy soil conditions, wheeled construction equipment is prohibited over top of system. Tracked equipment can be used over top of system with a minimum of 6" of soil cover.
- ☐ Avoid stones larger than 3 inches in diameter in backfill. Remove stones this size or larger that are in contact with chambers.

Excavating and Preparing the Site

NOTE: As is the case with conventional systems, do not install the systems in wet conditions or in overly moist soils, as this causes machinery to smear the soil.

1. Stake out location of all trenches and lines. Set elevations of the tank, pipe, and trench bottom.
2. Install sedimentation and erosion control measures. Temporary drainage swales/berms may be installed to protect the site during rainfall events.
3. Excavate and level 36" wide trenches with proper center-to-center separation. Verify that trenches are level or have the prescribed slope. Chamber trenches shall be constructed level in all directions with a plus or minus one-half-inch tolerance from side-to-side and maximum fall in a single trench bottom not exceeding one-fourth inch in 10 feet end-to-end for any continuous contoured segment. Trenches shall follow the contour of the ground surface elevation.

NOTE: Over excavate the trench width in areas where you are planning to contour.

4. Rake the bottom and sides if smearing has occurred while excavating. Remove any large stones and other debris. Do not use the bucket teeth to rake the trench bottom.

INSTALLATION INSTRUCTIONS

NOTE: Raking to eliminate smearing is not necessary in sandy soils. In fine textured soils (silt and clays), avoid walking in the trench to prevent compaction and loss of soil structure.

5. Verify levelness for each trench using a level, transit or laser.

Preparing the EndCap

NOTE: Quick4 Plus endcap systems are available for use with the Quick4 Plus chambers on either end of the trench, depending upon the installer's preference and configuration requirements.

1. The Quick4 Plus All-in-One 12 Endcap is compatible with the Quick4 Plus Standard chamber. The Quick4 Plus All-in-One 8 Endcap and Quick4 Plus 8 Endcap are compatible with the Quick4 Plus LP chambers.

NOTE: Endcap photos shown throughout this document are for demonstrative purposes only. The endcap being used may differ and is dependent upon the chamber being used and system design.

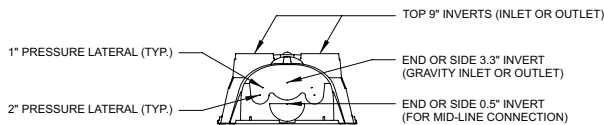
2. With a hole saw drill an opening appropriate for pipe diameter being used (typically 3-4 inches) on front or side of endcap using center point marking as a guide.



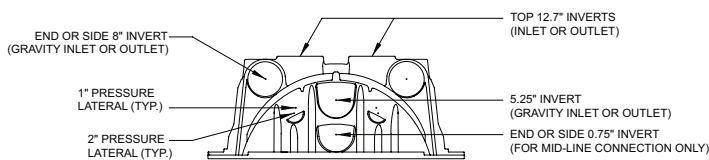
2. Drill endcap.

NOTE: When drilling inlet pipe use top three ports for distribution.

QUICK4 PLUS ALL-IN-ONE 8 ENDCAP DRILL LOCATIONS:



QUICK4 PLUS ALL-IN-ONE 12 ENDCAP DRILL LOCATIONS:



3. Snap off the molded splash plate located on the bottom front of the endcap.

4. Install splash plate into the appropriate slots below inlet to prevent trench bottom erosion.

Installing the System

1. Check the header pipe to be sure it is level or has the prescribed slope.

2. Set the invert height as specified in the design from the bottom of the inlet.

3. Place the first chamber in the trench.



4. Place endcap inlet end.

4. Place the back edge of the endcap over the inlet end of the first chamber. Be sure to line up the locking pins on the top of both the chamber and endcap.

5. Insert the inlet pipe 2.5 inches into the opening on the endcap.

6. Lift and place the end of the next chamber onto the previous chamber by holding it at a 45-degree angle. Line up the chamber end between the connector hook and locking pin at the top of the first chamber. Lower the chamber to the ground to connect the chambers.

NOTE: When the chamber end is placed between the connector hook and locking pin at a 45-degree angle, the pin will be visible from the back side of the chamber.

NOTE: The connector hook serves as a guide to ensure proper connection and does not add structural integrity to chamber joint. Broken hooks will not affect the structure or void the warranty.

7. Swivel the chamber on the pin to achieve the proper direction for trench layout.

NOTE: The chamber allows up to 10-degree swivel in either direction at each joint.

8. Continue connecting chambers until the trench is completed.

NOTE: As chambers are installed, verify levelness.

9. The last chamber in the trench requires an endcap. Lift the endcap at a 45-degree angle and align the connector hook on the top of the chamber with the raised slot on the top of the endcap. Lower the endcap to the ground and into place.

NOTE: Place a few shovels of soil around the endcap to secure it during backfill.

10. To ensure structural stability, fill the sidewall area by pulling soil from the sides of the trench with a shovel. Start at the joints where the chambers connect. Continue backfilling the entire sidewall area, making sure the fill covers the louvers.

11. Pack down fill by walking along the edges of trench and chambers.

NOTE: In clay soils, do not walk in the sidewalls.

12. Proceed to the next trench and begin with Step 1.



5. Insert inlet pipe.



6. Connect chambers.



7. Swivel chambers.



9. Place endcap outlet end.

INSTALLATION INSTRUCTIONS

Installing Quick4 Plus All-in-One 8 and Quick4 Plus All-in-One 12 Endcaps as a Mid-line Connection

1. With a hole saw, drill an opening on the provided drill point, appropriate for the pipe diameter being used on the side or on top (9.0" invert) of endcap.

NOTE: Piping configurations are determined by the preference of the installer or designer.

2. With a hole saw, drill an opening on the end of the Quick4 Plus All-in-One 8 Endcap to create an invert at 0.5 inches. This will allow effluent to fill both sides of the chamber line.

3. Snap off the molded splash plate located on the bottom front of the endcap.

4. Install splash plate into the appropriate slots below the inlet to prevent trench bottom erosion.

5. Place the back edge of the endcap over the inlet end of the first chamber. Be sure to line up the locking pins on the top of both chamber and endcap.

6. Insert connection pipe 2.5 inches into opening on endcap.



1. Drill endcap on top.



2. Drill endcap on end.

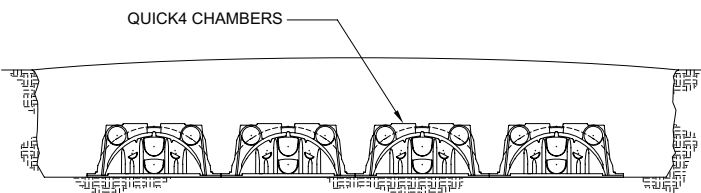


6. Insert connection pipe into endcap opening.

Standard Conventional Bed Systems Excavating and Preparing the Site

1. There is no reduction in drainfield for bed systems.

2. Excavate the desired depth of the bottom of the system. Chamber beds shall be constructed level in all directions with a plus or minus one-half-inch tolerance from side-to-side and maximum fall not exceeding one-fourth inch in 10 feet end-to-end for any continuous contoured segment. 3. Install chambers so that the feet of each chamber are touching. (See below.)



Installing the Chambers

1. Check the levelness of the excavation area to make sure the depth is correct.

2. Check your header pipe to make sure that you have the proper fall coming from the distribution device.

3. Prepare the endcap as described on page 23.

4. Place the inlet end of the first chamber over the back edge of the endcap.

5. Lift and place the end of the next chamber onto the previous

one at a 90-degree angle. Line up the chamber end between the connector hook and locking pin at the top of the first chamber. Lower it to the ground to connect the chambers.

6. Continue interlocking the chambers until bed is complete.

Covering the System

1. After installation of chambers in a trench or bed configuration, a filter fabric barrier shall be installed in uncompacted, fine or very fine uniform sand and at least one of the following conditions are present:

- installations are left uncovered and subject to a major rain event.
- systems are subject to not being sodded (or stabilized) in a timely manner after final cover-up has occurred.
- the drainfield is not protected from surface drainage.

2. Apply the desired backfill material along the sides of the chambers and walk the soil in. Continue backfilling the soil to the top of chambers.

NOTE: When backfilling a wide excavation or using fill material, use a dozer, small box blade or a tracked Bobcat machine.

At-Grade and Fill Systems Before You Begin

Materials and Equipment Needed

- ☐ Quick4 Plus Standard Chambers
- ☐ Quick4 Plus All-in-One 12 Endcaps
- ☐ Quick4 Plus Low Profile (LP) Chambers
- ☐ Quick4 Plus 8 Endcaps
- ☐ Quick4 Plus All-in-One 8 Endcaps
- ☐ PVC Pipe and Couplings
- ☐ Backhoe
- ☐ Drill
- ☐ Screw Gun*
- ☐ 4-inch Cap for Inspection Port
- ☐ Laser, Transit or Level
- ☐ Shovel and Rake
- ☐ 1 1/4-inch Drywall Screws*
- ☐ Hole Saw
- ☐ Small Valve-cover Box*
- ☐ Utility Knife
- ☐ Tape Measure
- ☐ *Optional

These guidelines for construction machinery must be followed during installation:

- ☐ Avoid direct contact with chambers when using construction equipment. Chambers require a 12-inch minimum of compacted cover to support a wheel load rating of 16,000 lbs/axle or equivalent to an AASHTO H-10 load rating.
- ☐ When installing in sandy soil conditions, wheeled construction equipment is prohibited over top of Quick4 Plus Standard LP systems. Wheeled or tracked equipment can be used over top of systems with a minimum of 6" of stabilized soil cover.
- ☐ Avoid stones larger than 3 inches in diameter in backfill. Remove stones this size or larger that are in contact with chambers.

Fill Systems

Excavating and Preparing the Site

NOTE: There is no reduction in drainfield for fill systems.

1. Excavate below the desired depth of the bottom of the

INSTALLATION INSTRUCTIONS

chamber for both trench and wide excavations, per the rules and permit.

NOTE: Always stabilize sandy, loamy (Group I) soils.

2. Use a coarse grain sand to create desired trench bottom elevation.

3. Stabilize soil before installing chambers.

Installing the System

1. Check the header pipe to be sure it is level or has the prescribed slope.

2. Set the invert height as specified in the design from the bottom of the inlet.

3. Place the first chamber in the trench.

4. Place the back edge of the endcap over the inlet end of the first chamber. Be sure to line up the locking pins on the top of both chamber and endcap.

Optional: Fasten the endcap to the chamber with a screw at the top of the endcap.

5. Insert the inlet pipe 2.5 inches into the opening on the endcap.

6. Lift and place the end of the next chamber onto the previous chamber by holding it at a 45-degree angle. Line up the chamber end between the connector hook and locking pin at the top of the first chamber. Lower the chamber to the ground to connect chambers.

NOTE: When the chamber end is placed between the connector hook and locking pin at a 45-degree angle, the pin will be visible from the back side of the chamber.

NOTE: The connector hook serves as a guide to ensure proper connection and does not add structural integrity to chamber joint. Broken hooks will not affect structure or void warranty.

7. Swivel the chamber on the pin to achieve the proper direction for trench layout.

NOTE: The chamber allows up to 10-degree swivel in either direction at each joint.

8. Continue connecting chambers until the trench is completed.

NOTE: As the chambers are installed, verify that they are level or

have the prescribed slope.

9. The last chamber in the trench requires an endcap. Lift the endcap at a 45-degree angle and align the connector hook on the top of the chamber with the raised slot on the top of the endcap. Lower the endcap to the ground and into place.

NOTE: Place a few shovels of soil around the endcap to secure it during backfill.

10. To ensure structural stability, fill the sidewall area by pulling soil from the sides of the trench with a shovel. Start at the joints where the chambers connect. Continue backfilling the entire sidewall area, making sure the fill covers the louvers.

11. Pack down fill by walking along the edges of trench and chambers.

NOTE: In wet or clay soils, do not walk in the sidewalls.



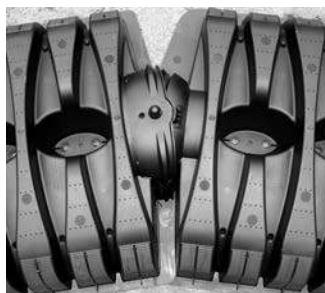
4. Place endcap inlet end.



5. Insert inlet pipe.



6. Connect chambers.



9. Place endcap outlet end.

Installing Inspection Ports

Inspection ports may be installed on the chamber, the Quick4 Plus All-in-One 8 Endcap or the Quick4 Plus All-in-One 12 Endcap. The inspection port(s) are not intended to function for the purpose of ventilation.



Endcap inspection port, top.

ENDCAP INSPECTION PORT

1. With a hole saw drill the pre-marked area in the top of the endcap to create a 4 1/3 to 4 1/2-inch opening based on pipe type.

2. Set a cut piece of pipe of the appropriate length into the corresponding endcap's inspection port sleeve.

NOTE: Sleeve will accommodate up to a 4-inch Schedule 40 pipe.

3. Use two screws to fasten the pipe to the sleeve around the inspection port.

4. Attach a threaded cap or cleanout assembly onto the protruding pipe at the appropriate height.

5. A small valve cover box may be used if the inspection port is below the desired grade.

CHAMBER INSPECTION PORT

1. With a hole saw drill the pre-marked area in the top of the chamber to create a 2.5-inch opening.

2. Set a cut piece of pipe of the appropriate length into the corresponding chamber's inspection port sleeve.

3. Use two screws to fasten the pipe to the sleeve around the inspection port.

4. Attach a threaded cap or cleanout assembly onto the protruding pipe at the appropriate height.

5. A small valve cover box may be used if the inspection port is below the desired grade.



Chamber inspection port.

INSTALLATION INSTRUCTIONS

Covering the System

1. Apply the desired backfill material along the sides of the chambers and walk the soil in. Continue backfilling the soil to the top of chambers.

NOTE: When backfilling a wide excavation or soil substitution system use a dozer, small box blade or a tracked vehicle.

NOTE: For At-Grade or Capped Systems, Infiltrator Water Technologies requires a minimum of six inches of approved capping material.

NOTE: For Fill Systems, Infiltrator Water Technologies recommends but does not require the fill to be in place and allowed adequate time to settle before installation.

Low Pressure Piping Systems

This section provides septic installation instructions for low pressure piping systems in North Carolina. Quick4 Plus chambers can only be installed according to state and/or local regulations. Contact your local regulator for specific requirements.

Soil and site conditions must be approved prior to installation. Conduct a thorough site evaluation to determine proper sizing and siting of the system before installation.

Materials and Equipment Needed

- | | |
|--|---|
| ☐ Quick4 Plus Standard Chambers | |
| ☐ Quick4 Plus All-in-One 12 Endcaps | |
| ☐ Quick4 Plus Low Profile (LP) Chambers | |
| ☐ Quick4 Plus 8 Endcaps | |
| ☐ Quick4 Plus All-in-One 8 Endcaps | |
| ☐ PVC Pipe and Couplings | |
| ☐ Backhoe | ☐ 1 1/4-inch Drywall Screws* |
| ☐ Drill | ☐ Hole Saw |
| ☐ Screw Gun* | ☐ Small Valve-cover Box* |
| ☐ 4-inch Cap for Inspection Port | ☐ Utility Knife |
| ☐ Laser, Transit or Level | ☐ Tape Measure |
| ☐ Shovel and Rake | *Optional |

These guidelines for construction machinery must be followed during installation:

- ☐ Avoid direct contact with chambers when using construction equipment. Chambers require a 12-inch minimum of compacted cover to support a wheel load rating of 16,000 lbs/axle or equivalent to an AASHTO H-10 load rating.
- ☐ When installing in sandy soil conditions, wheeled construction equipment is prohibited over top of Quick4 Plus Standard LP chamber systems. Wheeled or tracked equipment can be used over top of system with a minimum of 6" of stabilized soil cover.
- ☐ Avoid stones larger than 3 inches in diameter in backfill. Remove stones this size or larger that are in contact with chambers.

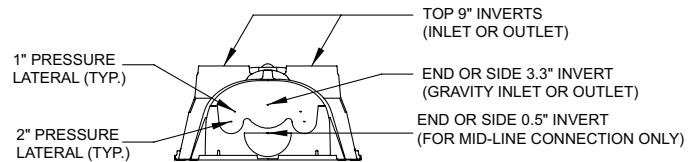
Installing the Chambers and Endcaps

1. The Quick4 Plus All-in-One 12 Endcap is compatible with the Quick4 Plus Standard chamber. The Quick4 Plus All-in-One 8 Endcap and Quick4 Plus 8 Endcap are compatible with the Quick4 Plus LP chambers.

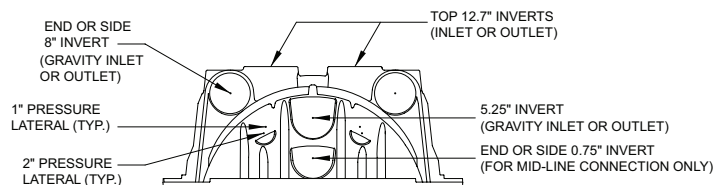
NOTE: Endcap photos shown throughout this document are for demonstrative purposes only. The endcap being used may differ and is dependent upon the chamber being used and system design.

2. To allow pressure laterals to drain after each dose, drill a hole in the bottom of the pipe at the end of the pressure line. Place the snap-off splash plate or a paving block at the bottom of trench to protect infiltrative surface from erosion.

QUICK4 PLUS ALL-IN-ONE 8 ENDCAP DRILL LOCATIONS:



QUICK4 PLUS ALL-IN-ONE 12 ENDCAP DRILL LOCATIONS:



3. With a hole saw, drill out the appropriate diameter hole to accommodate the pressure lateral pipe.

4. Insert the pressure lateral pipe into the endcap's drilled opening and slide it into the manifold pipe. Glue the pressure lateral pipe to the manifold pipe.

5. With the pressure lateral pipe through the endcap, place the back edge of the endcap over the inlet end of the first chamber. Be sure to line up the locking pins on the top of both the chamber and endcap.

NOTE: Health departments may require a wet-run pressure check to be done prior to chamber installation when the pipe is laying on the ground. Check with your local health department for the proper procedure.

6. Method A

Secure the pressure lateral pipe to the top of the first chamber with a plastic pipe strap at the outlet end of the unit. Slide the strap up through a slot in the chamber top, down through the other slot, and cinch the two ends around the pipe.

7. Lift and place the next chamber onto the previous one at a 45-degree angle. Line up the chamber end between the connector hook and locking pin at the top of the first chamber. Lower it to the ground to engage the interlocks.



3. Drill pressure pipe location.



6. Secure pressure pipe.

INSTALLATION INSTRUCTIONS

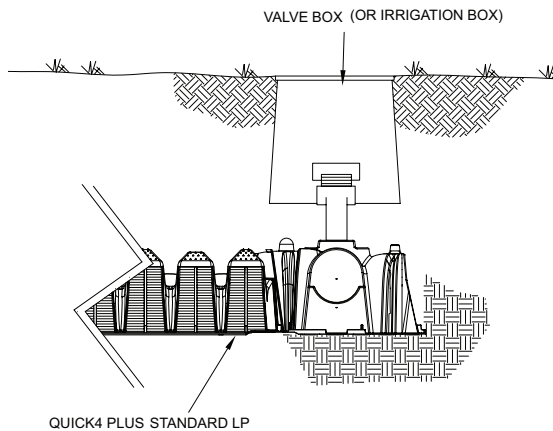
8. Secure the lateral pipe to the top of the next chamber once in place. Follow the same method in Step 5.

9. Continue interlocking chambers and securing the pipe until the trench is completed.

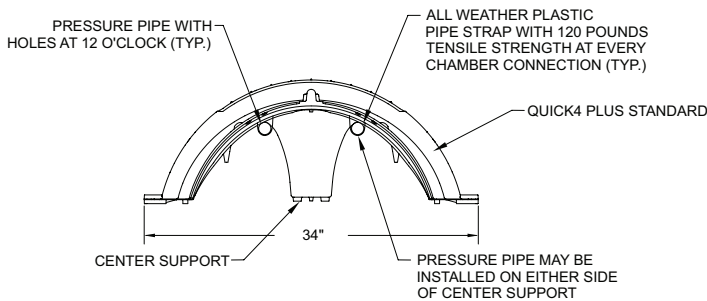
10. Before attaching the final endcap, it may be necessary to remove the tongue of the connector hook on the last chamber with a pair of pliers depending on your pipe diameter.

11. Insert the pressure lateral pipe through the hole in the final endcap and slide the endcap toward the last chamber. Lift the endcap over the modified connector hook and push straight down to secure it to the chamber.

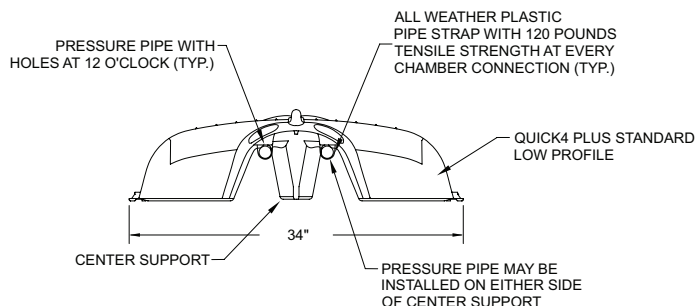
NOTE: If clean-out extensions are required, use a hole saw to cut a hole in the top of the Quick4 Plus All-in-One 8 Endcap or Quick4 Plus All-in-One 12 Endcap so the pressure lateral pipe with an elbow can extend to the ground surface. For clean-out access, use the "Installing Optional Inspection Ports" section in the general installation instructions.



QUICK4 PLUS STANDARD:



QUICK4 PLUS STANDARD LOW PROFILE:



12. If installing multiple rows of chambers, follow Steps 1-9 to lay the next row of chambers parallel to the first. Keep a minimum separation distance between each row of chambers as required by local code.

Fill (Sand Mound) Systems

This section provides septic installation instructions for fill (sand mound) systems in North Carolina. Quick4 Plus chambers can only be installed according to state and/or local regulations. Contact your local regulator for specific requirements. Soil and site conditions must be approved prior to installation. Conduct a thorough site evaluation to determine proper sizing and siting of the system before installation.

Before You Begin

These guidelines for construction machinery must be followed during installation:

- ☐ Avoid direct contact with chambers when using construction equipment. Chambers require a 12-inch minimum of compacted cover to support a wheel load rating of 16,000 lbs/axle or equivalent to an AASHTO H-10 load rating.
- ☐ When installing in sandy soil conditions, wheeled construction equipment is prohibited over top of Quick4 Plus LP chamber systems. Wheeled or tracked equipment can be used over top of system with a minimum of 6" of stabilized soil cover.
- ☐ Avoid stones larger than 3 inches in diameter in backfill. Remove stones this size or larger that are in contact with chambers.

Preparing the Site

1. Review site plans to determine the height of the seasonal high water table or other limiting factors.
2. Calculate the number of sand lifts necessary.
3. Confirm that the sand used to build the mound meets plan specifications. If no specifications are available, Infiltrator Water Technologies recommends sands that meet the grain size specifications (ASTM C33) below.
4. Install sedimentation and erosion control measures.

TABLE 5. GRAIN SIZE SPECIFICATIONS (ASTM C33)

Sieve Size	% Passing
3/8"	100%
No. 4	90% – 100%
No. 30	20% – 60%
No. 200	0% – 5%

5. Cut trees flush to the ground (or remove if code allows), remove surface boulders that can be easily rolled off, and remove vegetation.
6. Rough or plow the area parallel with the contour of the land. Do this by using a multiple share plow, chisel plow or a similar implement attached to lightweight equipment.

INSTALLATION INSTRUCTIONS

Placing the Sand

1. Use a dozer or backhoe to evenly spread a six-inch lift of specified fill material over required area.
2. Each sand lift must be compacted. The contractor determines the means and methods necessary to stabilize fill and attain required compaction.

NOTE: Compaction is critical to prevent settling and will not have a significant effect on permeability of clean, sandy fill.

3. Place consecutive lifts following Steps 1 and 2 until design elevation is achieved (desired elevation is the infiltrative surface). Lifts should not exceed a 6-inch height.
4. Lightly drag a landscape rake over the final infiltrative surface to scarify the top 1/2 inch of sand. Check bed elevation to be sure it is constructed level in all directions with a plus or minus one-half-inch tolerance from side-to-side and maximum fall not exceeding one-fourth inch in 10 feet end-to-end for any continuous segment.

Installing Chambers, Pressure Pipes and Endcaps

1. To allow pressure laterals to drain after each cycle, drill holes in the bottom end of the pipe. Place a splash plate or a paving block at the bottom of the trench to protect the infiltrative surface from erosion.
 2. Create the appropriately-sized hole in the endcap at the proper elevation. Insert the pressure lateral pipe into the end plate hole and slide it into the manifold pipe.
 3. Glue the pressure lateral pipe to the manifold pipe.
- NOTE:** Health Departments may require a pressure check. This may be done prior to chamber installation, when the pipe is laying on the ground. Check with your local Health Department for the proper procedure.

4. Secure the pressure lateral pipe to the top of the first chamber with a plastic pipe strap at the outlet end of the unit. Slide the strap up through a slot in the chamber top, down through the other slot, and cinch the two ends around the pipe.
5. Lift and place the next chamber onto the previous one at a 90-degree angle. Line up the chamber end between the connector hook and locking pin at the top of the first chamber. Lower it to the ground to engage the interlocks.

6. Secure the lateral pipe to the top of the chamber once in place. Follow the same method as described in Step 4.
7. Continue interlocking chambers and pipe until trench is completed.

8. Attach an endcap to the last chamber in the trench. If leanout extensions are required, create a hole in the endcap at the proper elevation to allow the lateral pipe to extend. For leanout access, a 90° elbow that extends to the soil's surface can



4. Secure lateral pipe to the top of the chamber.

be attached to the lateral pipe.

9. Follow Steps 1-8 for all trenches or rows in the permitted system.

Covering the System

NOTE: Before backfilling, the system must be inspected by a health or regulatory official as required by state and local codes. Create an as-built drawing at this time for future records.

1. Place berm material around the perimeter of the sand mound and directly against the outer rows of chambers for stabilization.
2. Ladle soil between the chamber rows to the top sidewall louver to prevent chamber movement before final backfill. Firm the soil between the chamber rows by walking it in. This important step assures correct structural support of the system.
3. Push the berm material between and over the chamber rows with a dozer. Keep a minimum 6 inches of compacted cover over the system.

NOTE: NO wheeled machinery is allowed on Quick4 Plus Standard LP chambers in mounds.

4. After the system is covered, the site should be seeded or sodded to produce erosion-resistant vegetation.

NOTE: If the system is for new home construction, it is important to leave marking stakes along the boundary of the system. This will notify contractors of the site location so they will not cross it with equipment or vehicles.

INSPECTOR'S CHECKLIST

The following checklist may be used when inspecting Quick4 chambers.

1. Check for level distribution device and watertight connections.
2. Confirm distribution lines (manifold header pipes) have been primed and glued for securing.
3. Confirm distribution lines have been properly bedded and secured into endcap.
4. Determine correct length of lines.
5. Inspections:
 - a. Sidewalls have been carefully walked in
 - b. Visually inspect chamber joints
 - c. Confirm step-downs are properly bedded
 - d. Verify trench depth
6. Shoot trench grade at top of chamber or from side of chamber foot at the trench bottom.

Chamber trenches shall be constructed level in all directions with a plus or minus one-half-inch tolerance from side-to-side and maximum fall in a single trench bottom not exceeding one-fourth inch in 10 feet end-to-end for any continuous contoured segment. Trenches shall follow the contour of the ground surface elevation.

7. Always run pump before issuing Operations Permit (OP).
 - a. Run draw down test to verify correct dosing volume.

WARRANTY

INFILTRATOR WATER TECHNOLOGIES STANDARD LIMITED DRAINFIELD WARRANTY

(a) The structural integrity of each chamber, endcap and other accessory manufactured by Infiltrator (collectively referred to as "Units"), when installed and operated in a leachfield of an onsite septic system in accordance with Infiltrator's installation instructions, is warranted to the original purchaser ("Holder") against defective materials and workmanship for one year from the date upon which a Septic Operation Permit is issued for the septic system containing the Units; provided, however, that if a septic permit is not required for the septic system by applicable law, the one (1) year warranty period will begin upon the date that installation of the septic system commences. In order to exercise its warranty rights, Holder must notify Infiltrator in writing at its corporate headquarters in Old Saybrook, Connecticut within fifteen (15) days of the alleged defect. Infiltrator will supply replacement Units for those Units determined by Infiltrator to be defective and covered by this Limited Warranty. Infiltrator's liability specifically excludes the cost of removal and/or installation of the Units.

(b) THE LIMITED WARRANTY AND REMEDIES IN SUBPARAGRAPH (a) ARE EXCLUSIVE. THERE ARE NO OTHER WARRANTIES WITH RESPECT TO THE UNITS, INCLUDING NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

(c) This Limited Warranty shall be void if any part of the chamber system (chamber, endcap or other accessory) is manufactured by anyone other than Infiltrator. The Limited Warranty does not extend to incidental, consequential, special or indirect damages. Infiltrator shall not be liable for penalties or liquidated damages, including loss of production and profits, labor and materials, overhead costs, or other losses or expenses incurred by the Holder or any third party. Specifically excluded from Limited War-

ranty coverage are damage to the Units due to ordinary wear and tear, alteration, accident, misuse, abuse or neglect of the Units; the Units being subjected to vehicle traffic or other conditions which are not permitted by the installation instructions; failure to maintain the minimum ground covers set forth in the installation instructions; the placement of improper materials into the system containing the Units; failure of the Units or the septic system due to improper siting or improper sizing, excessive water usage, improper grease disposal, or improper operation; or any other event not caused by Infiltrator. This Limited Warranty shall be void if the Holder fails to comply with all of the terms set forth in this Limited Warranty.

Further, in no event shall Infiltrator be responsible for any loss or damage to the Holder, the Units, or any third party resulting from installation or shipment, or from any product liability claims of Holder or any third party. For this Limited Warranty to apply, the Units must be installed in accordance with all site conditions required by state and local codes; all other applicable laws; and Infiltrator's installation instructions.

(d) No representative of Infiltrator has the authority to change this Limited Warranty in any manner whatsoever, or to extend this Limited Warranty. No warranty applies to any party other than the original Holder.

The above represents the standard Limited Warranty offered by Infiltrator. A limited number of states and counties have different warranty requirements. Any purchaser of Units should contact Infiltrator's corporate headquarters in Old Saybrook, Connecticut, prior to such purchase, to obtain a copy of the applicable warranty, and should carefully read that warranty prior to the purchase of Units.

INFILTRATOR WATER TECHNOLOGIES ("INFILTRATOR") INFILTRATOR® SEPTIC TANK LIMITED WARRANTY FIVE (5) YEAR MATERIALS AND WORKMANSHIP LIMITED WARRANTY

(a) This limited warranty is extended to the end user of an Infiltrator Septic Tank. A Septic Tank manufactured by Infiltrator, when installed and operated in accordance with Infiltrator's installation instructions and local regulation by a licensed installer, is warranted to you: (i) against defective materials and workmanship for five (5) years after installation. Infiltrator will, at its option, (i) repair the defective product or (ii) replace the defective materials. Infiltrator's liability specifically excludes the cost of removal and/or installation of the Septic Tank.

(b) In order to exercise its warranty rights, you must notify Infiltrator in writing at its corporate headquarters in Old Saybrook, Connecticut within fifteen (15) days of the alleged defect.

(c) YOUR EXCLUSIVE REMEDY WITH RESPECT TO ANY AND ALL LOSSES OR DAMAGES RESULTING FROM ANY CAUSE WHATSOEVER SHALL BE SPECIFIED IN SUBPARAGRAPH (a) ABOVE. INFILTRATOR SHALL IN NO EVENT BE LIABLE FOR ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES OF ANY KIND, HOWEVER OCCASIONED, WHETHER BY NEGLIGENCE OR OTHERWISE. SOME STATES DO NOT ALLOW THE EXCLUSION OR LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THIS LIMITATION OR EXCLUSION MAY NOT APPLY TO YOU. THIS WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS AND YOU MAY ALSO HAVE OTHER RIGHTS WHICH VARY FROM STATE TO STATE.

(d) THIS LIMITED WARRANTY IS THE EXCLUSIVE WARRANTY GIVEN BY INFILTRATOR AND SUPERSEDES ANY PRIOR, CONTRARY, ADDITIONAL, OR SUBSEQUENT REPRESENTATIONS, WHETHER ORAL OR WRITTEN. INFILTRATOR DISCLAIMS AND EXCLUDES TO THE GREATEST EXTENT ALLOWED BY LAW ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, OR STATUTORY, INCLUDING ANY WARRANTY OF MERCHANTABILITY, FINESSE FOR A PARTICULAR PURPOSE AND ANY IMPLIED WARRANTIES OTHERWISE ARISING

FROM COURSE OF DEALING, COURSE OF PERFORMANCE, OR USAGE OF TRADE. NO PERSON (INCLUDING ANY EMPLOYEE, AGENT, DEALER, OR REPRESENTATIVE) IS AUTHORIZED TO MAKE ANY REPRESENTATION OR WARRANTY CONCERNING THIS PRODUCT, EXCEPT TO REFER YOU TO THIS LIMITED WARRANTY. EXCEPT AS EXPRESSLY SET FORTH HEREIN, THIS WARRANTY IS NOT A WARRANTY OF FUTURE PERFORMANCE, BUT ONLY A WARRANTY TO REPAIR OR REPLACE.

(e) YOU MAY ASSIGN THIS LIMITED WARRANTY TO A SUBSEQUENT PURCHASER OF YOUR HOME.

(f) NO REPRESENTATIVE OF INFILTRATOR HAS THE AUTHORITY TO CHANGE THIS LIMITED WARRANTY IN ANY MANNER WHATSOEVER, OR TO EXTEND THIS LIMITED WARRANTY.

CONDITIONS AND EXCLUSIONS

There are certain conditions or applications over which Infiltrator has no control. Defects or problems as a result of such conditions or applications are not the responsibility of Infiltrator and are NOT covered under this warranty. They include failure to install the Septic Tank in accordance with instructions or applicable regulatory requirements or guidance, altering the Septic Tank contrary to the installation instructions and disposing of chemicals or other materials contrary to normal septic tank usage.

The above represents the Standard Limited Warranty offered by Infiltrator. A limited number of states and counties have different warranty requirements. Any purchaser of a Septic Tank should contact Infiltrator's corporate headquarters in Old Saybrook, Connecticut, prior to such purchase to obtain a copy of the applicable warranty, and should carefully read that warranty prior to the purchase of a Septic Tank.



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U.S. Patents: 4,759,661; 5,017,041; 5,156,488; 5,336,017; 5,401,116; 5,401,459; 5,511,903; 5,716,163; 5,588,778; 5,839,844 Canadian Patents: 1,329,959; 2,004,564 Other patents pending. Infiltrator, Equalizer, Quick4, and SideWinder are registered trademarks of Infiltrator Water Technologies. Infiltrator is a registered trademark in France. Infiltrator Water Technologies is a registered trademark in Mexico. Contour, MicroLeaching, PolyTuff, ChamberSpacer, MultiPort, PosiLock, QuickCut, QuickPlay, SnapLock and StraightLock are trademarks of Infiltrator Water Technologies. PolyLok is a trademark of PolyLok, Inc. TUF-TITE is a registered trademark of TUF-TITE, INC. Ultra-Rib is a trademark of IPEX Inc.

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C43 0715ISI

Contact Infiltrator Water Technologies' Technical Services Department for assistance at 1-800-221-4436



VICINITY MAP
NO SCALE

- SITE NOTES:**
1. DRAINFIELD AREA IDENTIFIED BY PAUL PENNINGER & JACOB PRESLEY.
 2. SURVEY INFORMATION PROVIDED BY DEDMON SURVEYS AND SITE CIVIL DESIGN BY HENSON/FOLEY.
 3. AREA IS AVAILABLE FOR REPAIR AND SHALL REMAIN UNDISTURBED.
 4. PRIOR TO ANY SITE CONSTRUCTION, BARRICADE ALL DISPOSAL AREAS (PRIMARY & REPAIR) FROM CONSTRUCTION TRAFFIC & DEBRIS.
 5. MAINTAIN 30" BURY DEPTH ON ALL SUPPLY PIPING TO DRAINFIELD AREAS.
 6. CLEAR DRAIN FIELD OF ALL DEBRIS, LIMBS, ETC. CUT SMALL SAPPLINGS OFF AT GROUND. LIGHTLY HAND SMOOTH ANY IRREGULAR SURFACES. REMOVE LIMBS FROM REMAINING MAJOR TREES TO A MIN OF 8' ABOVE GRADE. GRASS ALL DISPOSAL AND DISTURBED AREAS.
 7. SEED ALL DISTURBED AREAS. ALL MATTING TO BE FREE OF PLASTICS.
 8. OBSERVE ALL SETBACKS.

REFER TO SHEET U-2 FOR SYSTEM DETAILS & ELEVATIONS

PAUL & RUTH
WALTERS FAMILY
LLC MB 38 PG 249
TAX 0131316

GRAVELLESS CHAMBERS. TRENCH BOTTOM
DEPTH: 36-INCHES MAX. 9.0' CTS. MIN.
8 LATERALS AT 52 LF EA.
13 QUICK 4 CHAMBERS PER LATERAL

FLAGGED LATERALS
BY PAUL PENNINGER, LSS & JACOB PRESLEY

DENNIS
BREWER
CINDEE
BREWER TAX
0131313 MB
38 PG 193 PG
37 DB 22122 PG

MICHAEL G.
SCHILL TAX
0131312 MB
38 PG 193 DB
23110 PG 892

MICHAEL G.
SCHILL TAX
0131313 MB
38 PG 193 DB
17946 PG 545

MAINTAIN 15 FT HORIZONTAL
SEPARATION BETWEEN STORM
WATER CONTROLS AND SEPTIC
LATERALS.

PROP. PRESSURE MANIFOLD
IN PRECAST VAULT. SEE DETAIL
ON PLAN SHEET U-2.
TOP ELEV.: 850.25

160 LF 2-IN SCH 40 PVC EFFLUENT FORCE
MAINS FROM PUMP TANK TO PRESSURE
MANIFOLD. INSTALL 30-IN BGS WITH
TRACER WIRE. SEE TRENCH DETAIL ON
PLAN SHEET U-2.

PROPOSED 3,500 GALLON
PUMP TANK w/ SIMPLEX PUMP

PROPOSED 2,000 GALLON
SEPTIC TANK

PROPOSED SIMPLEX TIME DOSE PUMP
CONTROL PANEL IN NEMA 4X ENCLOSURE.

REPAIR AREA
TO REMAIN UNDISTURBED

GRASS PARKING WILL BE COUNTED
AS IMPERVIOUS COVER SO THAT
STORMWATER FACILITY WILL
HANDLE THIS AS A FUTURE USE

- GENERAL NOTES:**
1. NOTIFY UNDERGROUND UTILITIES LOCATOR PRIOR TO ANY EXCAVATION. CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF ALL TRADES AND SUBCONTRACTORS. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS, ELEVATIONS, AND LOCATION OF ALL EXISTING CONDITIONS AND UTILITIES.
 2. ALL PIPING SHALL BE SCH 40 PVC UNLESS OTHERWISE NOTED ON PLANS. ALL PVC PIPES SHALL BE BURIED A MINIMUM OF 36-INCHES UNLESS SHOWN OTHERWISE.
 3. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE SOIL EROSION AND SEDIMENTATION CONTROL REQUIREMENTS.
 4. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE OSHA AND OTHER RELATED SAFETY REQUIREMENTS.
 5. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ALL CONSTRUCTION DAMAGE EXPEDITIOUSLY AND AT NO ADDITIONAL COST TO THE OWNER.
 6. SEPTIC TANK SHALL BE CONSTRUCTED WITH A Baffle WALL DIVIDING THE TANK INTERIOR 23in TO 13in. THE Baffle WALL SHALL BE CONSTRUCTED TO PERMIT PASSAGE OF EFFLUENT THROUGH A SLOT OR HOLES LOCATED BETWEEN 45 & 55 PERCENT OF THE INTERIOR DEPTH.
 7. ALL SERVICE ACCESS OPENINGS SHALL BE A MINIMUM OF 24 INCHES.
 8. RISER ADAPTORS TO BE CAST IN PLACE AT TIME OF TANK CONSTRUCTION.
 9. ALL TANKS AND EFFLUENT FILTERS SHALL BE APPROVED BY ENGINEER & NC DWS.
 10. EFFLUENT FILTERS SHALL BE SIZED FOR DESIGN FLOW AND EXTEND DOWN TO 50-PERCENT OF LIQUID LEVEL.
 11. ALL TANK RISERS AND LIDS SHALL EXTEND A MINIMUM OF 6" ABOVE THE FINISHED GRADE.
 12. ALL METAL INSTALLED IN TANKS SHALL BE STAINLESS STEEL.
 13. ALL MANHOLES NOT INSTALLED NOT IN TRAFFIC AREAS SHALL HAVE TAMPER RESISTANT BOLTS ON LIDS.
 14. PUMP CONTROL PANEL SHALL BE INSTALLED A MINIMUM OF 36 INCHES FROM FINISHED GRADE TO BOTTOM OF PANEL BOX. SEAL OFF ALL CONDUITS BETWEEN TANKS AND PANEL.

NITRIFICATION FIELD:
PROPOSED SYSTEM
DESIGN FLOW -464.29 GPD
1 - 2,000 GALLON SEPTIC TANK
1 - 3,500 GALLON PUMP TANK
PROPOSED LOADING RATE: 0.30 G/D/SF

FORCEMAIN:
160 LF 2-IN SCH 40 PVC (MANIFOLD A)
4" SCH 80 PVC PRESSURE MANIFOLDS WITH
8-1/2" SCH 80 TAPS EA

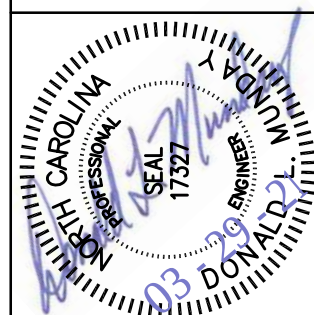
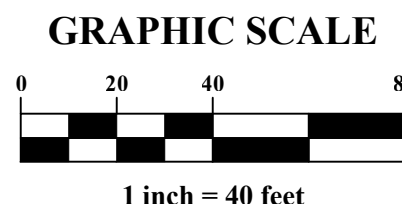
NEW LATERALS
8 LATERALS AT 52 LF EACH (13 CHAMBERS EA)
416 LF TOTAL PROVIDED
(387.50 LF REQUIRED)

NOTE: REPAIR IS AVAILABLE & SHALL REMAIN UNDISTURBED BY ANY GRADING (BOTH TEMPORARY AND PERMANENT)

MARJORIE WEISER OWENS
TAX 01313109 DB 09737
PG 354

IF THE GRASS PARKING BECOMES GRAVEL, CURB AND GUTTER WOULD BE INSTALLED ALONG THE SOUTH AND EAST BORDER TO CAPTURE RUNOFF. STORM DRAINAGE WOULD BE ADDED AND CONNECTED TO THE POPE SYSTEM NEAR BARN AND ULTIMATELY INTO POND. DETENTION CALCULATIONS WILL INCLUDE THE FUTURE GRAVEL PARKING

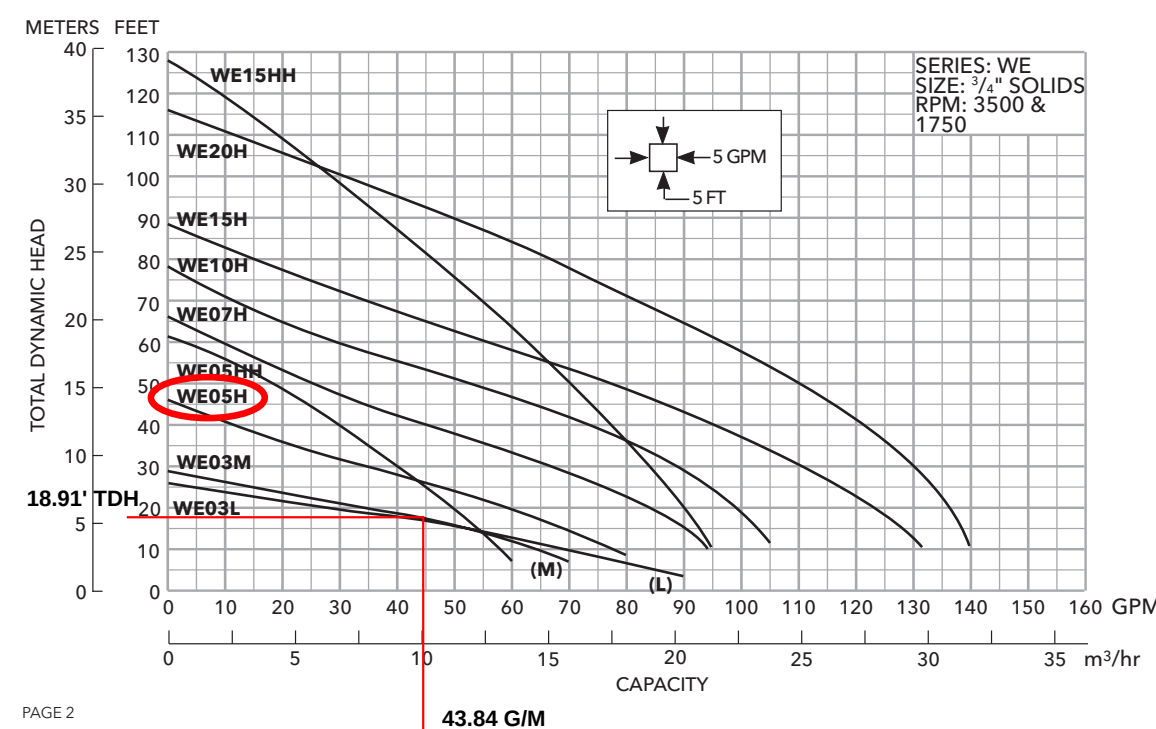
CURBING TO BE UTILIZED AROUND DRIVE AISLE AND SERVICE AREA TO DIRECT STORMWATER INTO POND



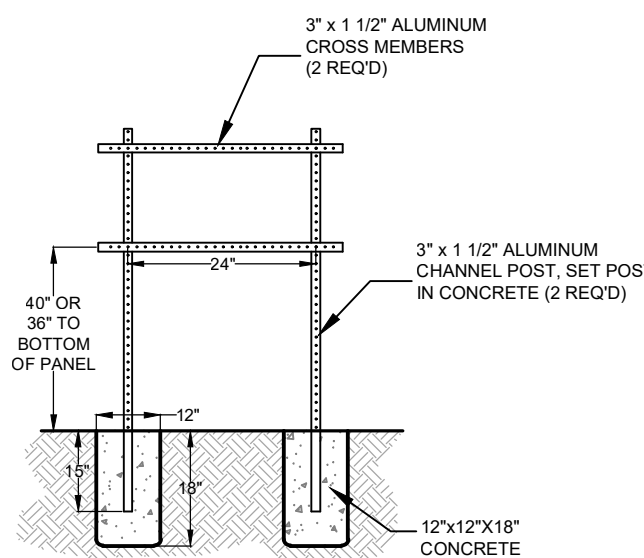
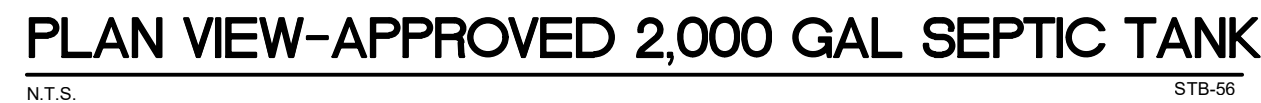
REVISIONS	BY

Date: 3/29/21
Scale: 1"=40'
1" CONTOURS
Drawn: DMD
Checked: DLM
Project: 2021-03-XX
Job: 2021-03-XX

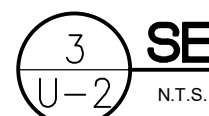
Sheet
U-1



SUBMERSIBLE EFFLUENT PUMPS



PANEL MOUNTING RISER



State of North Carolina
Department of the Secretary of State

SOSID: 1994308
Date Filed: 6/11/2020 2:44:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C2020 162 01643

Limited Liability Company
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: **Grassroots Land LLC**
(See Item 1 of the Instructions for appropriate entity designation)
2. The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both by checking all applicable boxes.) **Note: This document must be signed by all persons listed.**

Name	Business Address	Capacity
<u>Gayle Allen</u>	<u>15550 Stumptown Road Huntersville, NC 28078</u>	☒ Member ☐ Organizer
<u>Kevin Allen</u>	<u>15550 Stumptown Road Huntersville, NC 28078</u>	☒ Member ☐ Organizer
_____	_____	☐ Member ☐ Organizer

3. The name of the initial registered agent is: **Gayle Allen**

4. The street address and county of the initial registered agent office of the limited liability company is:

Number and Street **15550 Stumptown Road**
City **Huntersville** State: **NC** Zip Code: **28078** County: **Mecklenburg**

5. The mailing address, if different from the street address, of the initial registered agent office is:

Number and Street _____
City _____ State: **NC** Zip Code: _____ County: _____

6. Principal office information: (Select either a or b.)

a. ☒ The limited liability company has a principal office.

The principal office telephone number: **704-728-9685**

The street address and county of the principal office of the limited liability company is:

Number and Street: **15550 Stumptown Road**
City: **Huntersville** State: **NC** Zip Code: **28078** County: **Mecklenburg**

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street: _____

City: _____ State: _____ Zip Code: _____ County: _____

b. ☐ The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. **(Optional):** Listing of Company Officials (See instructions on the importance of listing the company officials in the creation document.

Name	Title	Business Address

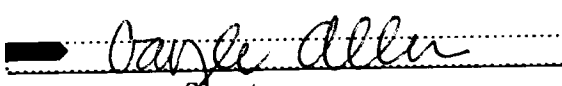
9. **(Optional):** Please provide a business e-mail address: _____

Privacy Redaction

The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

10. These articles will be effective upon filing, unless a future date is specified:

This is the 10 day of June, 2020.


Signature

Gayle Allen member and organizer

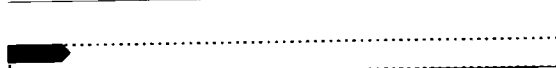
Type or Print Name and Title

The below space to be used if more than one organizer or member is listed in Item #2 above.


Signature

Kevin Allen member and organizer

Type and Print Name and Title


Signature

Type and Print Name and Title

NOTE:

1. Filing fee is \$125. This document must be filed with the Secretary of State.



General Application

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

1. Application Type

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

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☐ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☒ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

SUBDIVISION CATEGORIES: Per the
Huntersville Subdivision Ordinance

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

2. Project Data

Date of Application 03-09-2021

Name of Project Ivory Barn Phase # (if subdivision) _____

Project Address 14418 NC Hwy 73, Huntersville NC 28078

Parcel Identification Number(s) (PIN) 01313110

Current Zoning District R Proposed District (for rezoning only) _____

Property Size (acres) 10.77 ac Street Frontage (feet) 595 ft

Current Land Use Vacant

Proposed Land Use(s) Event Venue

Is the project within Huntersville's corporate limits?
Yes X No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

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

The purpose of this Special Use plan is to add an open air pavilion to the Event

Venue. The building would be 40'x60', open on all sides.

4. Site Plan Submittals

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

5. Outside Agency Information

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

6. Applicant

Printed Name Grassroots Land, LLC Phone 704-728-9685
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature Cayle Allen Printed Name: Gayle Allen
Title President Email gayle_allen@bellsouth.net
Address of Applicant 15550 Stumptown Rd, Huntersville NC 28078

7. Property Owner (if different than applicant)

*Printed Name _____ Phone _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature _____ Printed Name _____
Title _____ Email _____

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

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

8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
HensonFoley Design	Jay Henson	704-875-1615	jay@hensonfoley.com
Design Firm	Name of Contact	Phone	Email

Contact Information

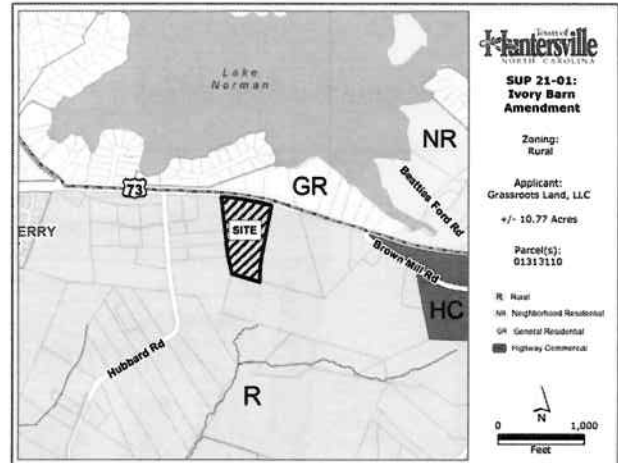
Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department



Public Meeting Notice

Town Board: June 21, 2021 @ 6:00 P.M.

Location: Huntersville Recreation Center
11836 Verhoeff Drive Huntersville, NC 28078



Public Meetings Notice:

Your property is within 250 feet of a parcel of land where a Special Use Permit is being requested.

What Is Being Proposed?

SUP21-01 is an application by the owners of 14418 NC 73 HWY to amend an approved Special Use Permit for a commercial banquet facility in the Rural Zoning District.

This meeting will be an evidentiary special use permit hearing and no rezoning is being considered. Therefore, there is no public hearing for this proposed development.

Where Is This Being Proposed?

The 'Site' is located at 14418 NC 73 HWY (tax parcel 01313110) west of the intersection of Beatties Ford Road and NC 73 HWY.

How Can I Provide Comment to the Town Board?

The **Town Board meeting** is scheduled for **June 21, 2021** and will be in person. Since the special use permit hearing is a quasi-judicial proceeding, any residents who would like to speak will need to be there in person. In addition, the meeting will be streamed via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Information regarding the special use permit hearing, quasi-judicial proceedings, and requirements for testimony at the hearing are attached below.

Legal References for This Proposal

Review Article 3 of the Huntersville Zoning Ordinance (<https://www.huntersville.org/595/Zoning-Ordinance>) to learn about what is permitted in the Rural zoning district. Please see Article 9.59 of the Zoning Ordinance to learn about the requirements for Banquet Facilities in the Rural Zoning District.
<https://www.huntersville.org/1059/Article-959---Banquet-Facility>

Public Parking for the Huntersville Recreation Center

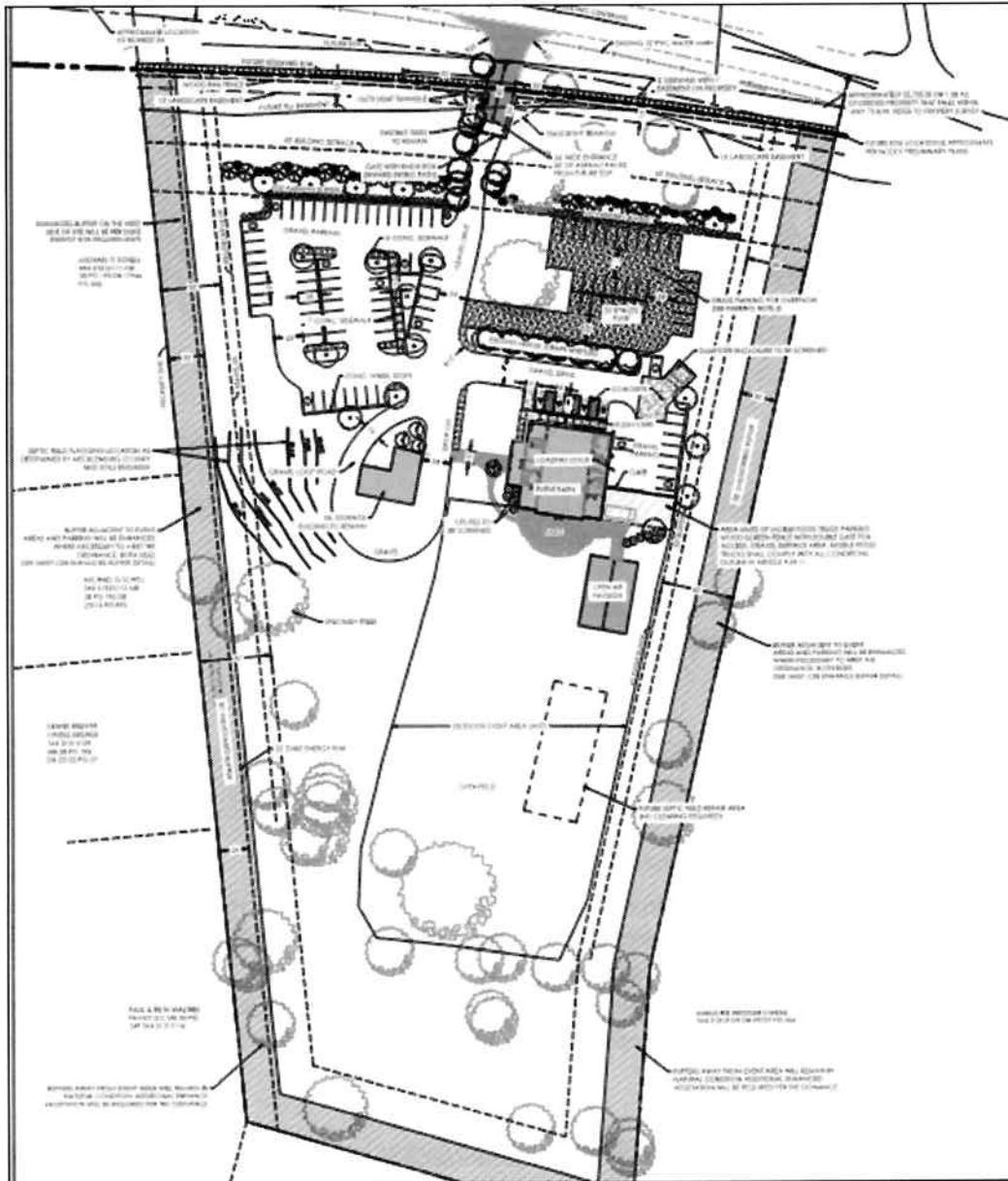
Public Parking for the Huntersville Recreation Center is located around back behind the building.

Where to Obtain Additional Information?

- **Online:** Visit www.huntersville.org and type "SUP 21-01 Ivory Barn" into the search bar.
- **Phone:** Call Brad Priest, Principal Planner; Huntersville Planning Department at 704-766-2214
- **Email:** Email Brad Priest at bpriest@huntersville.org.

Site Plan

- SUP21-01 (also available online)



Special Use Permit Quasi-Judicial Meeting Information Sheet

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

GRASSROOTS LAND LLC
15550 STUMPTOWN RD
HUNTERSVILLE, NC 28078

NANCY S BOYD
DAVID G BOYD
15906 BAYSHORE DR
HUNTERSVILLE, NC 28078

CHRISTOPHER A BOYD
SARAH A BOYD
15822 BAYSHORE DR
HUNTERSVILLE, NC 28078

DENNIS BREWER
CINDEE BREWER
15820 HUBBARD RD
HUNTERSVILLE, NC 28078

HEIDI L CINKER
15812 BAYSHORE DR
HUNTERSVILLE, NC 28078

MAGNOLIA EQUESTRIAN CENTER LLC
14210 LITHGOW PL
HUNTERSVILLE, NC 28078

LINDSAY BLAIR NELSON
14415 NC 73 HWY
HUNTERSVILLE, NC 28078

DEBORAH W NELSON
14415 HIGHWAY 73
HUNTERSVILLE, NC 28078

RANDY NIESSNER
CINDY NIESSNER
11549 ROAD E SW
ROYAL CITY, WA 99357

MARJORIE WEISIGER OWENS
M W MCGINNIS & L G WEISIGER
2008 LAKESPRINGS WAY
ATLANTA, GA 30338

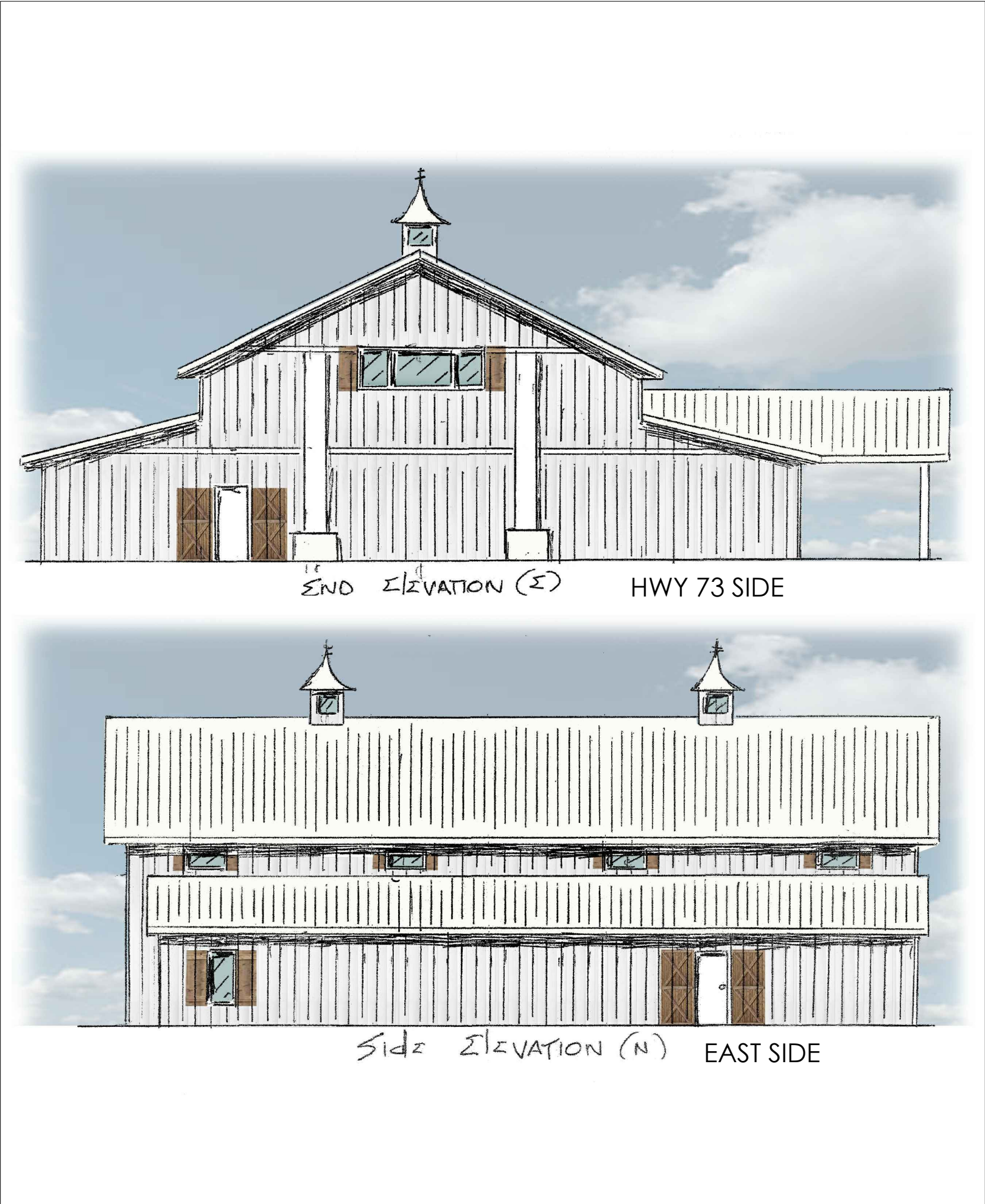
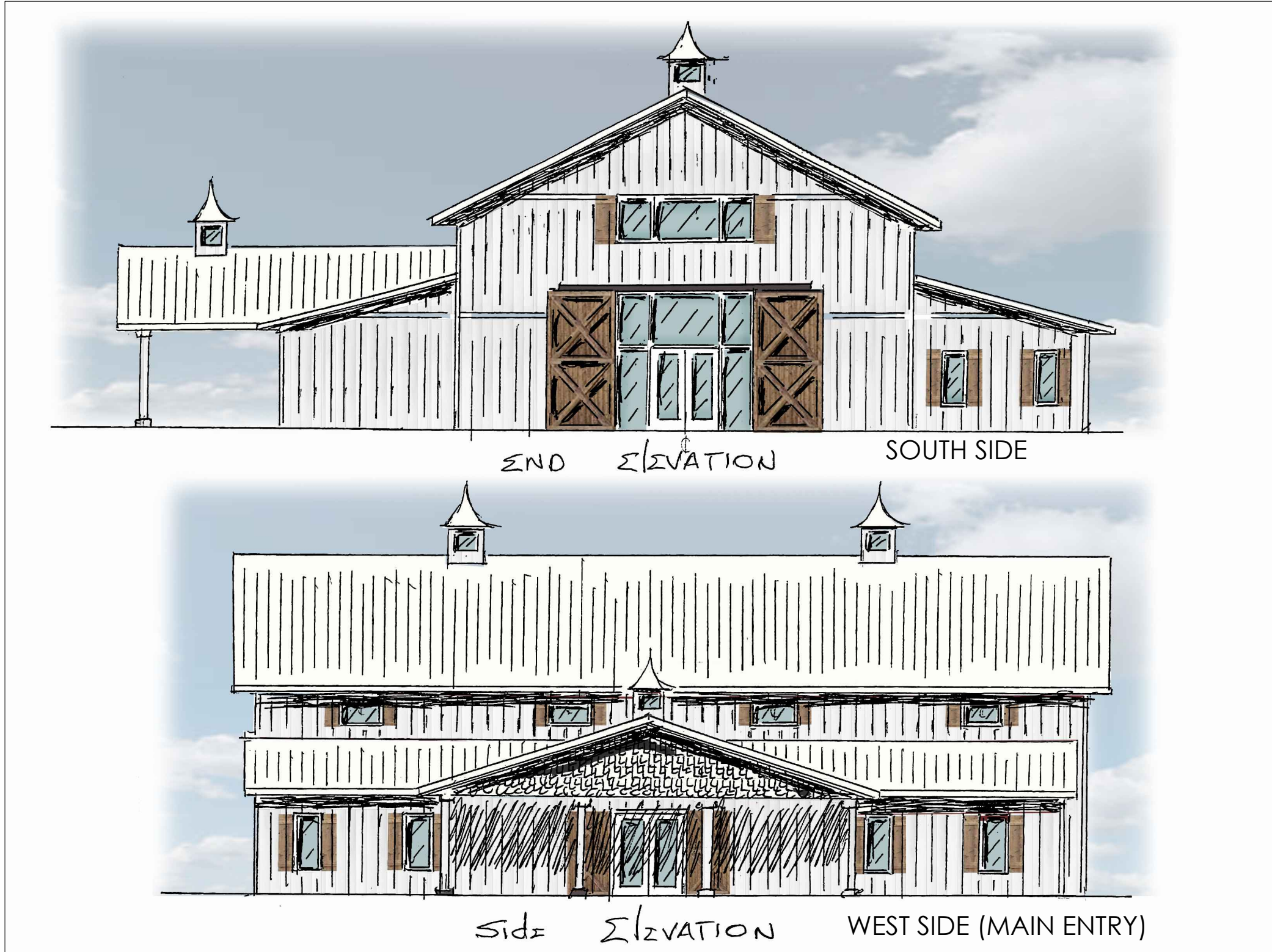
PAUL & RUTH WALTERS FAMILY LLC
102 SHERWOOD DR
HUNTERSVILLE, NC 28078

MICHAEL G SCHELL
18729 VINEYARD POINT LN
CORNELIUS, NC 28031

MICHAEL SCHELL
15900 HUBBARD RD
HUNTERSVILLE, NC 28078

CONTENTS:	
C1	COVER SHEET
C2	TREE PROTECTION PLAN
C3	SITE PLAN
C4	GRADING PLAN

SPECIAL USE PLAN FOR:
HWY 73 EVENT VENUE
HUNTERSVILLE, NC
EPM #406097



VICINITY MAP
SCALE: N.T.S.



EPM#

406097

Approved

As Noted

Town of Huntersville Planning Department

Brad Priest
Senior Planner



10/30/2020

Town of Huntersville Engineering and Public Works

Benjamin Brill, EIT
Staff Engineer



10/30/2020

Review of the design concept is found to be acceptable regarding general conformance to the Town engineering standards.

Town of Huntersville Engineering and Public Works

Michael MacIntyre, PE
Land Development Plan Reviewer



10/30/2020

Note: This review was carried out based on the information provided by the design engineer. This review was done using the minimum acceptable standards of the town and county.

SPECIAL USE PERMIT PLAN APPROVED BY THE
HUNTERSVILLE BOARD OF COMMISSIONERS
ON TUESDAY, SEPTEMBER 8, 2020



HensonFoley

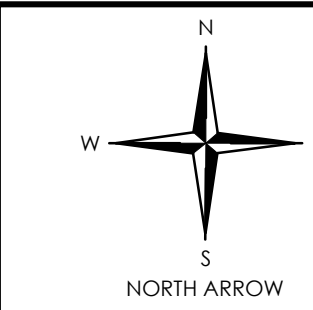
Landscaping Architecture Civil Engineering

8712 Lindholm Dr Suite 202A, Huntersville, NC 28078

p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com

NC ENGINEERING BOARD LICENSE #: C-3781

NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



N
W E
S
NORTH ARROW



Seal of the State of North Carolina
Professional Engineer
Benjamin Brill
10/30/2020

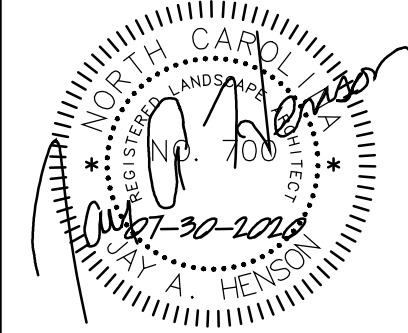
HWY 73 EVENT VENUE

PIN #01313110
14400 NC HWY 73
HUNTERSVILLE, NC

COVER SHEET

REVISIONS:	
JULY 30, 2020 FINAL TOWN BOARD	

C01 COVER.DWG	
PROJECT NUMBER:	220001
DATE: 07/21/2020	DRAWN BY: TSF
C 01	10
SHEET	OF

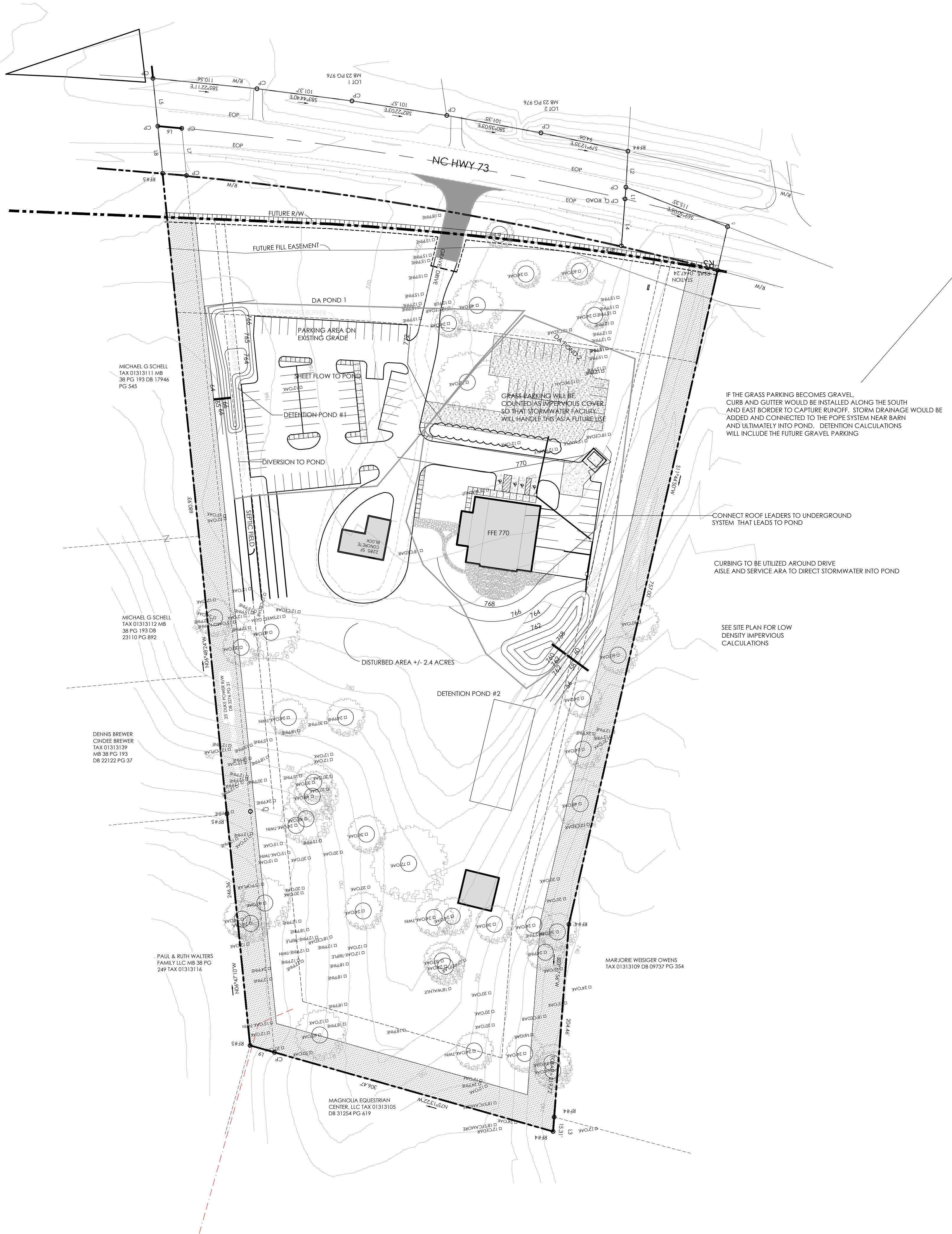


HWY 73 EVENT VENUE
PIN #01313110
14400 NC HWY 73
HUNTERSVILLE, NC

TREE SAVE PLAN

[illegible]

C02 TREE SAVE PLAN.DWG	
PROJECT NUMBER:	220001
DATE: 07/21/2020	DRAWN BY: T
C 02 OF 10	
SHEET	OF

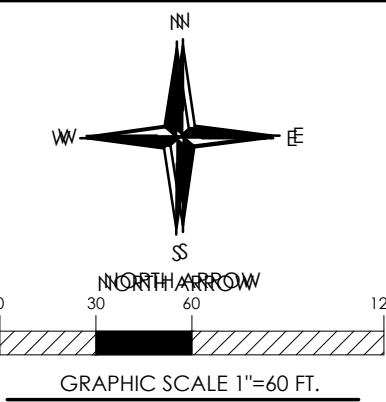


EPM#
406097

Plan Sheet Is Part Of The Overall
Approval As Of The Following Date
10/30/2020



HensonFoley
Landscape Architecture
Civil Engineering
8712 Lindholm Dr Suite 202A, Huntersville, NC 28078
p: 704.875.1615 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



HWY 73 EVENT VENUE

PIN #01313110
14400 NC HWY 73
HUNTERSVILLE, NC

GRADING PLAN

REVISIONS:

JULY 30, 2020 FINAL TOWN BOARD

C04 PRELIMINARY GRADING.DWG

PROJECT NUMBER: 220001

DATE: 07/21/2020 DRAWN BY: TSF

C04 10
SHEET OF

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Jack Simoneau, Director

Date: June 21, 2021

Subject: Mayes Road Subdivision Sketch Plan

EXPLAIN REQUEST:

Conduct a quasi-judicial hearing on Mayes Road Subdivision Sketch Plan, an 83-lot single-family detached residential development at 12000 Mayes Road in the Transitional Residential zoning district (Parcel 01123119).

ACTION RECOMMENDED:

Decision

FINANCIAL IMPLICATIONS:

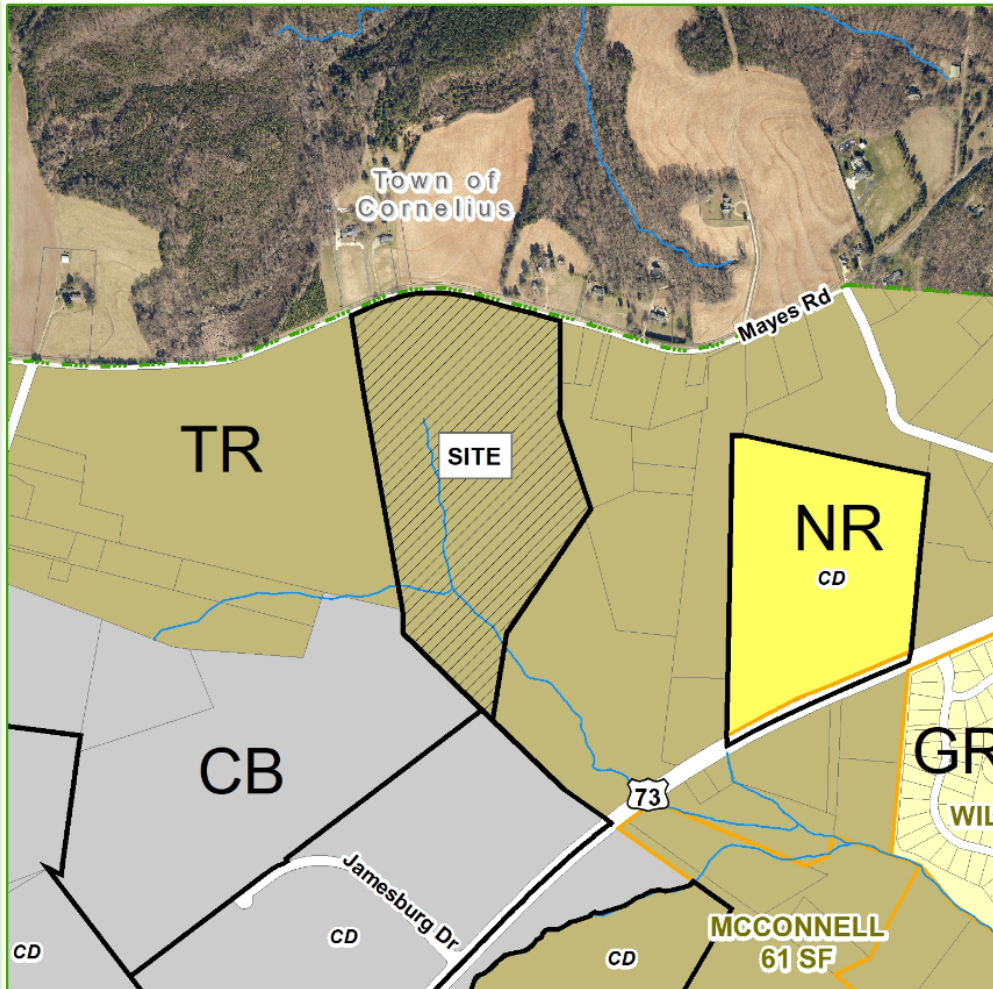
N/A

ATTACHMENTS:

1. Staff Report (TB) 6-21-21
2. General_Application_Sketch_Signed
3. 2021-06-11 - Mayes Road_Third Submittal
4. Mayes Road Neighborhood Meeting

Mayes Road Subdivision Sketch Plan

PART 1: PROJECT SUMMARY



Applicant: Mayes Bowman, LLC

Property Owner(s): JMB Mayes Road LLC

Property Address: 12000 Mayes Road.

Project Size: (+/-) 55.63 acres

Parcel Number(s): 01123119

Current Zoning: Transitional Residential (TR)

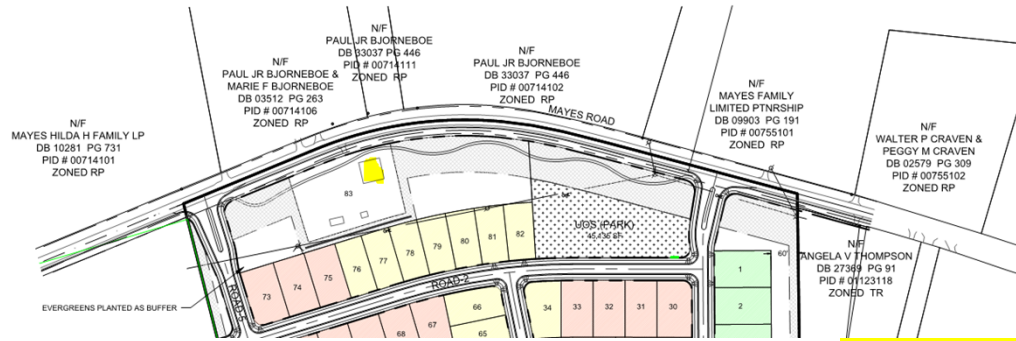
Current Land Use: vacant & single-family home

Proposed Land Use:
83 single-family homes including preservation of existing home built in 1921

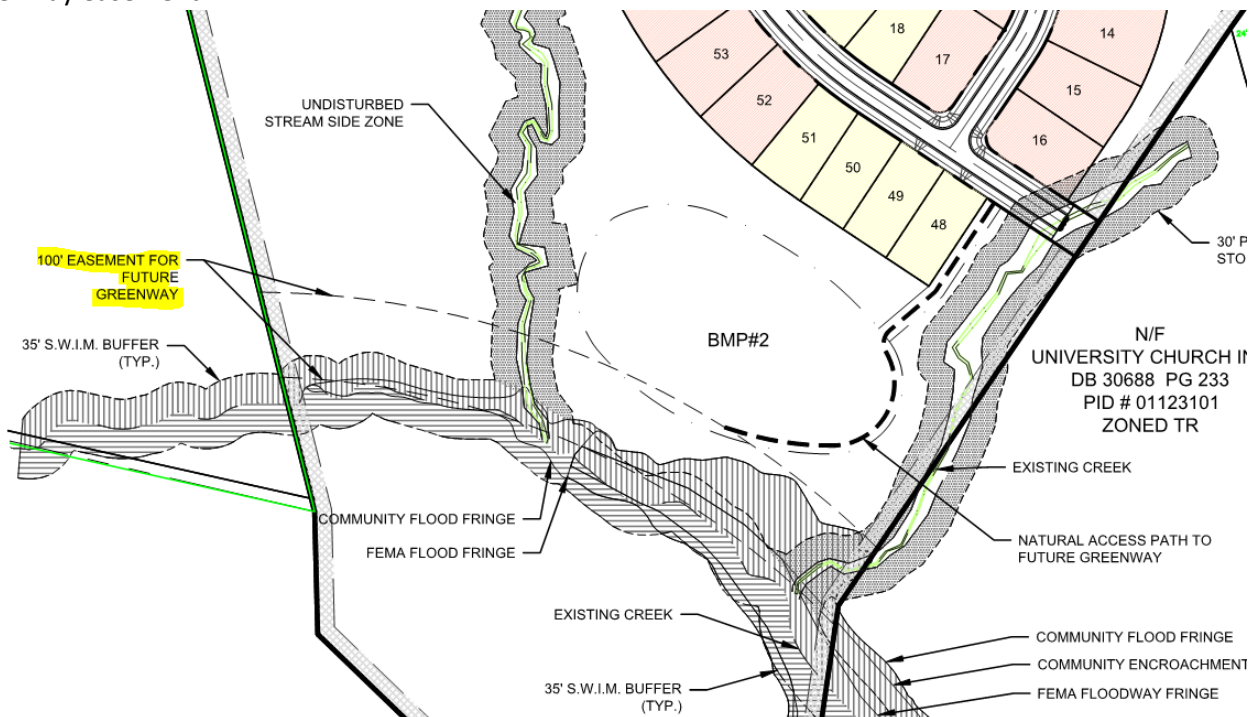


PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Purpose: To subdivide 55.63-acres of land located on the south side of Mayes Road into 83 single-family lots.
2. Adjoining Zoning and Land Uses:
 - North: Cornelius Jurisdiction) – single-family homes
 - South: Transitional Residential (TR) – University City Church; Corporate Business (CB) -Warehouse
 - East: Transitional Residential (TR) – single-family homes
 - West: Transitional Residential (TR) – vacant and single-family home
3. The existing home, built in 1921, is listed in the Huntersville Architectural Survey as being a “notable property” indicating the “House sits right on road, but has great context with large pastured lands behind it”. The developer intends to preserve the house and sell it for residential occupancy. Open space surrounds the home and extends along the entire frontage of Mayes Road helping preserve the historic homes context while still accommodating development (below).



4. A visually opaque buffer is required between the new development and Mayes Road. The applicant has been asked to provide clarity on visual buffer proposed on sheet 5.01. This buffer will further protect the context of the existing 1921 home fronting on Mayes Road.
5. A neighborhood meeting was held on March 24, 2021. The meeting summary is provided in attachment C.
6. According to Sheet C2.01, there are 287 specimen trees on the site and 188 or 65.5% will be saved (minimum required saved is 35%). The Zoning Ordinance requires that 35% of the existing tree canopy be preserved, and the applicant is proposing to save 55% of the tree canopy (19.5 acres).
7. A water quality concept plan is being reviewed by the Town-but has not been approved as of the date of this report.
8. The average lot width of the proposed development is 66.8' and 60' is required per the Ordinance. The average lot size for the subdivision is 9,314 sq. ft.-while 7,500 sq. ft. is the minimum average for the TC zoning district.
9. A "Willingness to Serve" letter from Charlotte Water has been provided dated March 8, 2021.
10. Maximum density allowed in the TR zone is 1.5 units per acre if at least 40% open space is provided. The applicant is proposing 1.49 units an acre including preservation of the existing house and 53% open space.
11. The plan shows one urban open space area at the front of the subdivision for a planned park. There are opportunities to provide additional urban open space areas such as trails, but the trail network will need to be shown on the plan if such amenities are added in the future. If a trail system was established at the site, such an amenity could count as urban open space.
12. The creek at the rear of the subdivision is a site of a proposed greenway where the applicant is proposing a 100' greenway easement.



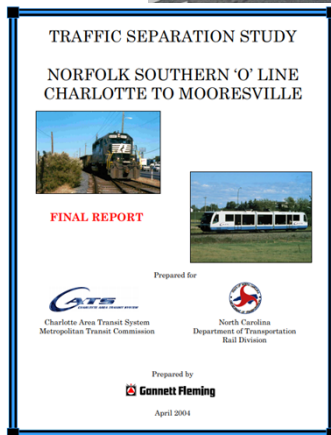
PART 3: TRANSPORTATION ISSUES/TRAFFIC IMPACT ANALYSIS (TIA)

Traffic Impact Analysis (TIA)

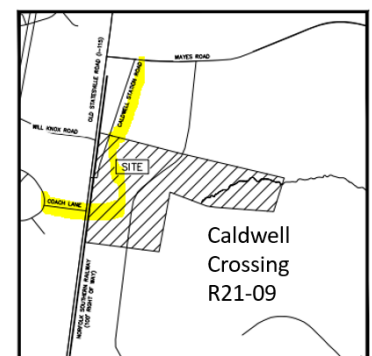
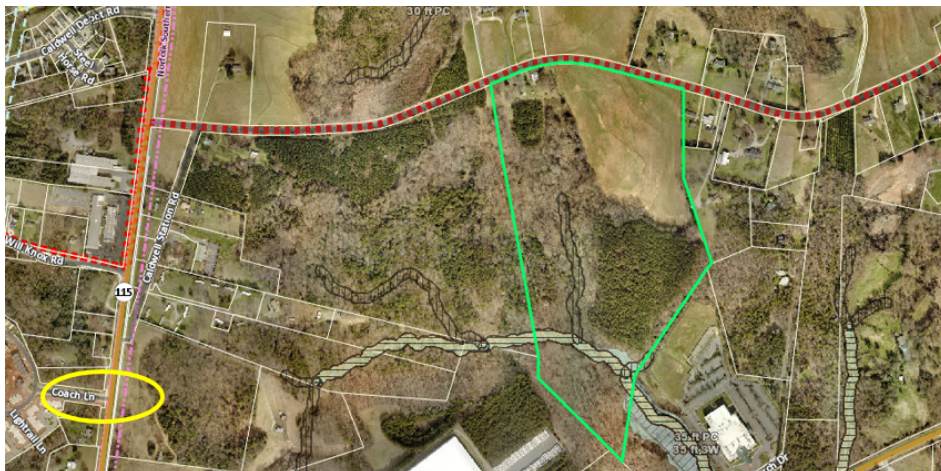
A TIA was not required for the development as the trip generation projected was below the Town's thresholds for requiring study.

Residents have expressed concerns about the cumulative impacts of existing & proposed development along Mayes Road (i.e. current road condition and significant grade separation between NC 115 and Mayes Road intersection). NCDOT is responsible for approving access into all developments along Mayes Road.

In 2004, a Traffic Separation Study recommended Mayes Road and Caldwell Station Road be closed and a new crossing be established at MP 0-17.5 (Coach Lane, bottom photo). A rezoning public hearing for Caldwell Crossing, R21-09 is planned for August 2, 2021. This development is proposing to create a road system that will connect Caldwell Crossing to Coach Lane (below map). The plan is presently being reviewed by NCDOT and Norfolk Southern.



12. **Mayes Road/Milepost O-17.9/Huntersville** – a badly humped crossing with inadequate queue distance. It is recommended that the crossing be closed and that existing Caldwell Station Road, which connects to Mayes Road east of the crossing, be upgraded (it is a gravel road at this time) and extended to the proposed crossing at Milepost O-17.5. This is a mid-term recommendation requiring the preparation of plans, the acquisition of right-of-way, the preparation of an environmental document and the review and approval of public agencies and the railroad. In the near-term, the crossing should receive supplemental stop signs and “Do Not Stop on Tracks” signing.



PART 4: PLANNING STAFF ANALYSIS

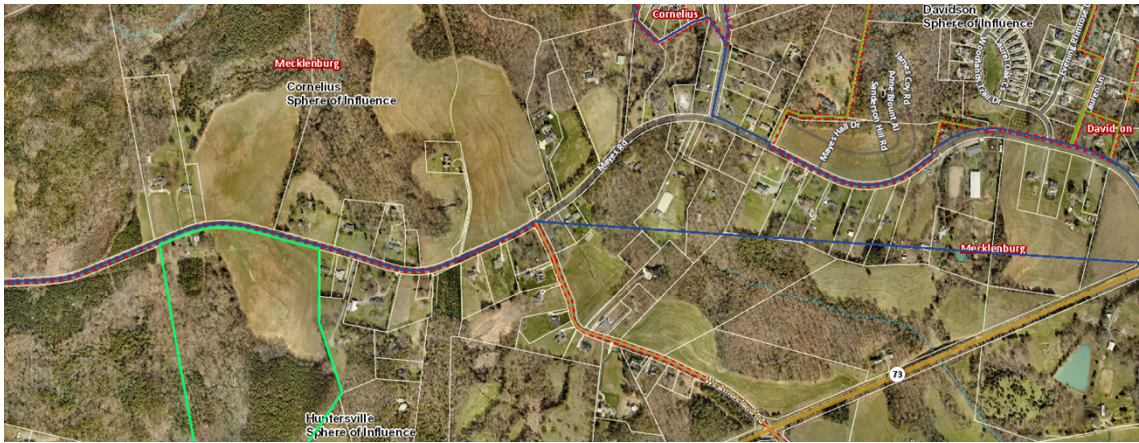
Section 6.200 of the Subdivision Ordinance outlines the “general requirements and policies to be used in the design, review, and approval” of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board’s consideration of the Mayes Road Sketch Plan.

1. Consistency with adopted public plans and policies. Staff finds the proposed development is consistent with the following sections of the Huntersville 2040 Community Plan

- The Huntersville 2040 Plan map indicates this site is within the “Moderate Density” area immediately adjacent to the “Town Core”. Recommended density range is generally 1-3 units per gross acres. The proposed development is 1.49 units per acre and is consistent with **LU-1** and **LU-2** of the 2040 Plan

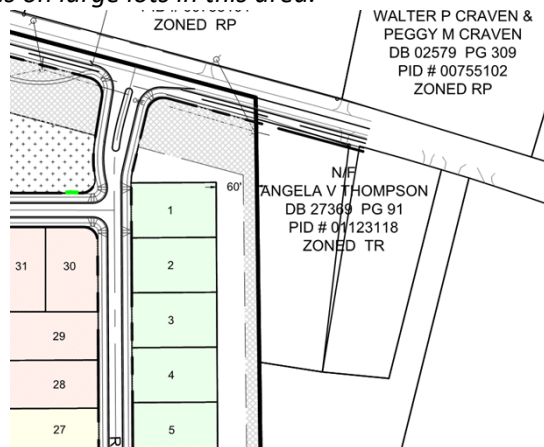


- LU 9.2:** Within lower intensity areas including Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas conservation design & farmhouse clusters are encouraged.
 - Scenic nature of roadways should be preserved
 - Development should be clustered away from key natural features.
 - Site design should minimize grading and maximize preservation of existing stands of mature, native trees. *COMMENT: see sketch plan*
- LU 10.2:** Continue to encourage a mix of lot sizes in new developments. *COMMENT: Thee different lot size ranges proposed*
- LU 11.2:** Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
- Policy LU-12:** Preserve historic structures and landscapes in Huntersville.
 - LU 12.2:** Utilize notable projects list from the Architectural Survey, State Historic Preservation Office (SHPO) data, and other resources during design and development review.
 - LU 12.3:** Blend new development with existing neighborhoods, structures and landscapes through the use of transitions in building types and placement of open space, buffers, and other site features.
- EOS 1.1:** Support and enhance regulations pertaining to open space design and protection.
- EOS 5.3:** Encourage Low Impact Development (LID)
- EOS 6.1:** Enforce existing standards and evaluate new design standards to preserve the character of scenic country roads. *COMMENT: Huntersville, Cornelius and Davidson have jurisdiction along Mayes Road. New subdivisions approved and proposed maintain a buffer along Mayes Road to preserve the character of the area.*



- **T 3.1:** Continue to enhance street connectivity by requiring connections among different uses. *COMMENT: Plan shows three future street connections to adjacent properties.*

2. Conformity. *COMMENT: The developer is proposing a 60' buffer on the eastern edge of the development (minimum buffer is 20'). There are several homes on large lots in this area.*



- 3. Access between Adjoining Properties.** *COMMENT: Plan shows three future street connections to adjacent properties.*
- 4. Relation to topography.** *COMMENT: The street network is designed to respect the general topography, foliage and avoid sensitive streams.*
- 5. Mature trees and natural vegetation.** *COMMENT: 65% of specimen trees are being preserved (35% required) and 55% of the canopy trees are being preserved (35% required).*
- 6. Access to parks, schools, etc.** *COMMENT: No existing schools or parks are in proximity to the proposed development. There is a proposed greenway going through the southern section of the property (see page2). The applicant is proposing to dedicate a 100' easement for the greenway.*
- 7. Discourage through traffic.** *COMMENT: All streets are appropriately sized for traffic.*
- 8. Relationship to railroad rights-of-way.** *Not Applicable.*
- 9. Half streets.** *Not Applicable.*

10. Parallel streets along thoroughfares. *Not Applicable.*

11. Public School and Public Park Sites *COMMENT: The property has not been identified for a school or park site.*

12. Public Facilities. *COMMENT: The parcel associated with the Mayes Road Sketch Plan has not been identified for a public facility.*

13. Proposed street names. *COMMENT: Street names will be approved with Preliminary (Construction) Plan submission (if Sketch Plan is approved).*

14. Easements. *COMMENT: Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments.*

15. Proposed water and sewerage system. *COMMENT: Water and sewer will need to be extended to the development. A "Willingness to Serve" letter from Charlotte Water, has been provided.*

16. Restrictions on the subdivision of land subject to flooding. *COMMENT: There is one stream and there is no development proposed within the floodplains of that stream*

17. Open Space. *COMMENT: The property is zoned Transitional Residential (TR). A minimum of 40% open space is required to yield 83 single family lots. The applicant is providing 53% open space. Urban Open Space is being provided by a park at the front of the development.*

18. Impact of Development on Public Facilities. *COMMENT: There is no indication the proposed subdivision will adversely impact public facilities.*

PART 5: STAFF RECOMMENDATION

In considering Mayes Road Subdivision, staff finds:

- The application is complete.
- The sketch plan generally complies with all applicable standards although clarification is needed on the following issues:
 - Details are provided on the visual buffer proposed along Mayes Road.
 - All other miscellaneous comments on the sketch plan are addressed.

Staff can support approval of this subdivision subject to the above items being addressed.

PART 6: PLANNING BOARD RECOMMENDATION

Planning Board unanimously recommended approval on May 25, 2021 noting that the application is complete and the sketch plan complies with all applicable standards.

PART 7: ATTACHMENTS AND ENCLOSURES

- A - Subdivision Sketch Plan Application
- B - Proposed Subdivision Sketch Plan
- C - Neighborhood Meeting Report

PART 8: DECISION STATEMENTS

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in [Section 6.320.5](#) of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement)? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*
- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.



General Application

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

1. Application Type

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

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☐ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

SUBDIVISION CATEGORIES: Per the
Huntersville Subdivision Ordinance

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

2. Project Data

Date of Application 3/2/2021

Name of Project Mayes Road Sketch Plan Phase # (if subdivision) _____

Project Address 12000 Mayes Road Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01123119

Current Zoning District TR Proposed District (for rezoning only) N/A

Property Size (acres) 55.63 Street Frontage (feet) 1406 LF

Current Land Use Vacant

Proposed Land Use(s) Detached Single Family Homes

Is the project within Huntersville's corporate limits?
Yes ☒ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.
83 Detached Single Family Homes

4. Site Plan Submittals

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

5. Outside Agency Information

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

6. Applicant

Printed Name Mayes Bowman, LLC Phone (704) 875-9704
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

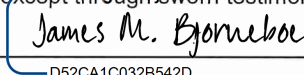
Signature  Printed Name: Robert Bowman
 Title President Email natebowman15@gmail.com

Address of Applicant 13815 Cinnabar Place Huntersville, NC 28078

7. Property Owner (if different than applicant)

*Printed Name JMB Mayes Road, LLC Phone _____
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature  Printed Name James M. Bjorneboe
 Title Manager Email jimbjorneboe@gmail.com

Address of Property Owner 4830 Eddystone Dr. Charlotte, NC 28270

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

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

8. Development/Design Firm Contact Information

Mayes Bowman, LLC	Robert Bowman	(704) 875-9704	natebowman15@gmail.com
Development Firm	Name of Contact	Phone	Email
R. Joe Harris & Associates	Daniel Gates	(803) 802-1799	dgates@rjoeharris.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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

MAYES ROAD

SKETCH PLAN

TOWN OF HUNTERSVILLE
MECKLENBURG COUNTY, NORTH CAROLINA

EPM # 419787

PREPARED FOR :

MAYES BOWMAN, LLC.

13815 CINNABAR PLACE
HUNTERSVILLE, NC 28078

June 11, 2021

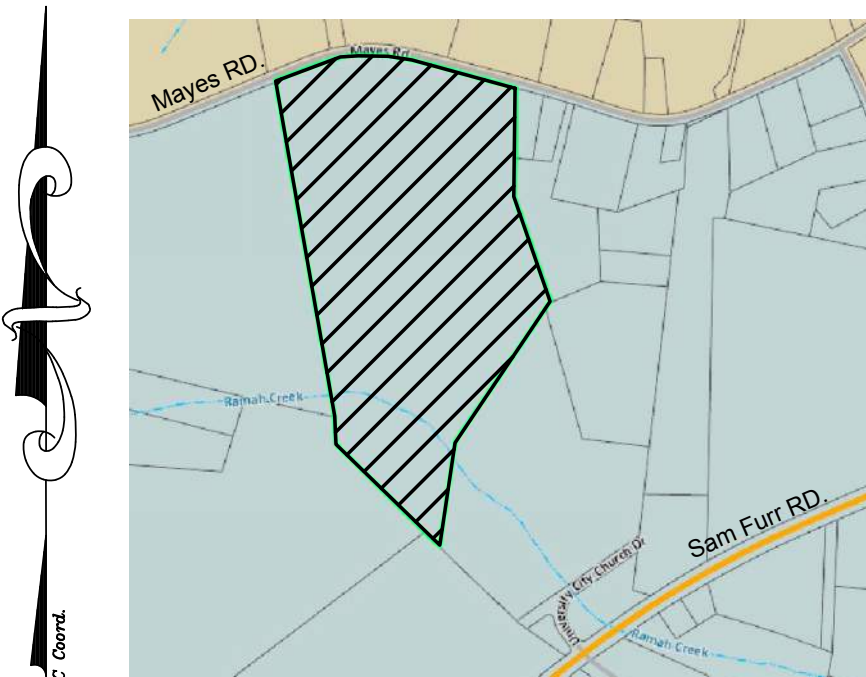
PREPARED BY



R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning
Management

1186 Stonecrest Blvd., Tega Cay, SC 29708 P: (803) 802-1799

NO DUKE ENERGY TRANSMISSION ROW SHOWN
WITHIN PROJECT LIMITS. IF IMPACTS ARE TO DUKE
ENERGY DISTRIBUTION FACILITIES PLEASE
CONTRACT 800.777.9898 TO HAVE A WORK ORDER
SET-UP TO DISCUSS PROJECT WITH A
DISTRIBUTION ENGINEER.



VICINITY MAP - N.T.S.

Sheet List Table	
Sheet Number	Sheet Title
C0.00	Cover
C1.01	Overall Site Plan
C1.02	Site Plan 1
C1.03	Site Plan 2
C1.04	Details
C2.01	Existing Condition Overall
C3.01	Grading Overall
C3.02	Grading Plan
C3.03	Grading Plan
C4.01	Drainage Area
C5.01	Landscape Overall
C6.01	Four Step Process

APPROVAL OF THIS CONCEPT PLAN DOES NOT
IMPLY OR GUARANTEE APPROVAL OF THE FINAL
CONSTRUCTION PLAN. FINAL CONSTRUCTION PLAN
WILL BE REVIEWED FOR COMPLIANCE PER ALL
TOWN, COUNTY AND STATE REGULATIONS IN
EFFECT AT TIME OF SUBMITTAL.

DATE	ISSUED FOR	REV
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03/01/2021	Initial Submittal to Town of Huntersville	1
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Corporate Seal

Engineer's Seal

Project Manager D. Gates	Drawn R. Samter
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date June 11, 2021	
Asbuilt/Drawn -	Asbuilt/Date -
Client Mayes Bowman, LLC. 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project: Mayes Road Sketch Plan	
Drawing Title: Cover	
Project No. 4424 DWG File Name: 4424_Cover	Drawing No. C0.00

HUNTERSVILLE GENERAL NOTES:

- All development and construction shall comply with all zoning and subdivision standards of the Town of Huntersville, Mecklenburg County, and NCDOT, as applicable.
- This property may be subject to any easements and/or right-of-way of record.
- All areas designated as common and/or urban open space shall be owned and maintained by the homeowners association and dedicated for perpetuity.
- Access (ingress/egress) location and design shown on this sketch plan area subject to achieving vertical and horizontal sight distances, turn lane improvements (including) right-of-way and intersection with adjacent and opposing access points. Modifications to plan may result.
- Large maturing trees will be planted 40' O/C within the required planting strip along all streets with the exception of rural parkways where existing trees can satisfy the street tree requirement. Small maturing trees are to be used where overhead power lines exist.
- Garbage pick-up shall be via roll-out trash and mail delivery shall be to mail kiosks.
- Direct access from lots to a thoroughfare is prohibited. Unless that access is existing.
- Lots subject to flooding should not be established in subdivisions except as provided in Section 7.280 (if applicable)
- Any construction or use within the areas delineated by floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by floodway regulation

TREE PRESERVATION

Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines) in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree list, the Mecklenburg County treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

TREE PRESERVATION

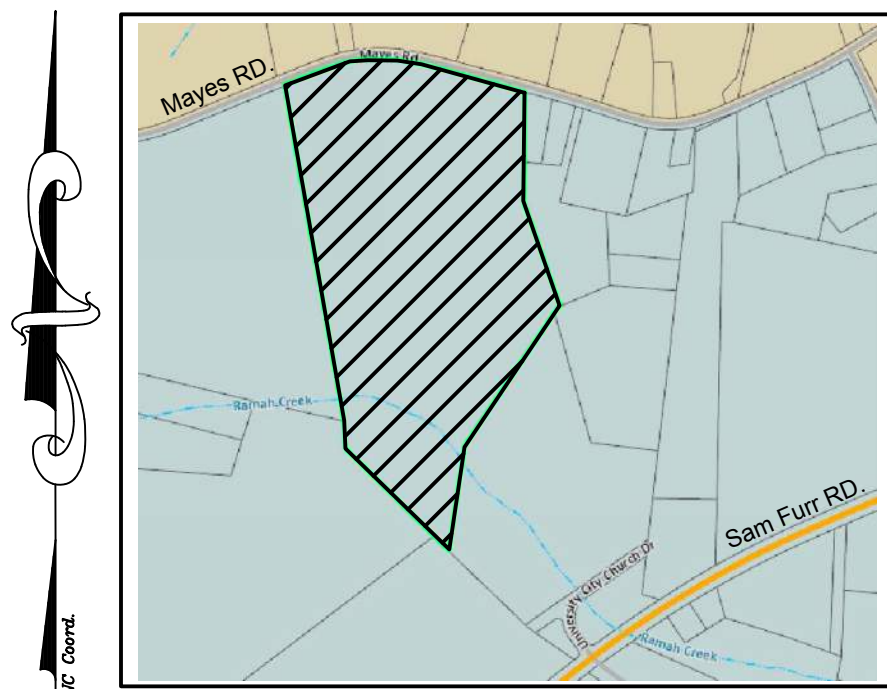
ZONING:	TR
ACREAGE:	± 55.63 ACRES
COVERED BY TREE CANOPY:	± 35.5ACRES (63.38%)
TREE CANOPY PRESERVATION REQUIRED: 35%	12.42± ACRES
TREE CANOPY PRESERVATION PROVIDED: 55%	±19.50 ACRES
NO. OF SPECIMEN TREES ON-SITE:	287
NO. OF SPECIMEN TREES SAVED:(Min. Req. 35%)	188 (Provided 65.5%)
NO. OF HERITAGE TREES ON-SITE:	0

TREE LEGEND

TR	- Tree	GU	- Gum
EL	- Elm	MA	- Maple
BE	- Beach	PE	- Pecan
P	- Pine	WA	- Walnut
PO	- Poplar	HI	- Hickory
OA	- Oak		

LEGEND

- 35' S.W.I.M Buffer
- 30' Post Construction Storm Buffer (3.29 Acres total)
- 20' Natural Buffer (3.40 Acres total)
- Urban Open space (UOS)

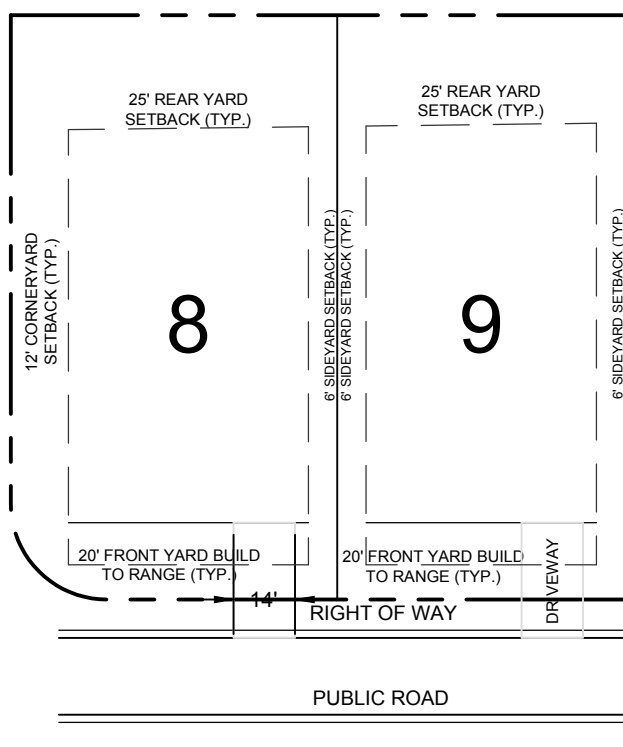


VICINITY MAP - N.T.S.

Development Information:

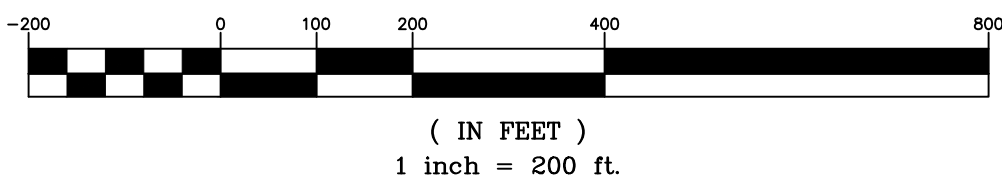
Project Name:	Mayes Road Sketch Plan Huntersville, NC (Mecklenburg County)
Developer:	Bowman Bayard Bradford, LLC 13815 Cinnabar Place Huntersville, NC 28078
Tax I.D.:	01123119

ZONING:	TR (Ex.)
ACREAGE:	55.63± ACRES
BUILDING TYPE:	DETACHED HOUSE
SETBACK:	
	SINGLE FAMILY: FRONT: 20 FT. SIDE: 6 FT. CORNER: 12 FT. REAR: 25 FT.
MIN. LOT WIDTH:	SINGLE FAMILY: 59.4 FT.
MIN. LOT SIZE:	8,045 FT.
AVG. LOT SIZE:	9,314 SF.
AVG. LOT WIDTH:	66.8'
LOT WIDTH RANGE:	
(60) FT.	SINGLE FAMILY: 35
(70) FT.	SINGLE FAMILY : 38
(80) FT.	SINGLE FAMILY : 9
HISTORIC LOT	1
LOT SIZE RANGE:	
7,260 SQ. FT. - 10,000 SQ. FT.	SF/TH: 30
10,001 SQ. FT. - 12,000 SQ. FT.	41
12,001 SQ. FT. - 16,436 SQ. FT.	11
90,807 SQ. FT.	2,246 (HISTORIC)
COMMON OPEN SPACE:	29.63 ACRES
URBAN OPEN SPACE:	1.04 ACRES
NATURAL OPEN SPACE:	19.5 ACRES



- Lots 60' wide or less shall have driveways no more than 14' wide as measured along the public streets ROW.
- Driveways shall extend a minimum of 20' from back of public ROW.

GRAPHIC SCALE



CONSTRAINING FEATURES

ZONING:	NR-CD
ACREAGE:	55.63± ACRES
SWIM BUFFER	5.00± ACRES
SLOPE ANALYSIS: (% OF SITE AREA)	
0% - 10%	39.62 ACRES (71.22%)
10% - 15%	10.72 ACRES (19.27%)
15% - 25%	4.35 ACRES (7.82%)
25% - 100%	0.932 ACRES (1.68%)

Soil Hydrologic Groups: (% of site area)	
ZONING:	TR
ACREAGE:	55.63± ACRES
Group A	0
Group B	37.2± ACRES(66.9%)
Group C	10.6± ACRES (19.2%)
Group D	3.5± ACRES (6.2%)
Group B/D	4.2± ACRES (7.6%)

*THE PROPOSED METHOD FOR PROVIDING POTABLE WATER & SANITARY SEWER SHALL BE PROVIDED BY CHARLOTTE WATER VIA CONNECTED WATERLINES & SEWER LINES.

EXISTING DATA

FEMA Panel: 3710465200K

Watershed: Ramah Creek

Soil Types:	CeB2 - Cecil sandy clay loam, 2 to 8 percent slopes	60.1%
	CeD2 - Cecil sandy clay loam, 8 to 15 percent slopes	6.8%
	EnB - Enon sandy loam, 2 to 8 percent slopes	6.5%
	EnD - Enon sandy loam, 8 to 15 percent slopes	12.7%
	MO - Monacan loam, 0 to 2 percent slopes Frequently flooded	7.6%
	PAE - Pacolet sandy loam, 15 to 25 percent slopes	0.0%
	WKE - Wilkes loam, 15 to 25 percent slopes	6.2%

ROAD NAME LENGTH

RD 1 =	1,488 LF
RD 2 =	1,433 LF
RD 3 =	1,112 LF
RD 4 =	549 LF
RD 5 =	307 LF

ROAD BLOCK LENGTHS

BL 1 708'	BL 7 350'
BL 2 333'	BL 8 150'
BL 3 350'	BL 9 669'
BL 4 239'	BL 10 720'
BL 5 583'	BL 11 150'
BL 6 469'	

*In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets.

Impervious Area Table	
% Impervious Shown	Max. Allowable
12.75 Ac. (22.9%)	55.63 Ac. (100%)

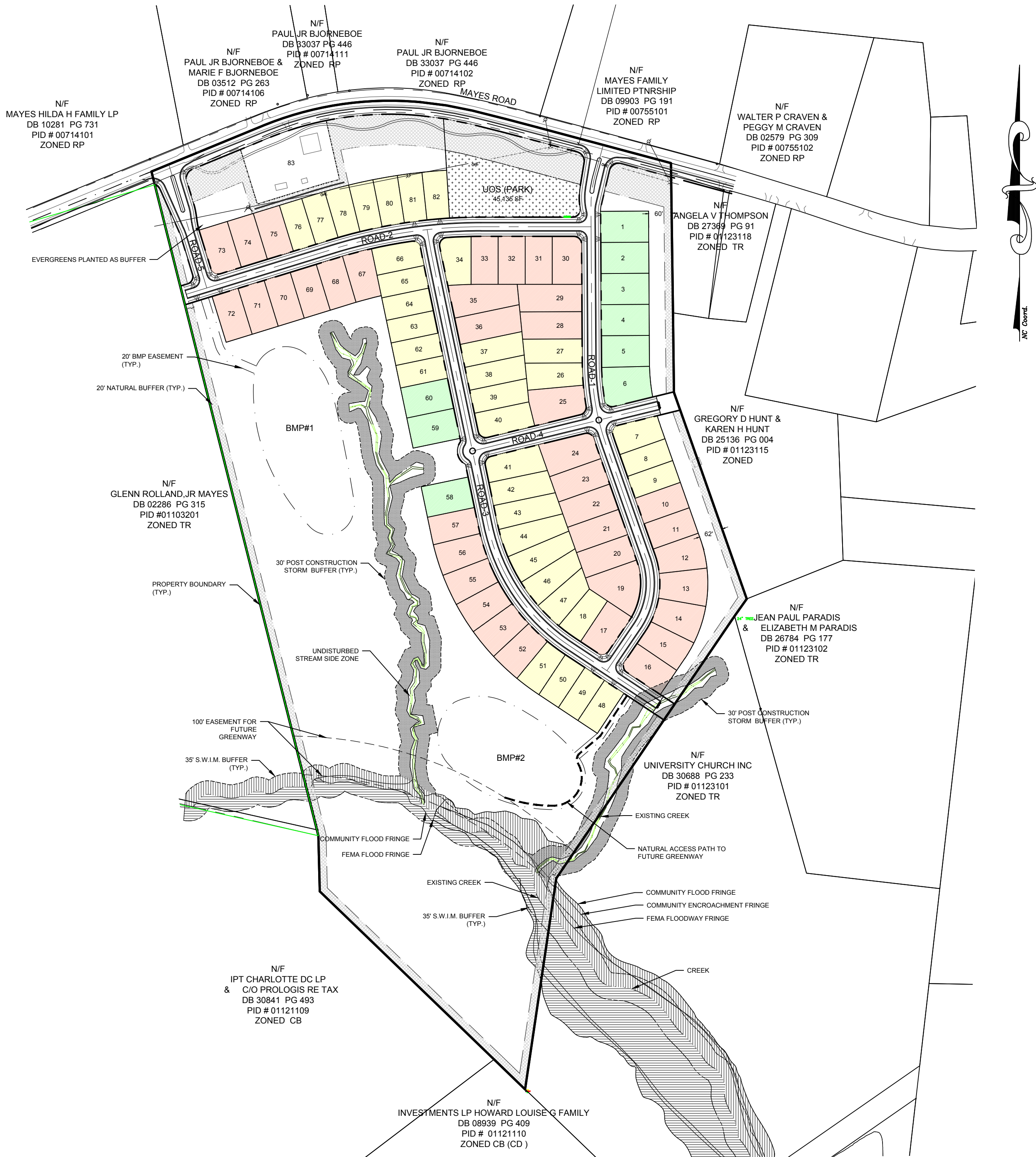
NOTE: 1% or 150 sq/ft of impervious area per lot added to overall to allow for addition of future impervious area by the homeowner/occupant.

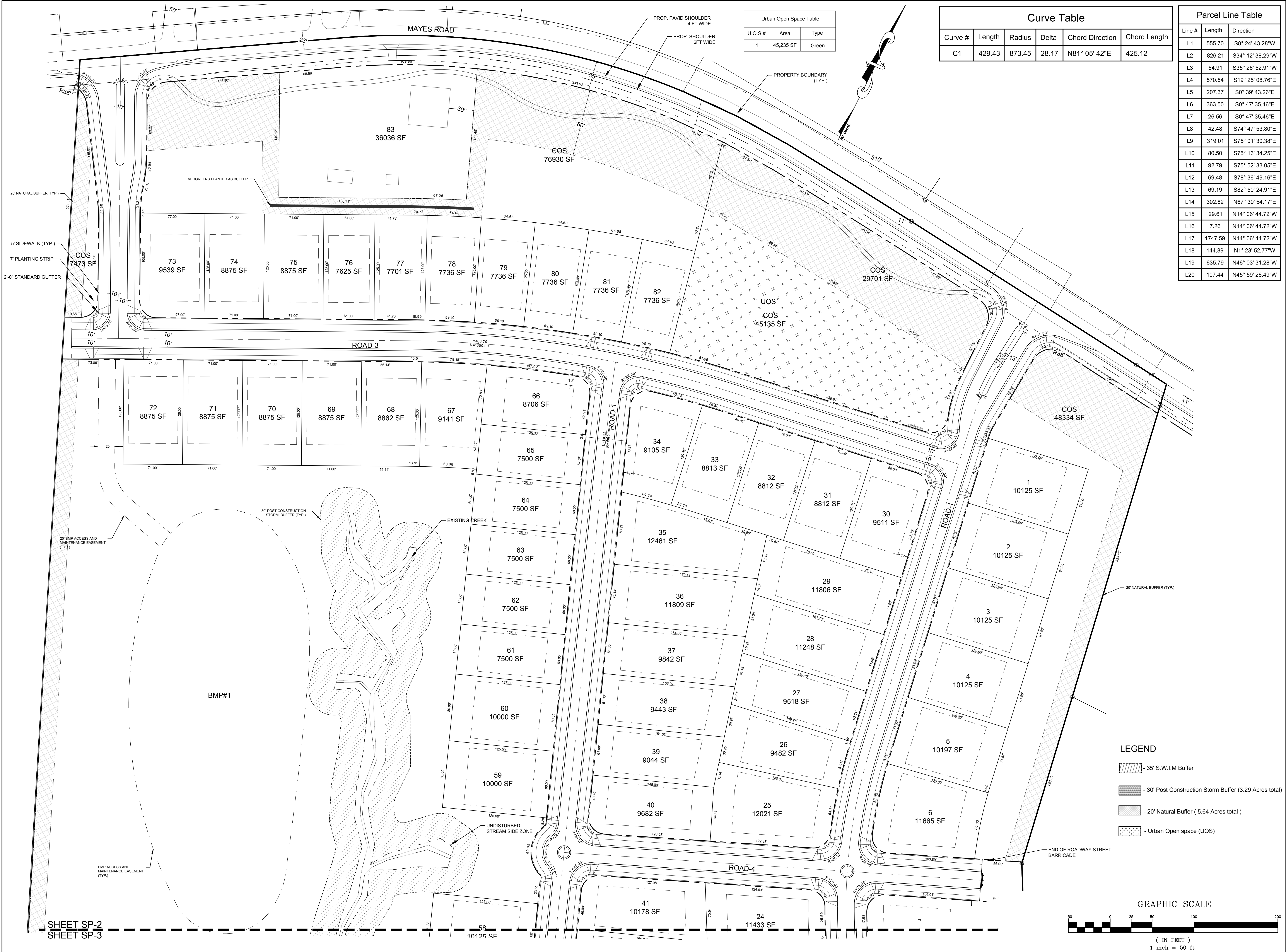
Parcel Line Table

Line #	Length	Direction
L1	555.70	S8° 24' 43.28"W
L2	826.21	S34° 12' 38.29"W
L3	54.91	S35° 26' 52.91"W
L4	570.54	S19° 25' 08.76"E
L5	207.37	S0° 39' 43.26"E
L6	363.50	S0° 47' 35.46"E
L7	26.56	S0° 47' 35.46"E
L8	42.48	S74° 47' 53.80"E
L9	319.01	S75° 01' 30.38"E
L10	80.50	S75° 16' 34.25"E
L11	92.79	S75° 52' 33.05"E
L12	69.48	S78° 36' 49.16"E
L13	69.19	S82° 50' 24.91"E
L14	302.82	N67° 39' 54.17"E
L15	29.61	N14° 06' 44.72"W
L16	7.26	N14° 06' 44.72"W
L17	1747.59	N14° 06' 44.72"W
L18	144.89	N1° 23' 52.77"W
L19	635.79	N46° 03' 31.28"W
L20	107.44	N45° 59' 26.49"W

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	429.43	873.45	28.17	N81° 05' 42"E	425.12





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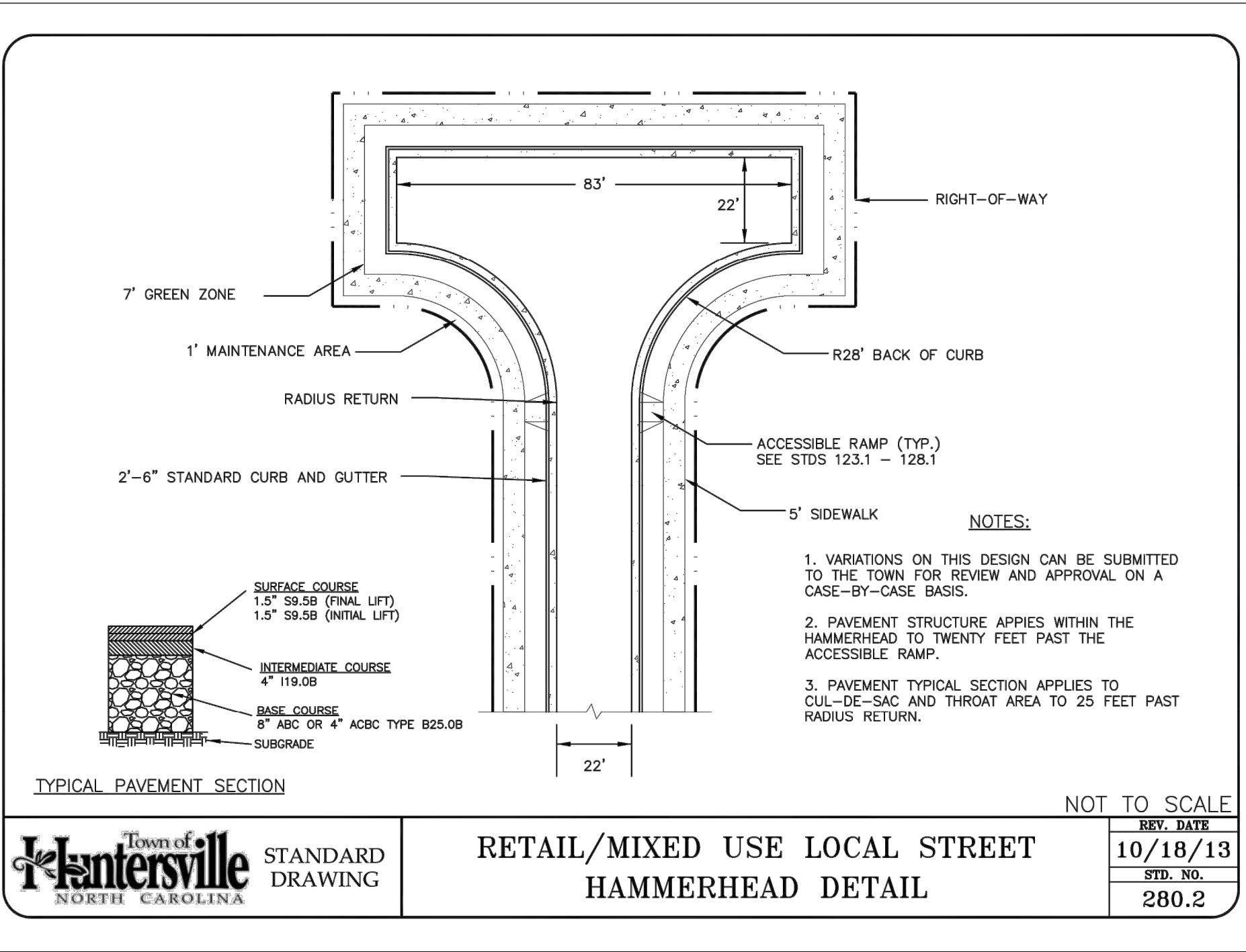
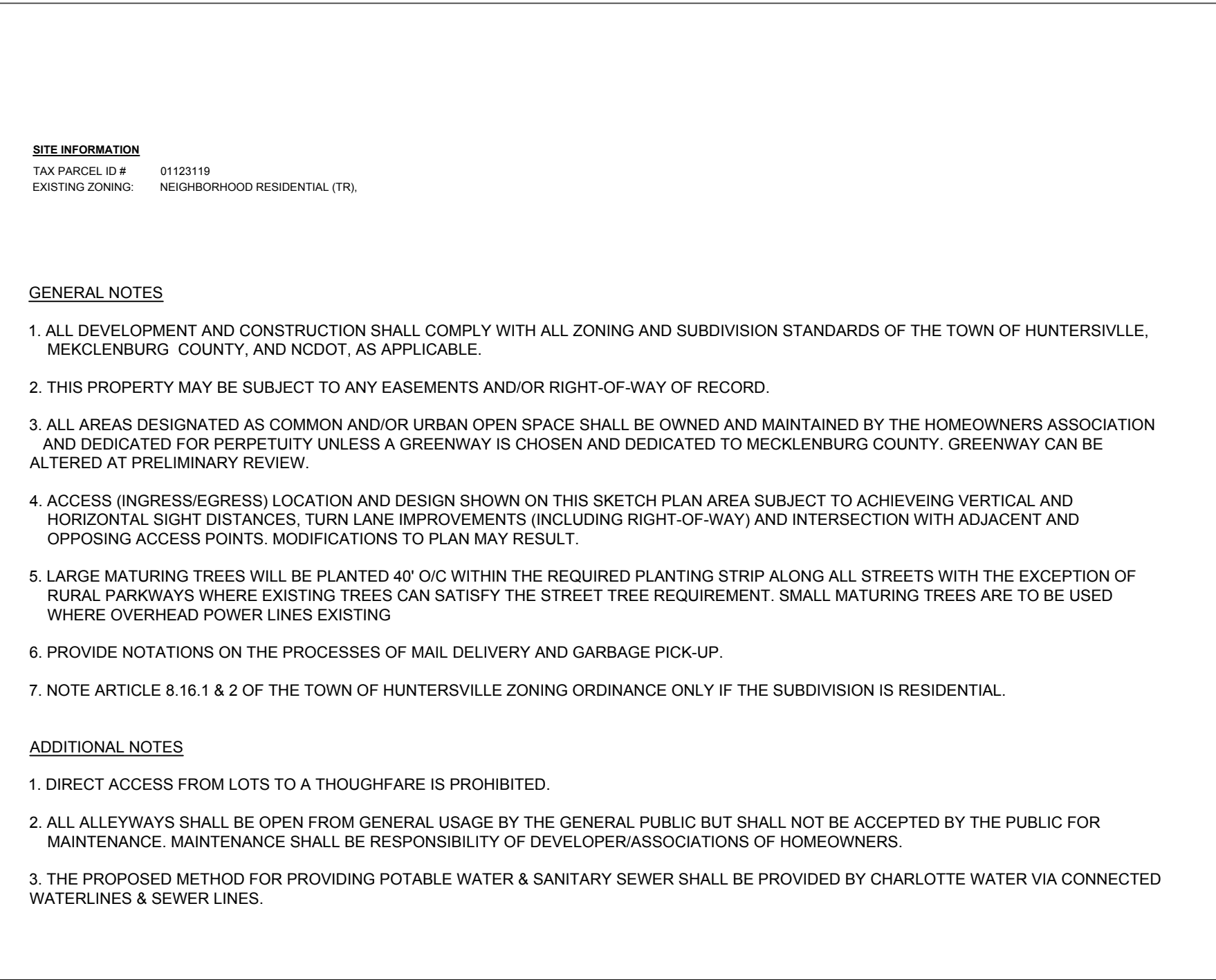
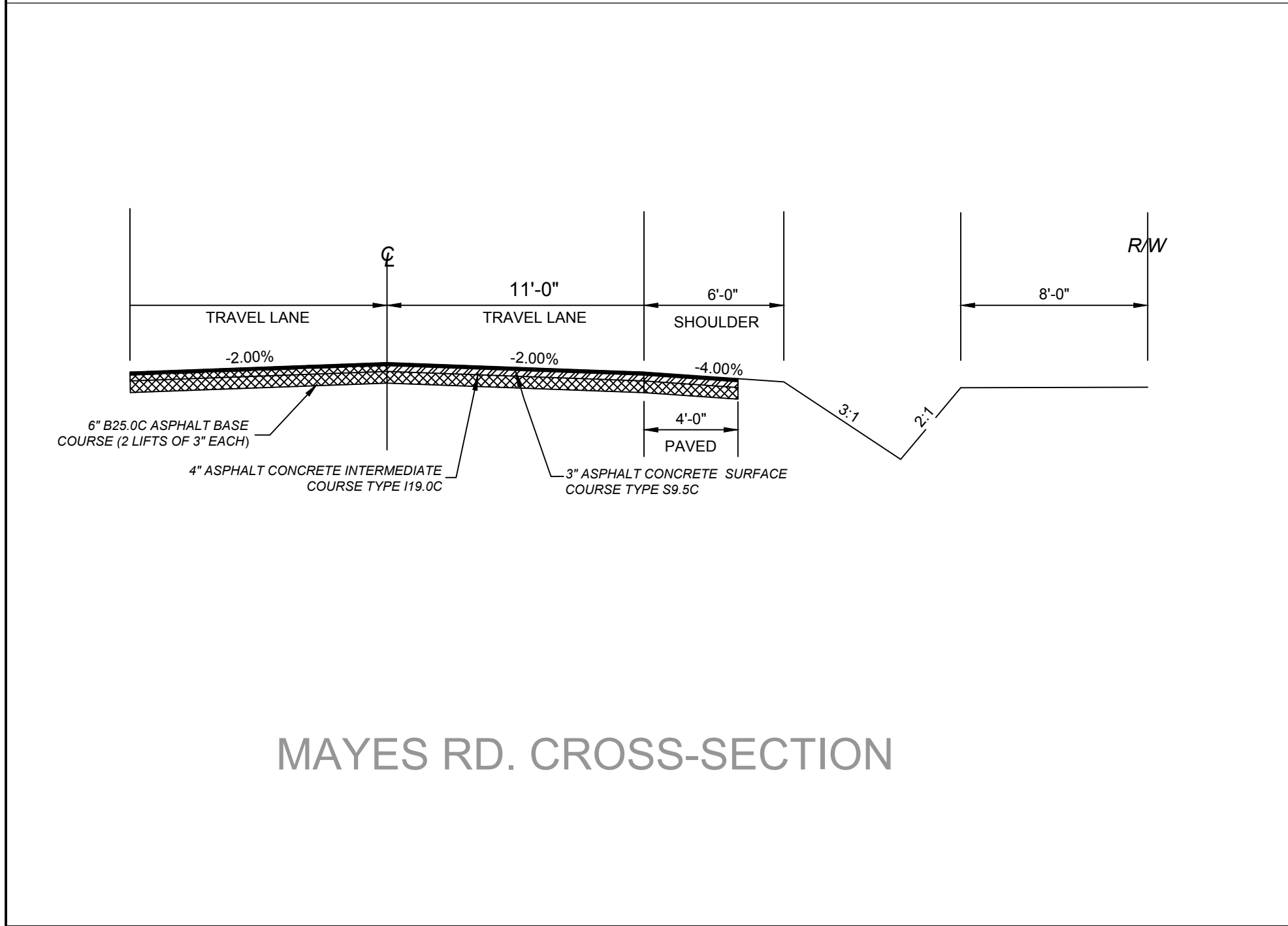
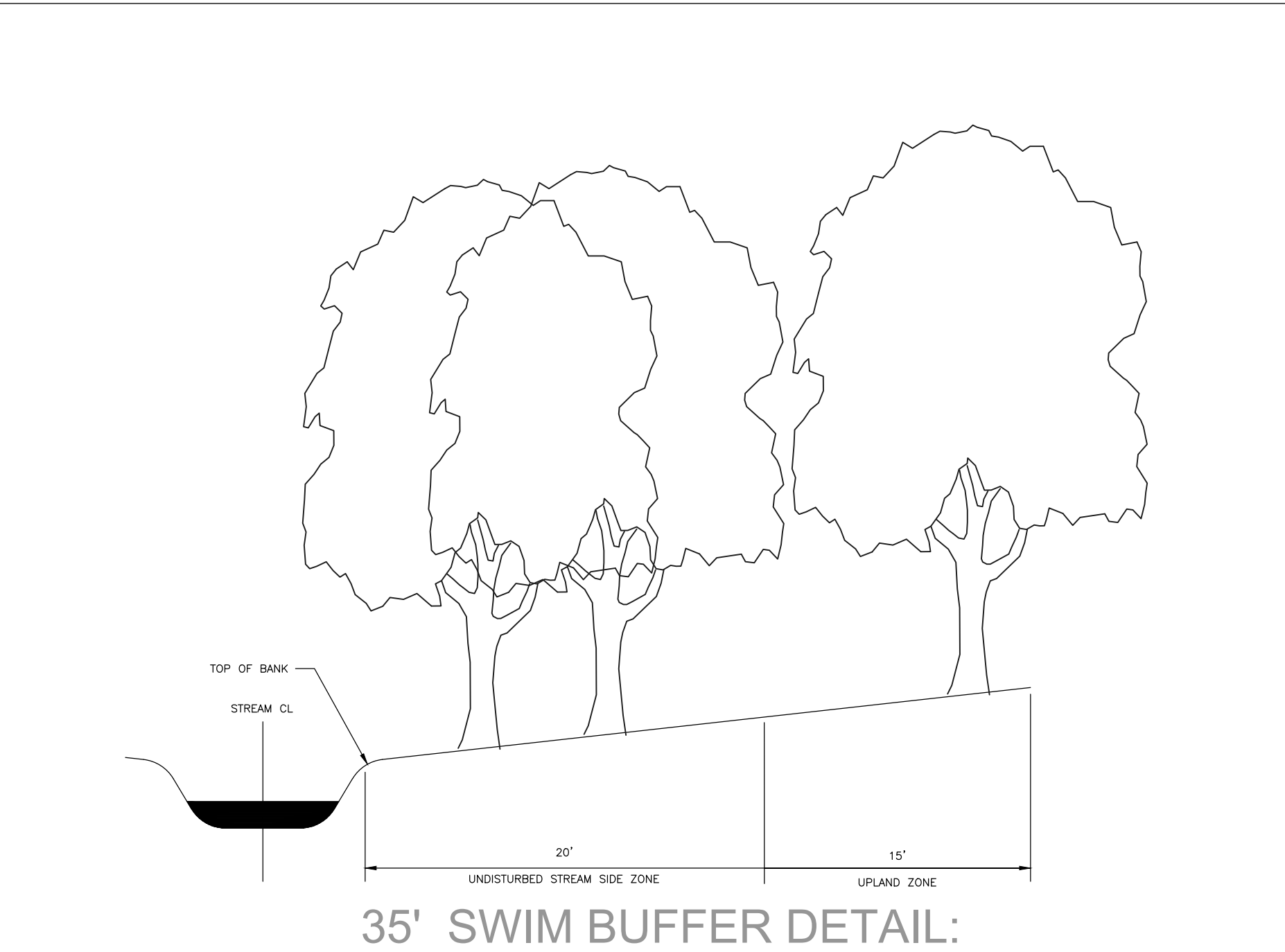
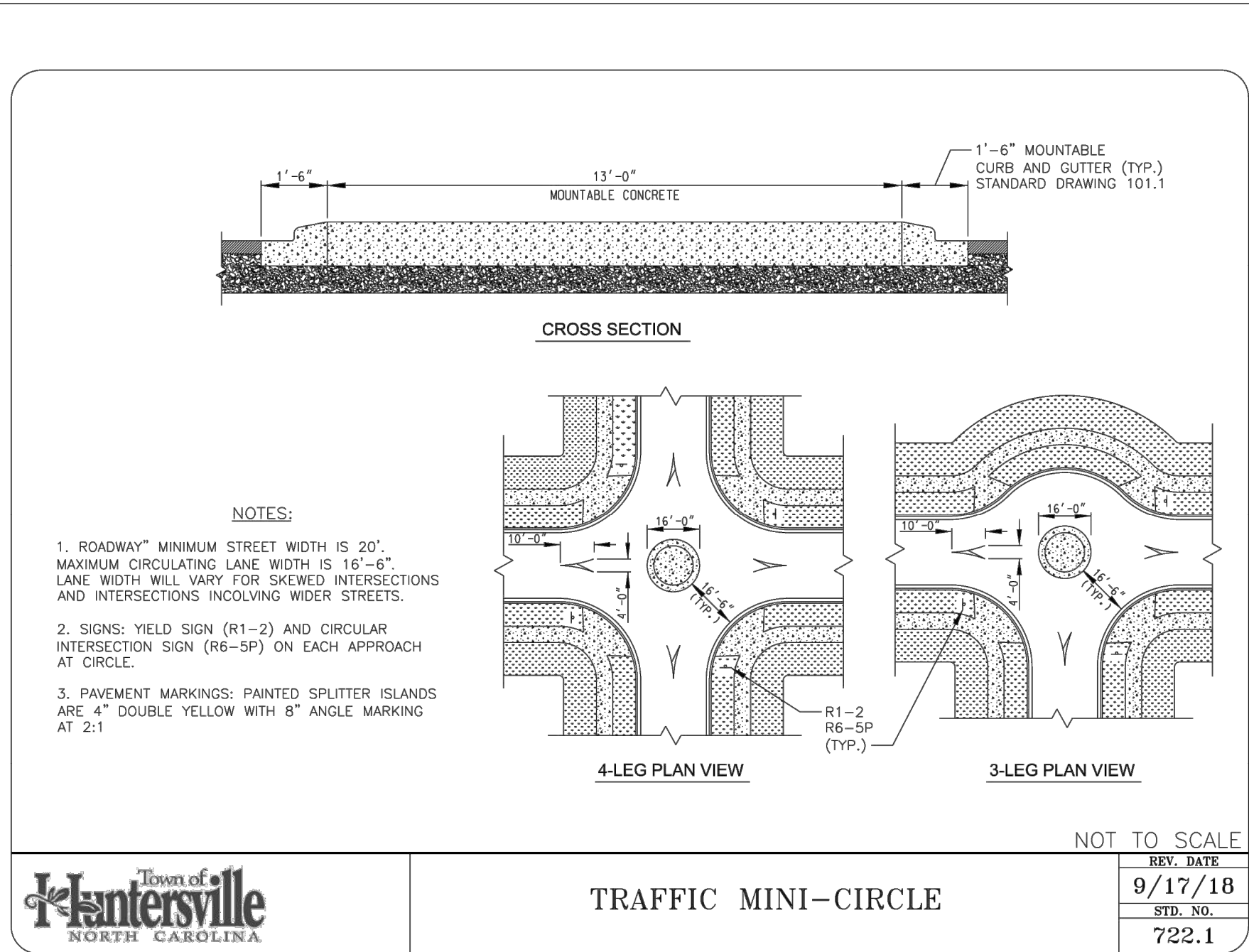
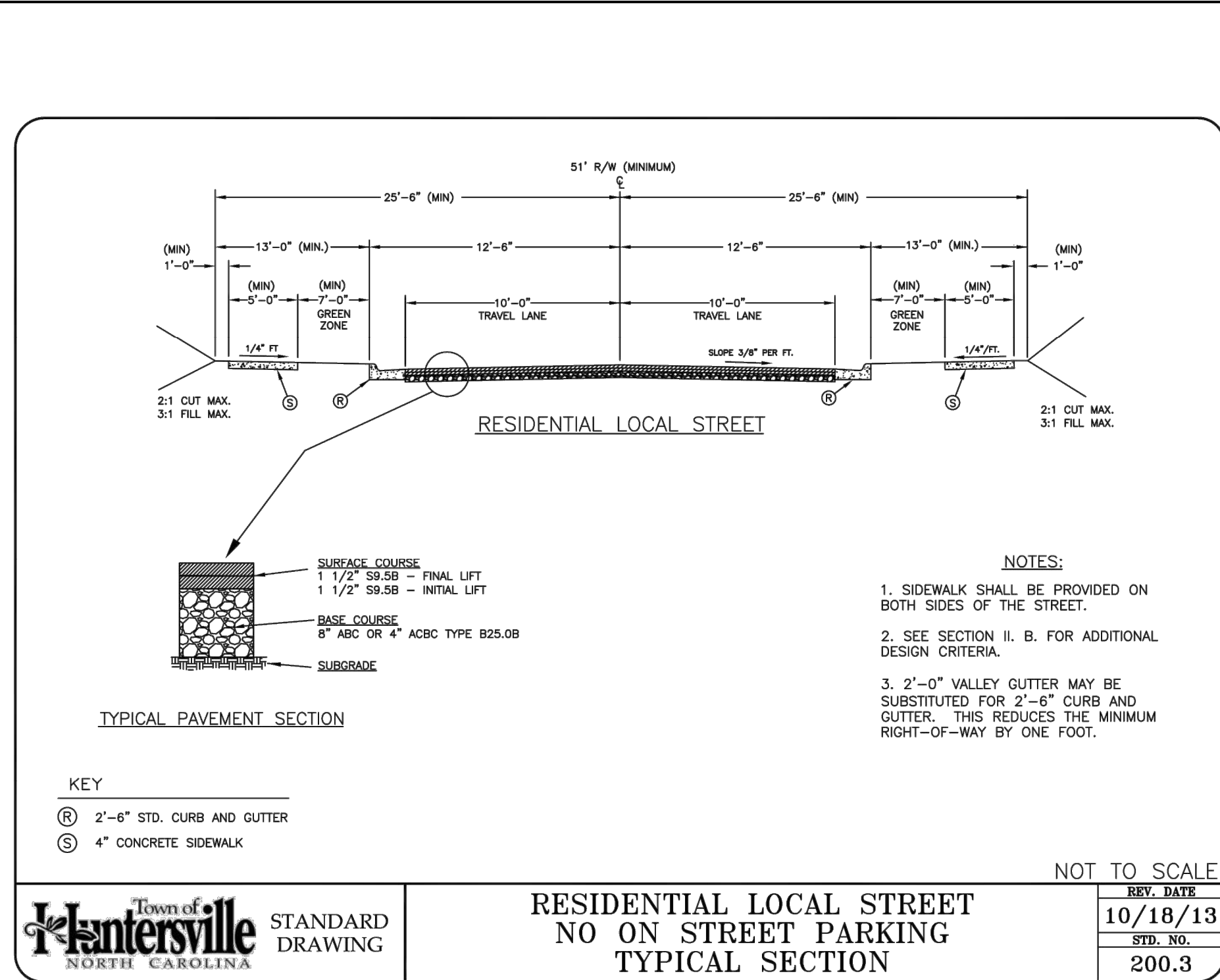
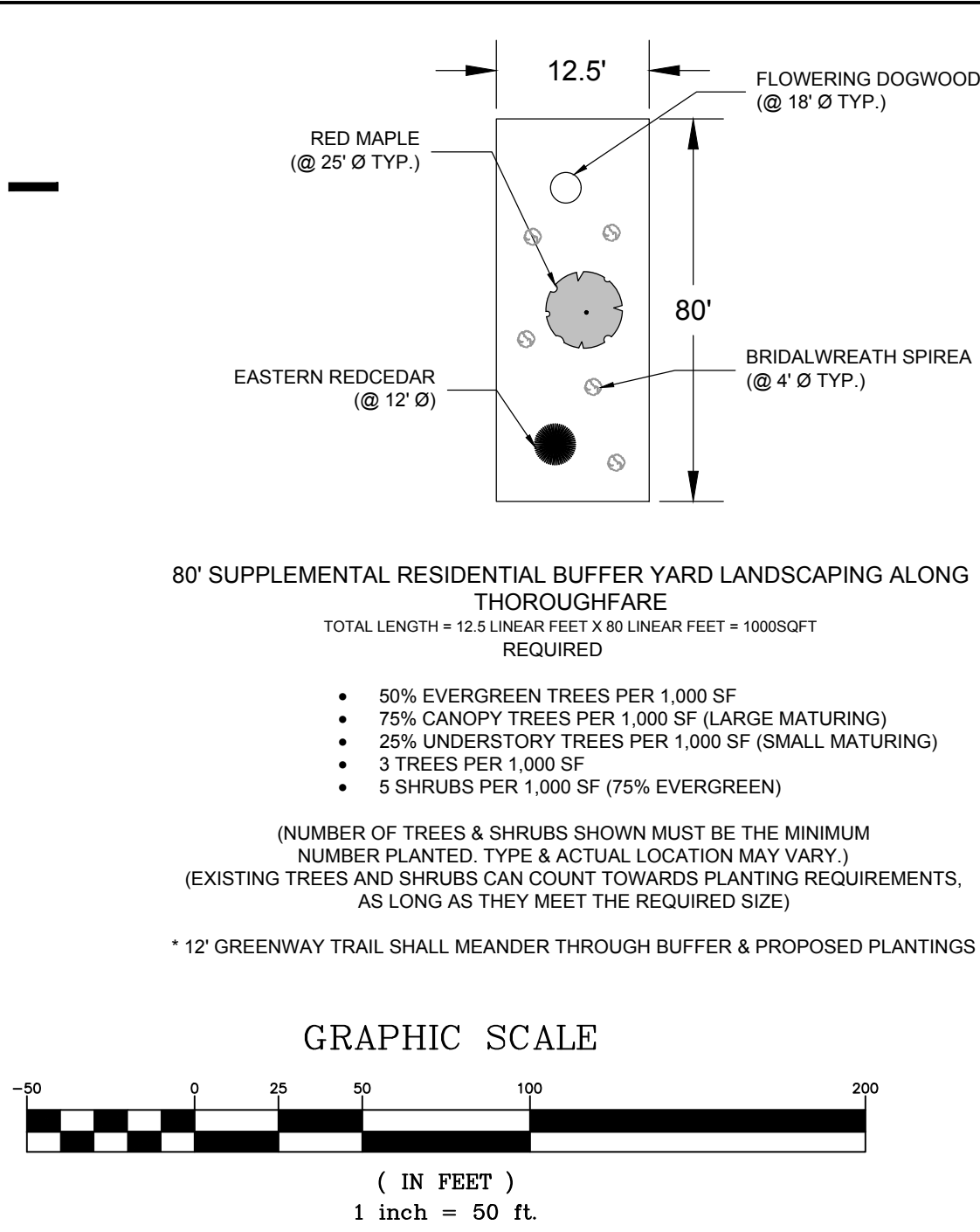
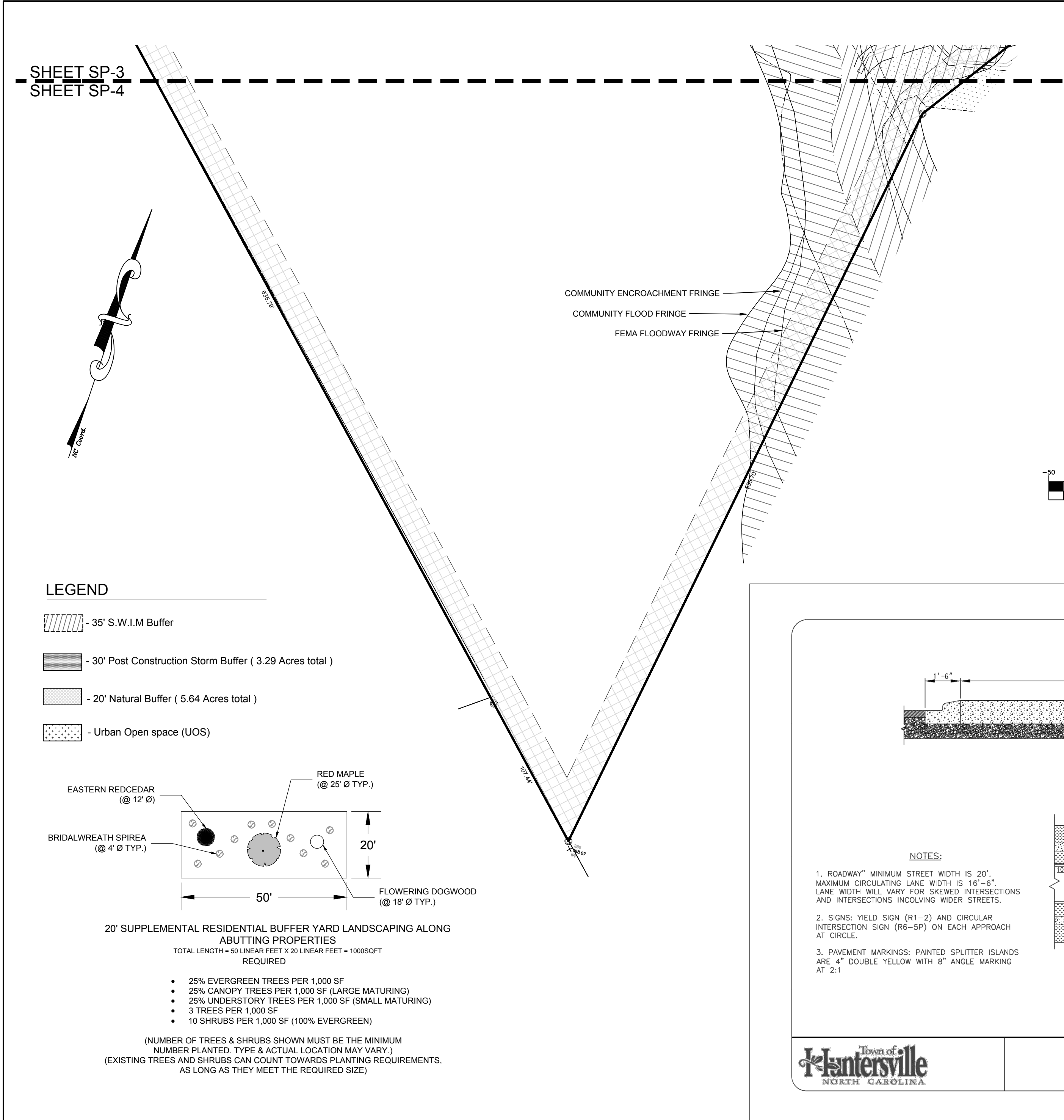
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Corporate Seal

Engineer's Seal

Project Manager D. Gates	Drawn R. Samter
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date June 11, 2021	
Asbuilt Drawn -	Asbuilt Date -
Client Mayes Bowman, LLC. 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project: Mayes Road Sketch Plan	
Drawing Title: Site Plan 1	
Project No. 4424	Drawing No. C1.02
DWG File Name: 4424 - Site	





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North Carolina One-Call Center	Know what's below. Call before you dig.

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Corporate Seal	Engineer's Seal

Project Manager	Drawn
D. Gates	R. Samter
Department Manager	Checked
P. Murphy	D. Gates
Print/Plot Date	
June 11, 2021	
Asbuilt Drawn	Asbuilt Date
-	-
Client	
Mayes Bowman, LLC.	
13815 CINNABAR PLACE	
HUNTERSVILLE, NC 28078	
P: (704) 875-9704	
Project:	
Mayes Road Sketch Plan	
Drawing Title:	
Details	
Project No.	Drawing No.
4424	
DWG File Name:	
4424 - Site	C1.04

TREE PRESERVATION

Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines)
- in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree List, the Mecklenburg County treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

TREE PRESERVATION

ZONING:	TR
ACREAGE:	± 55.63 ACRES
COVERED BY TREE CANOPY:	± 35.5ACRES (63.38%)
TREE CANOPY PRESERVATION REQUIRED: 35%:	12.42± ACRES
TREE CANOPY PRESERVATION PROVIDED: 55%:	±19.50 ACRES
NO. OF SPECIMEN TREES ON-SITE:	287
NO. OF SPECIMEN TREES SAVED:(Min. Req. 35%):	188 (Provided 65.5%)
NO. OF HERITAGE TREES ON-SITE:	0

TREE LEGEND

TR - Tree	GU - Gum
EL - Elm	MA - Maple
BE - Beach	PE - Pecan
P - Pine	WA - Walnut
PO - Poplar	HI - Hickory
OA - Oak	

TREE CANOPY MITIGATION

Large maturing trees required for tree canopy mitigation = 1/2" DBH

- Trees planted as tree canopy mitigation shall be a minimum of 2" in caliper and 25% shall be evergreens
- Mitigated trees to be placed 40' on center

CONSTRAINING FEATURES

ZONING:	NR-CD
ACREAGE:	55.63± ACRES
SWIM BUFFER	5.00± ACRES
SLOPE ANALYSIS: (% OF SITE AREA)	
0% - 10%	39.62 ACRES (71.22%)
10% - 15%	10.72 ACRES (19.27%)
15% - 25%	4.35 ACRES (7.82%)
25% - 100%	0.932 ACRES (1.68%)

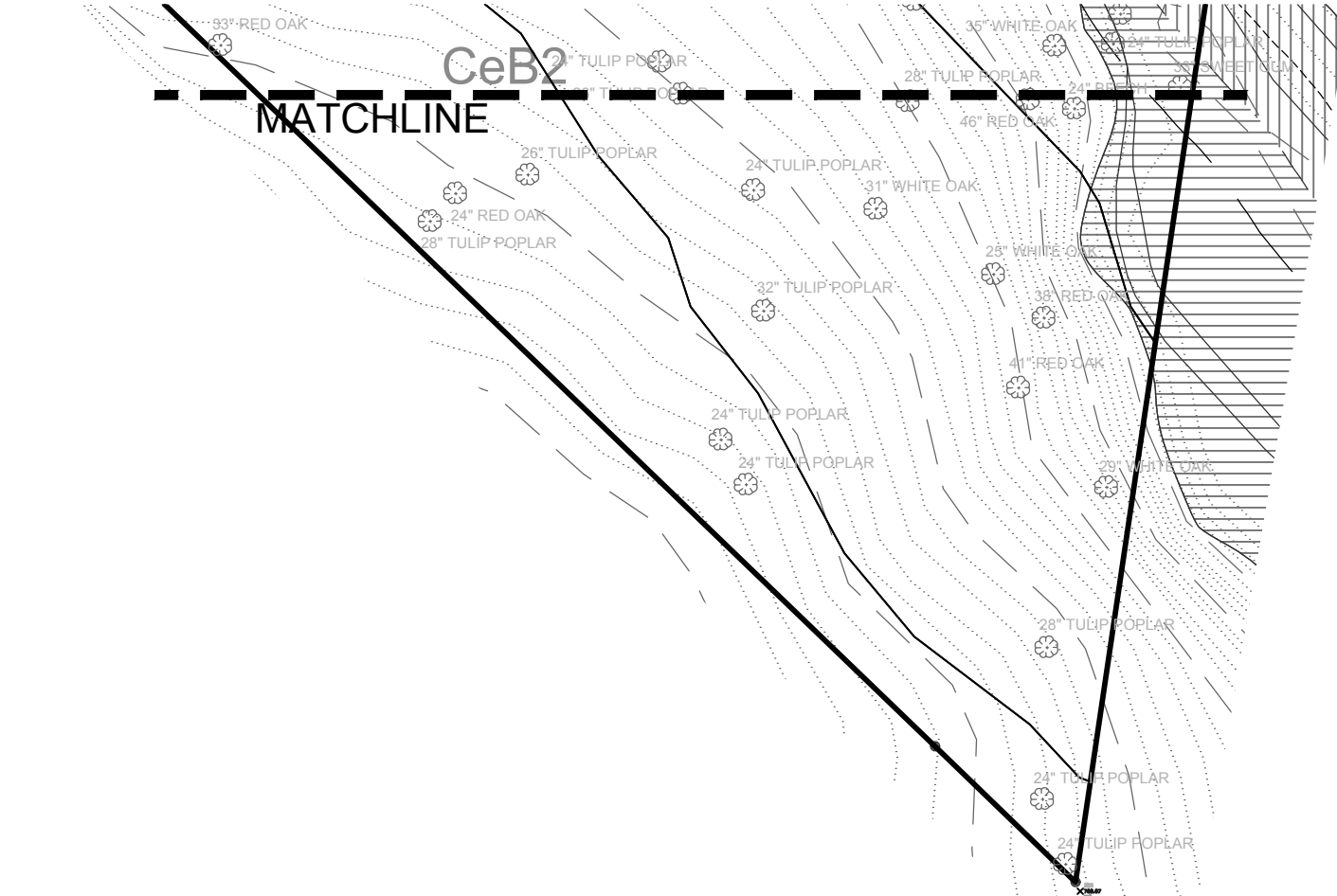
Soil Hydrologic Groups: (% of site area)

ZONING:	TR
ACREAGE:	55.63± ACRES
Group A	0
Group B	37.2± ACRES(66.9%)
Group C	10.6± ACRES (19.2%)
Group D	3.5 ± ACRES (6.2%)
Group B/D	4.2 ± ACRES (7.6%)

*THE PROPOSED METHOD FOR PROVIDING POTABLE WATER & SANITARY SEWER SHALL BE PROVIDED BY CHARLOTTE WATER VIA CONNECTED WATERLINES & SEWER LINES.

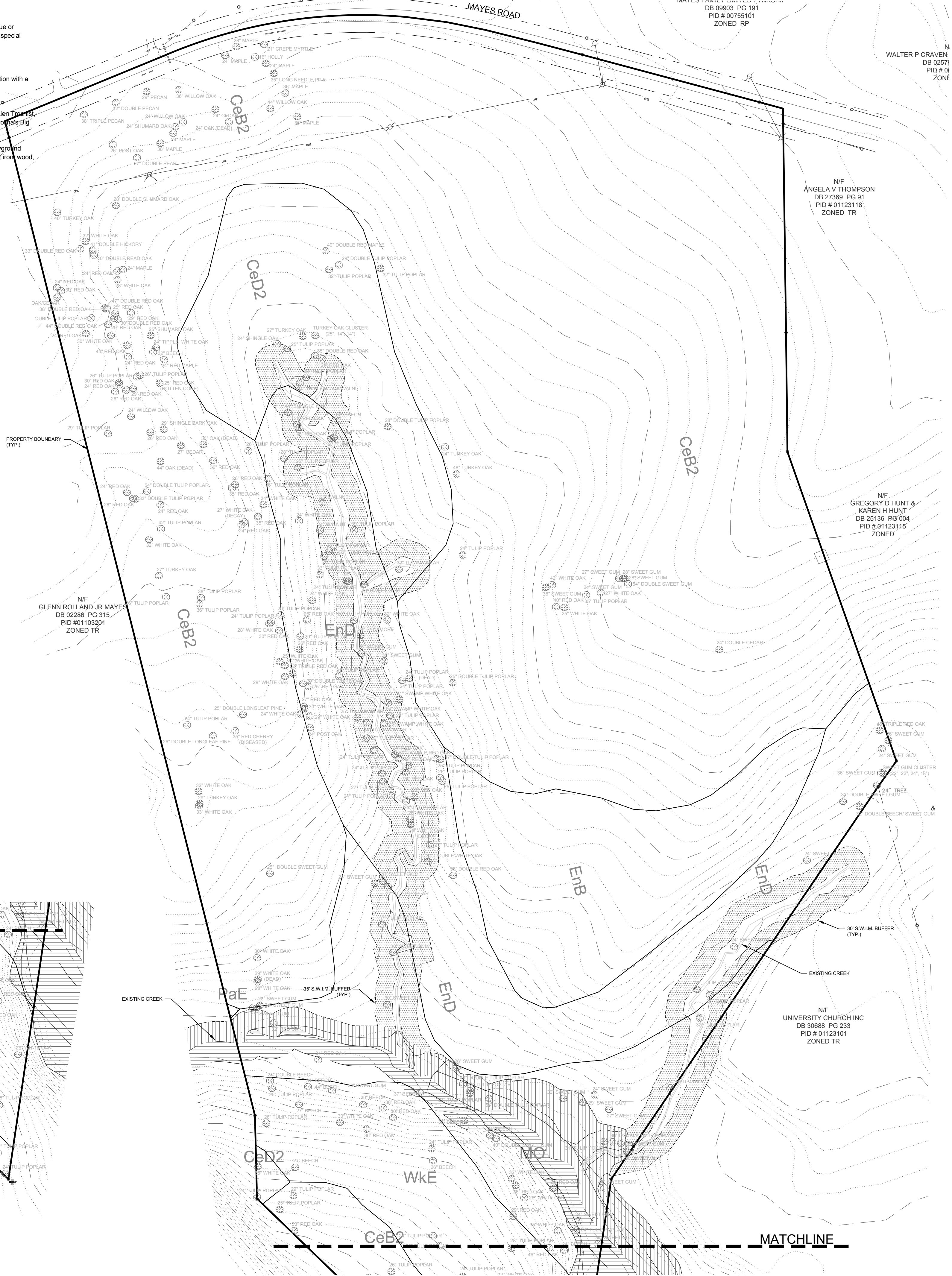
EXISTING DATA

FEMA Panel:	3710465200K
Watershed:	Ramoth Creek
Soil Types:	CeB2 - Cecil sandy clay loam, 2 to 8 percent slopes 60.1%
	CeD2 - Cecil sandy clay loam, 8 to 15 percent slopes 6.8%
	EnB - Enon sandy loam, 2 to 8 percent slopes 6.5%
	EnD - Enon sandy loam, 8 to 15 percent slopes 12.7%
	MO - Monacan loam, 0 to 2 percent slopes Frequently flooded 7.6%
	PaE - Pacolet sandy loam, 15 to 25 percent slopes 0.0%
	WKE - Wilkes loam, 15 to 25 percent slopes 6.2%



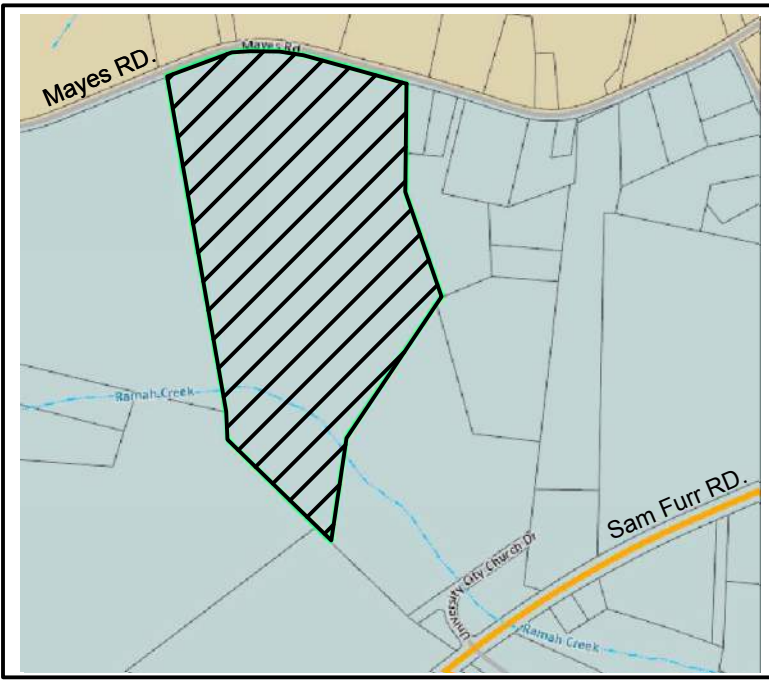
Impervious Area Table	
% Impervious Shown	Max. Allowable
12.65 Ac. (22.74%)	55.63 Ac. (100%)

NOTE: 1% or 150 sqft of impervious area per lot added to overall to allow for addition of future impervious area by the homeowner/occupant.

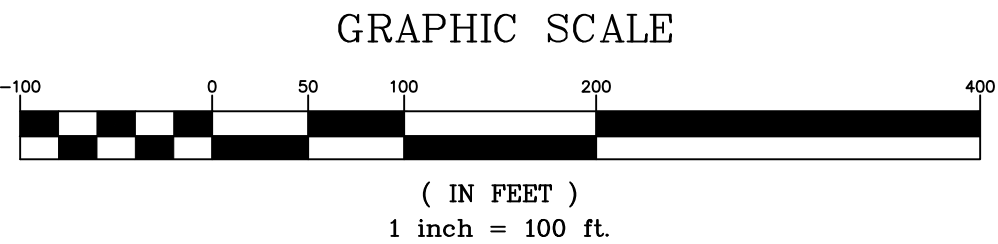


LEGEND

- 35' S.W.I.M Buffer
- 30' Post Construction Buffer



VICINITY MAP - N.T.S.



DATE	ISSUED FOR	REV
02/08/2021	Pre Submittal to Town of Huntersville	0
03/01/2021	Initial Submittal to Town of Huntersville	1
05/24/2021	Second Submittal to Town of Huntersville	2
06/11/2021	Third Submittal to Town of Huntersville	3



Know what's below.
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Engineer:



R. Joe Harris & Associates, Inc.

Engineering • Land Surveying • Planning
Management

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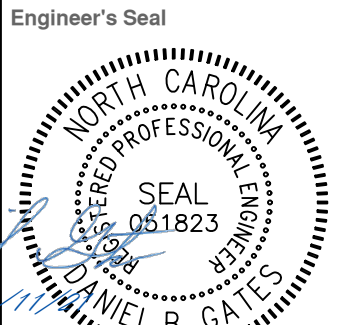
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Corporate Seal



Engineer's Seal



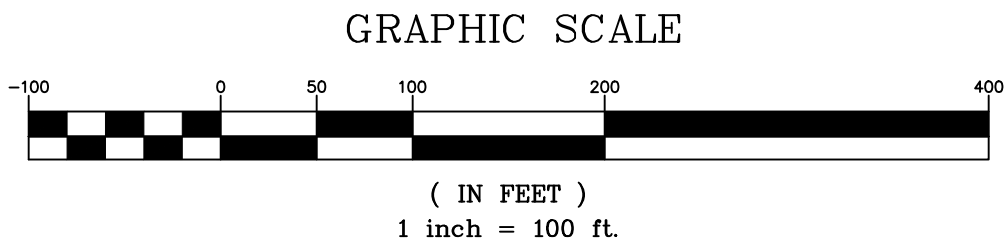
Project Manager	Drawn
D. Gates	R. Samter
Department Manager	Checked
P. Murphy	D. Gates
Print/Plot Date	
June 11, 2021	
Asbuilt Drawn	Asbuilt Date
-	-
Client	
Mayes Bowman, LLC.	
13815 CINNABAR PLACE	
HUNTERSVILLE, NC 28078	
P: (704) 875-9704	
Project:	
Mayes Road Sketch Plan	
Drawing Title:	
Existing Condition Overall	
Project No.	Drawing No.
4424	
DWG File Name:	
4424 - Existing	C2.01



- LEGEND
- 35' S.W.I.M. BUFFER
 - 30' Post Construction Buffer (3.29 Acres total)
 - 20' Natural Buffer (5.64 Acres total)
 - Urban Open space
 - Tree Save space

SEE SHEET SP-4

SEE SHEET SP-3



DATE	ISSUED FOR	REV
02/08/2021	Pre Submittal to Town of Huntersville	0
03/01/2021	Initial Submittal to Town of Huntersville	1
05/24/2021	Second Submittal to Town of Huntersville	2
06/11/2021	Third Submittal to Town of Huntersville	3



Engineer:



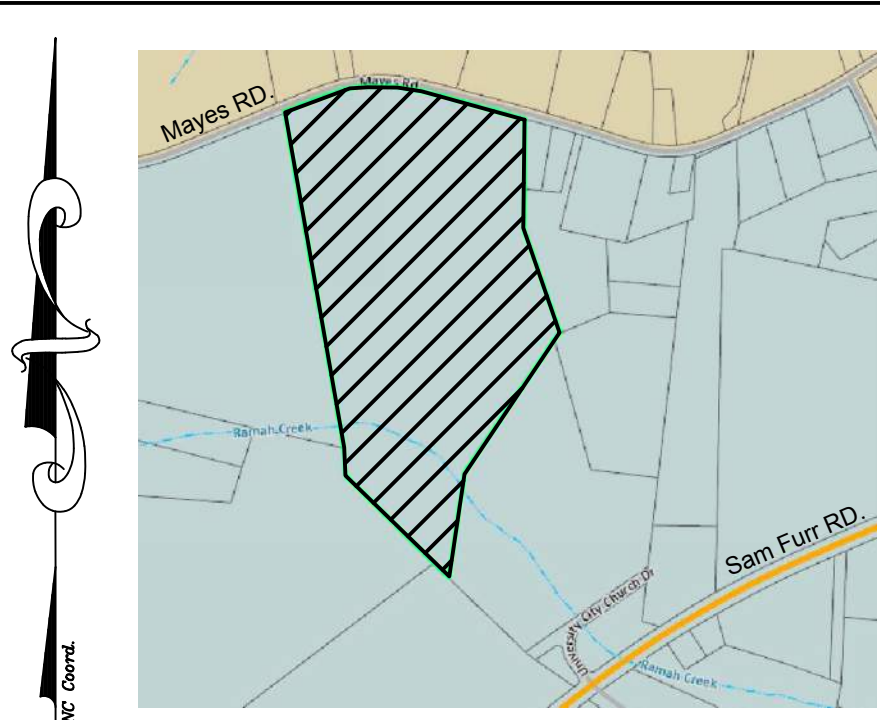
R. Joe Harris & Associates, Inc.
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1166 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1700

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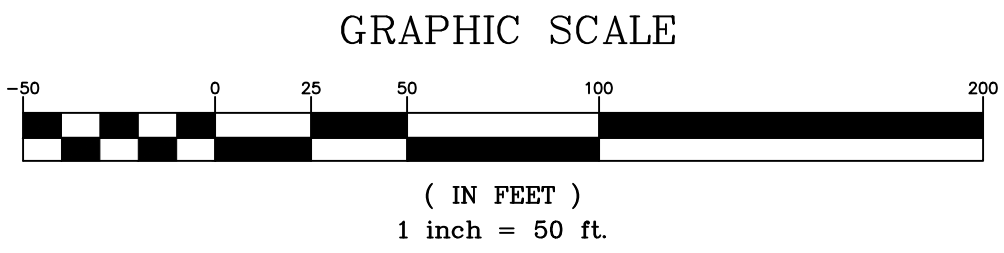
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Corporate Seal 	Engineer's Seal 
---	--

Project Manager D. Gates	Drawn R. Samter
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date June 11, 2021	
Asbuilt Drawn -	Asbuilt Date -
Client Mayes Bowman, LLC. 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project: Mayes Road Sketch Plan	
Drawing Title: Grading Overall	
Project No. 4424 DWG File Name: 4424 - Grading	Drawing No. C3.01



- LEGEND
- 35' S.W.I.M. BUFFER
 - 30' Post Construction Buffer (3.29 Acres total)
 - 20' Natural Buffer (5.64 Acres total)
 - Urban Open space
 - Tree Save space



DATE	ISSUED FOR	REV
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03/01/2021	Initial Submittal to Town of Huntersville	1
05/24/2021	Second Submittal to Town of Huntersville	2
06/11/2021	Third Submittal to Town of Huntersville	3

Engineer:

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Engineering • Land Surveying • Planning Management
1188 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

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CORPORATE SEAL
NORTH CAROLINA
REGISTERED PROFESSIONAL
SURVEYOR
R. JOE HARRIS & ASSOCIATES, INC.
SEAL C-4168

ENGINEER'S SEAL
NORTH CAROLINA
REGISTERED PROFESSIONAL
ENGINEER
SEAL 060079
R. JOE HARRIS & ASSOCIATES, INC.
SEAL 060079

Project Manager D. Gates	Drawn R. Samter
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date June 11, 2021	
Asbuilt Drawn -	Asbuilt Date -
Client Mayes Bowman, LLC. 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project: Mayes Road Sketch Plan	
Drawing Title: Grading Plan	
Project No. 4424	Drawing No. C3.03
DWG File Name: 4424 - Grading	



DATE	ISSUED FOR	REV
02/08/2021	Pre Submittal to Town of Huntersville	0
03/01/2021	Initial Submittal to Town of Huntersville	1
05/24/2021	Second Submittal to Town of Huntersville	2
06/11/2021	Third Submittal to Town of Huntersville	3

Engineer:

R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning Management
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Project Manager D. Gates	Drawn R. Samter
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date June 11, 2021	
Asbuilt Drawn -	Asbuilt Date -
Client Mayes Bowman, LLC. 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project: Mayes Road Sketch Plan	
Drawing Title: Drainage Area	
Project No. 4424 DWG File Name: 4424 - DA	Drawing No. C4.01

TREE PRESERVATION

Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines) in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree, the Mecklenburg County treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, crushed gravel or stone etc.

TREE PRESERVATION

ZONING:	TR
ACREAGE:	± 55.63 ACRES
COVERED BY TREE CANOPY:	± 35.5ACRES (63.38%)
TREE CANOPY PRESERVATION REQUIRED:	35%
TREE CANOPY PRESERVATION PROVIDED:	55%
NO. OF SPECIMEN TREES ON-SITE:	287
NO. OF SPECIMEN TREES SAVED:(Min. Req. 35%)	188 (Provided 65.5%)
NO. OF HERITAGE TREES ON-SITE:	0

TREE LEGEND

TR - Tree	GU - Gum
EL - Elm	MA - Maple
BE - Beach	PE - Pecan
P - Pine	WA - Walnut
PO - Poplar	HI - Hickory
OA - Oak	

TREE CANOPY MITIGATION

Large maturing trees required for tree canopy mitigation = 287
=Nos.

- Trees planted as tree canopy mitigation shall be a minimum of 2" in caliper and 25% shall be evergreens
- Mitigated trees to be placed 40' on center

CONSTRAINING FEATURES

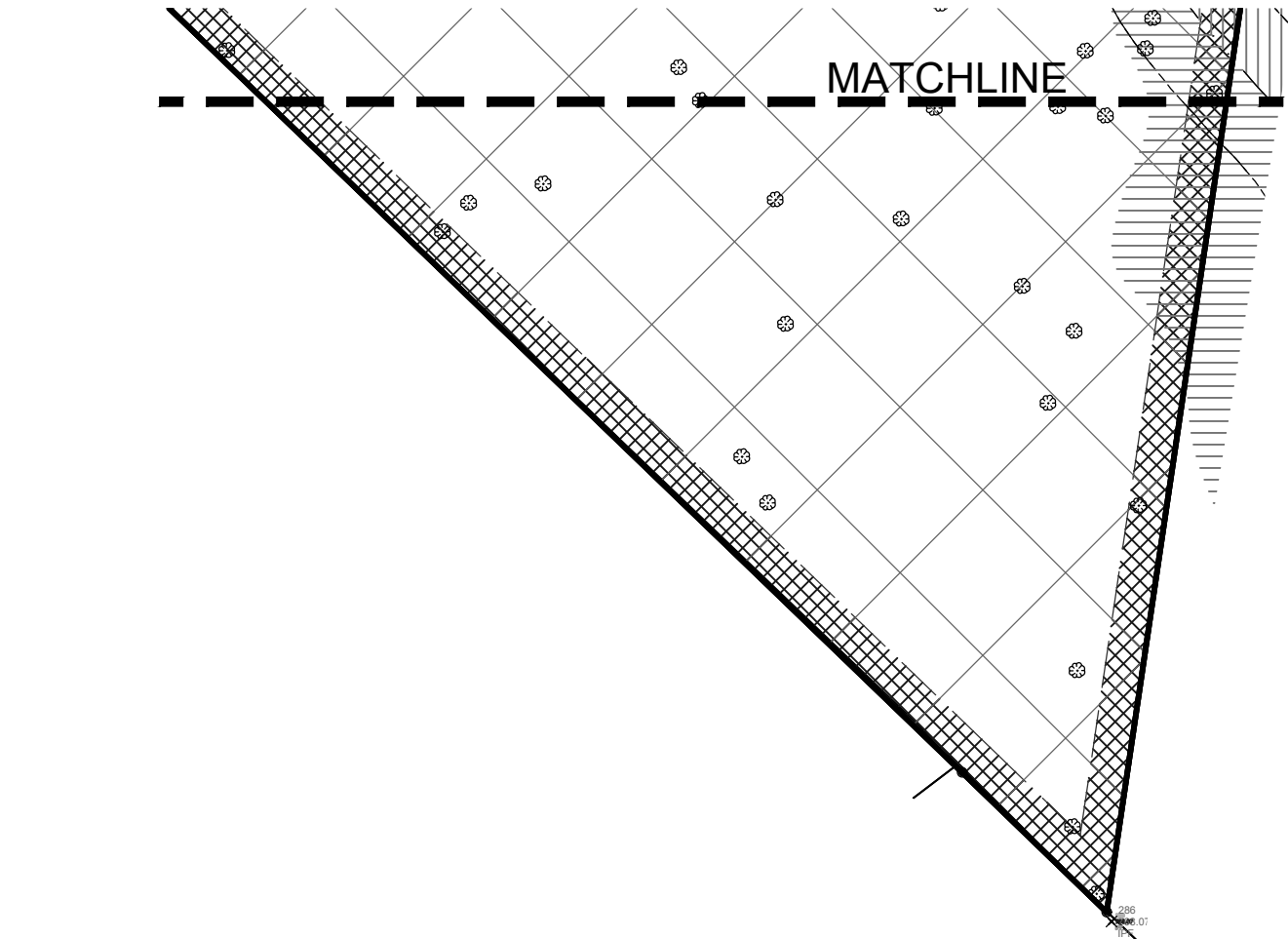
ZONING:	NR-CD
ACREAGE:	55.63± ACRES
SWIM BUFFER	5.00± ACRES
SLOPE ANALYSIS: (% OF SITE AREA)	
0% - 10%	39.62 ACRES (71.22%)
10% - 15%	10.72 ACRES (19.27%)
15% - 25%	4.35 ACRES (7.82%)
25% - 100%	0.932 ACRES (1.68%)

Soil Hydrologic Groups: (% of site area)	
ZONING:	TR
ACREAGE:	55.63± ACRES
Group A	0
Group B	37.2± ACRES(66.9%)
Group C	10.6± ACRES (19.2%)
Group D	3.5 ± ACRES (6.2%)
Group B/D	4.2 ± ACRES (7.6%)

*THE PROPOSED METHOD FOR PROVIDING POTABLE WATER & SANITARY SEWER SHALL BE PROVIDED BY CHARLOTTE WATER VIA CONNECTED WATERLINES & SEWER LINES.

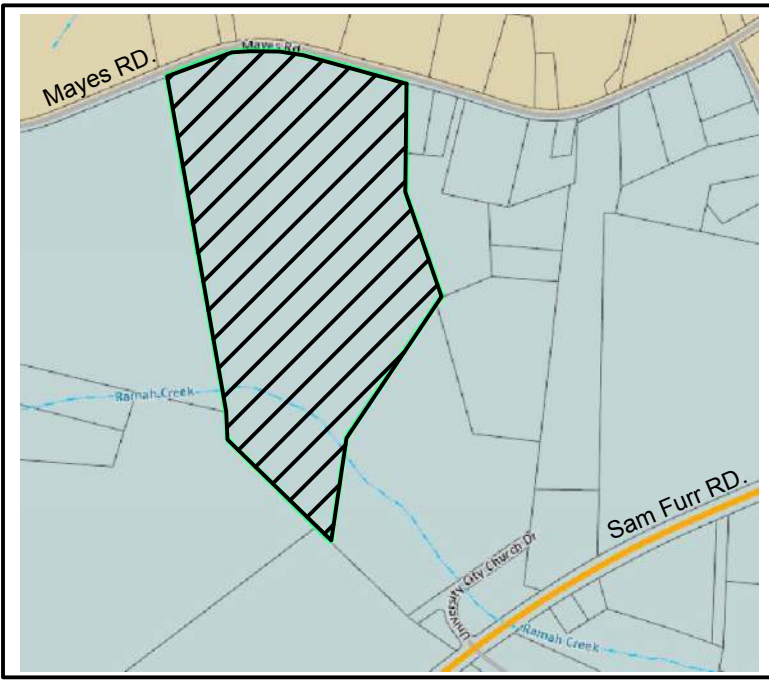
EXISTING DATA

FEMA Panel:	3710465200K
Watershed:	Ramah Creek
Soil Types:	CeB2 - Cecil sandy clay loam, 2 to 8 percent slopes 60.1% CeD2 - Cecil sandy clay loam, 8 to 15 percent slopes 6.8% EnB - Enon sandy loam, 2 to 8 percent slopes 6.5% EnD - Enon sandy loam, 8 to 15 percent slopes 12.7% MO - Monacan loam, 0 to 2 percent slopes Frequently flooded 7.6% PaE - Pacolet sandy loam, 15 to 25 percent slopes 0.0% WKE - Wilkes loam, 15 to 25 percent slopes 6.2%



Impervious Area Table	
% Impervious Shown	Max. Allowable
12.65 Ac. (22.74%)	55.63 Ac. (100%)

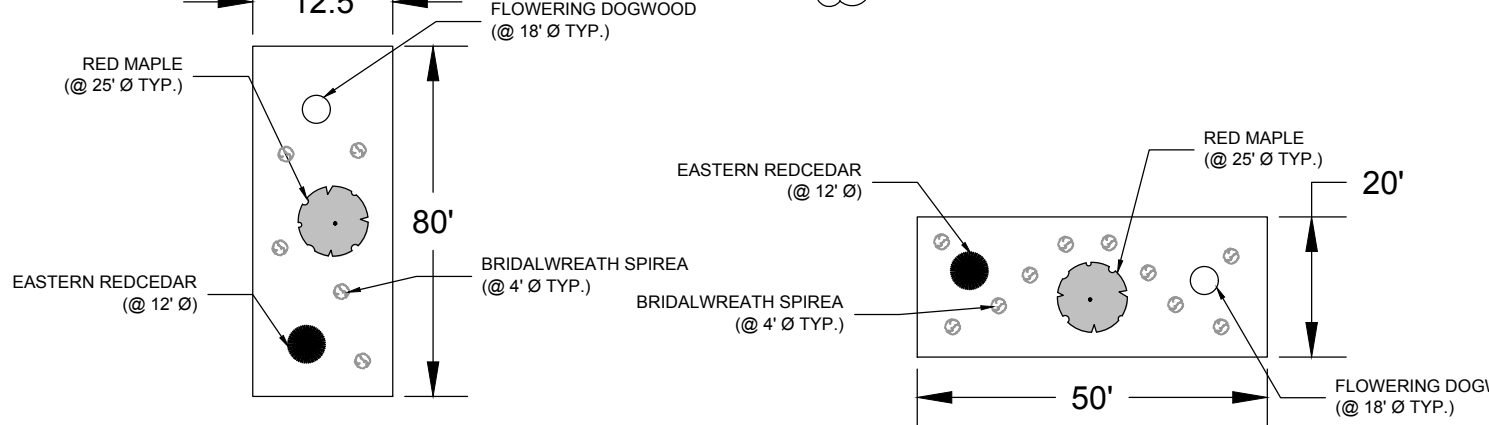
NOTE: 1% or 150 sqft of impervious area per lot added to overall to allow for addition of future impervious area by the homeowner/occupant.



VICINITY MAP - N.T.S.

LEGEND

- 35' S.W.I.M. BUFFER
- 30' Post Construction Buffer (3.29 Acres total)
- 20' Natural Buffer (5.64 Acres total)
- Urban Open space
- Tree Save space
- LARGE MATURING TREES (40' OC)
- RESIDENTIAL LOT TREE
- EXISTING SPECIMEN TREE



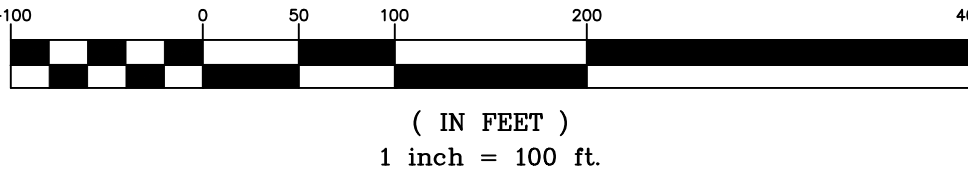
- 80' SUPPLEMENTAL RESIDENTIAL BUFFER YARD LANDSCAPING ALONG THOROUGHFARE
- TOTAL LENGTH = 12.5 LINEAR FEET X 80 LINEAR FEET = 1000 SQFT REQUIRED
- 50% EVERGREEN TREES PER 1,000 SF
 - 75% CANOPY TREES PER 1,000 SF (LARGE MATURING)
 - 25% UNDERSTORY TREES PER 1,000 SF (SMALL MATURING)
 - 3 TREES PER 1,000 SF
 - 5 SHRUBS PER 1,000 SF (75% EVERGREEN)
- (NUMBER OF TREES & SHRUBS SHOWN MUST BE THE MINIMUM NUMBER PLANTED. TYPE & ACTUAL LOCATION MAY VARY.) (EXISTING TREES AND SHRUBS CAN COUNT TOWARDS PLANTING REQUIREMENTS, AS LONG AS THEY MEET THE REQUIRED SIZE)
- * 12' GREENWAY TRAIL SHALL MEANDER THROUGH BUFFER & PROPOSED PLANTINGS
- 20' SUPPLEMENTAL RESIDENTIAL BUFFER YARD LANDSCAPING ALONG ABUTTING PROPERTIES
- TOTAL LENGTH = 80 LINEAR FEET X 20 LINEAR FEET = 1600 SQFT REQUIRED
- 25% EVERGREEN TREES PER 1,000 SF
 - 25% CANOPY TREES PER 1,000 SF (LARGE MATURING)
 - 25% UNDERSTORY TREES PER 1,000 SF (SMALL MATURING)
 - 3 TREES PER 1,000 SF
 - 10 SHRUBS PER 1,000 SF (100% EVERGREEN)
- (NUMBER OF TREES & SHRUBS SHOWN MUST BE THE MINIMUM NUMBER PLANTED. TYPE & ACTUAL LOCATION MAY VARY.) (EXISTING TREES AND SHRUBS CAN COUNT TOWARDS PLANTING REQUIREMENTS, AS LONG AS THEY MEET THE REQUIRED SIZE)

LANDSCAPING NOTES (PER TOWN OF HUNTERSVILLE):

- STREET TREES ARE REQUIRED TO BE WITHIN A MINIMUM 7-FOOT PLANTING STRIP LOCATED BETWEEN THE PROPOSED STREET AND PROPOSED SIDEWALK. PLANTING SHALL BE PROVIDED AS FOLLOWS:
 - A) LARGE MATURING CANOPY TREES SHALL BE PLANTED AT A SPACING NOT TO EXCEED 40- FEET ON CENTER EXCEPT THAT SPACING MAY BE ALTERED SLIGHTLY TO ACCOMMODATE DRIVEWAYS.
 - B) SMALL MATURING "CANOPY-LIKE" TREES SHALL BE PLANTED 30- FEET ON CENTER WHERE EXISTING OVERHEAD UTILITY LINES PROHIBIT THE USE OF LARGE MATURING CANOPY TREES.
- NEW TREES SHALL BE REQUIRED WITHIN EACH RESIDENTIAL LOT, IN ORDER TO MAINTAIN OR REPLENISH THE URBAN TREE CANOPY IN AREAS OF NEW RESIDENTIAL SUBDIVISION, EACH LOT SHALL PROVIDE CANOPY TREES.
 - FOR LOTS LESS THAN 10,000 SQ. FT., 1 FRONT YARD AND 1 REAR YARD CANOPY TREE SHALL BE REQUIRED.
 - FOR LOTS BETWEEN 10,000 SQ. FT. AND 15,000 SQ. FT., 1 FRONT YARD AND 2 REAR YARD CANOPY TREES SHALL BE REQUIRED.
 - FOR LOTS BETWEEN 15,000 SQ. FT. AND 20,000 SQ. FT., 2 FRONT YARD AND 2 REAR YARD CANOPY TREES SHALL BE REQUIRED.
 - FOR LOTS MORE THAN 20,000 SQ. FT., 3 FRONT YARD AND 3 REAR YARD CANOPY TREES SHALL BE REQUIRED.
- ALL REQUIRED PLANTINGS SHALL BE INSTALLED IN A MANNER THAT INSURES THE AVAILABILITY OF SUFFICIENT SOIL AND WATER FOR HEALTHY GROWTH AND THAT IS NOT INTRUSIVE TO ABOVEGROUND AND UNDERGROUND UTILITIES
- ALL STREET TREES MUST BE FROM THE "TOWN OF HUNTERSVILLE TREE AND SHRUB LIST."
- ALL TREES SHALL BE A MINIMUM OF 2-INCHES IN CALIPER AND 8- FEET IN HEIGHT AT THE TIME OF PLANTING, UNLESS OTHERWISE SPECIFIED.
- INSTALLATION OF TREES AND SHRUBS SHALL COMPLY WITH THE TOWN OF HUNTERSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL.
- EVERY REASONABLE EFFORT SHALL BE MADE TO PROTECT AND RETAIN EXISTING TREES AND SHRUBS NOT ACTUALLY LYING IN PLANNED ROADWAYS, DRAINAGEWAYS, BUILDING FOUNDATION SITES AND CONSTRUCTION ACTIVITY AREAS. EXCEPT WHEN NECESSARY TO PROVIDE ACCESS TO A SITE OR TO INSURE THE SAFETY AND SECURITY OF PEOPLE AND PROPERTY ANY EXISTING HEALTHY TREES THAT ARE EIGHT INCHES OR GREATER IN CALIPER, LOCATED WITHIN A PUBLIC RIGHT-OF-WAY OR UNDEVELOPED REQUIRED YARD SHALL BE RETAINED UNLESS APPROVED FOR REMOVAL BY STAFF DURING PLAN REVIEW.
- TREES SHOULD NOT BE PLANTED: WITHIN 40' OF THE CURB RETURN, WITHIN 10' FROM DRAINAGE STRUCTURES, WITHIN 40' OF RADIUS RETURN AT AN INTERSECTION, AT OR IN A STORM DRAINAGE EASEMENT, ON TOP OF STORM DRAIN LINE, WITHIN SIGHT DISTANCE.
- ALL LOT TREES AS PER SECTION 7.7 (STREET TREES AND INTERNAL LANDSCAPING) OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE. EXISTING SPECIMEN TREES TO BE USED IN LIEU OF NEW PLANTINGS (AS APPROVED BY TOWN OF HUNTERSVILLE).
- AS THE REMAINDER OF THE THOROUGHFARE IS BUILT, DOUBLE ROW OF TREES AND SIDEWALKS WILL BE REQUIRED.

NOTE: TREE LOCATIONS ARE SUBJECT TO CHANGE BASED ON THE DESIGN REQUIREMENTS IN THE TOWN OF HUNTERSVILLE'S ENGINEERING STANDARDS AND PROCEDURES MANUAL. FINAL TREE PLACEMENT WILL BE DETERMINED DURING THE CONSTRUCTION PLAN PHASE.

GRAPHIC SCALE



DATE	ISSUED FOR	REV
02/08/2021	Pre Submittal to Town of Huntersville	0
03/01/2021	Initial Submittal to Town of Huntersville	1
05/24/2021	Second Submittal to Town of Huntersville	2
06/11/2021	Third Submittal to Town of Huntersville	3



Engineer:



R. Joe Harris & Associates, Inc.

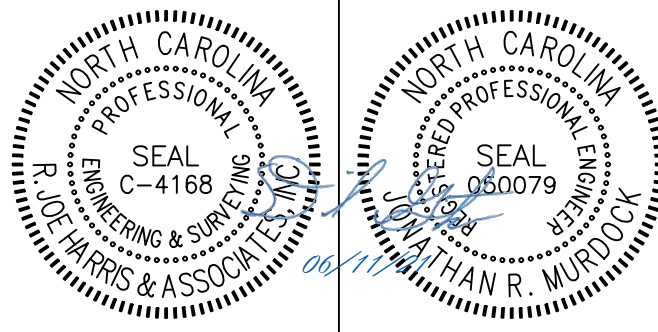
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Management

1166 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

www.rjoeharris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

Corporate Seal



Project Manager	Drawn
D. Gates	R. Samter
Department Manager	Checked
P. Murphy	D. Gates
Print/Plot Date	
June 11, 2021	
Asbuilt Drawn	Asbuilt Date
-	-
Client	

Mayes Bowman, LLC.
13815 CINNABAR PLACE
HUNTERSVILLE, NC 28078
P: (704) 875-9704

Project:

Mayes Road Sketch Plan

Drawing Title:

Landscape Overall

Project No.	Drawing No.
4424	
DWG File Name:	
4424 - Landscape	C5.01



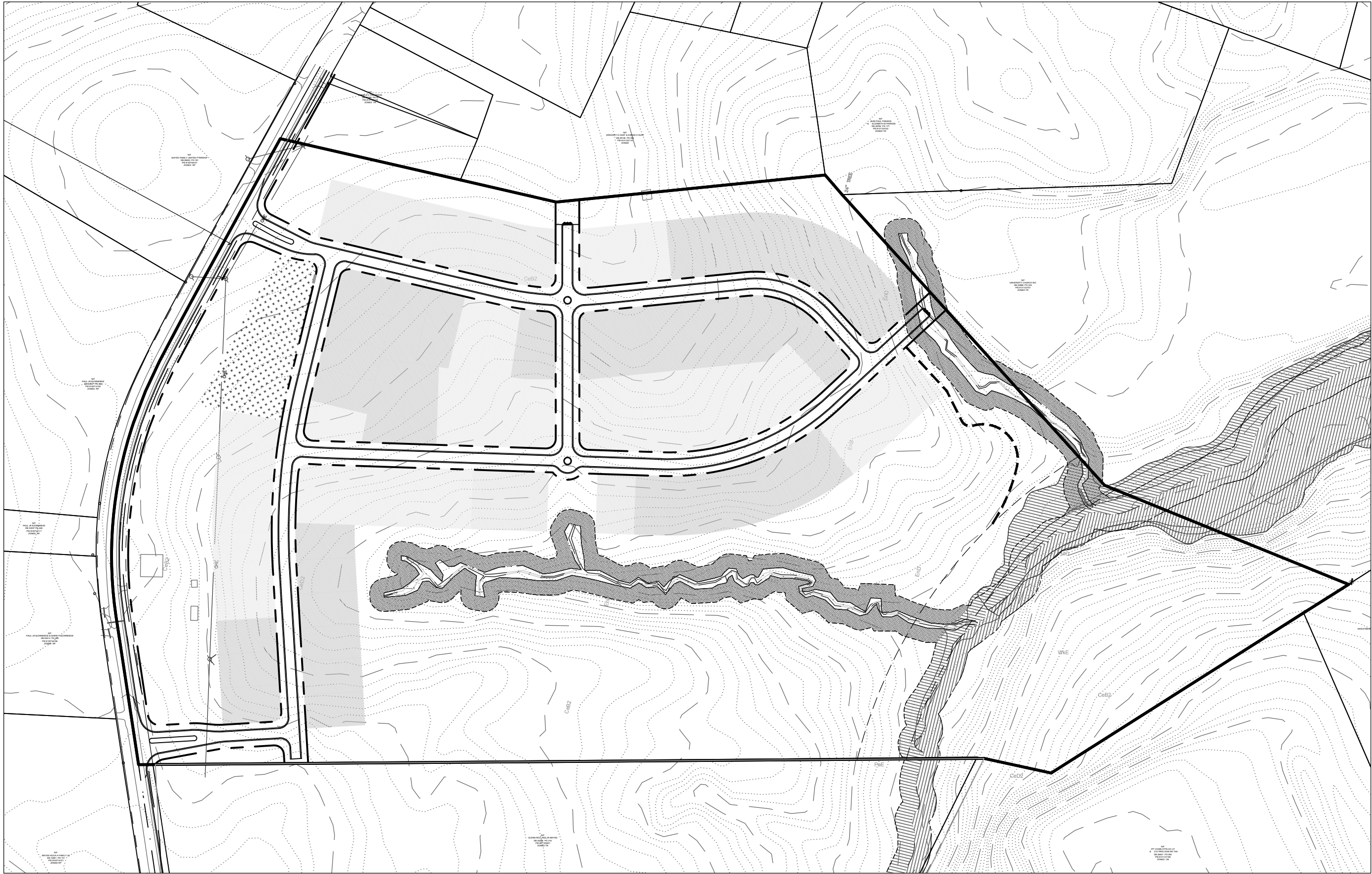
STEP 1: IDENTIFY OPEN SPACE

THE HATCHED AREAS REPRESENT THE OPEN SPACE. THE PROPOSED OPEN SPACE AREAS WILL CONTAIN CREEKS/STREAMS, STEEP SLOPES, NATURAL HARDWOODS, SPECIMEN TREES, OR REQUIRED LANDSCAPE BUFFER AREAS. AS MUCH OF THE OPEN SPACE IN THE EAST PORTION OF THE SITE IS POTENTIAL OPEN SPACE.



STEP 2: LOCATION OF HOUSE SITES

THE AREAS IDENTIFIED AS HOUSE SITES ARE LARGE, OPEN AREAS, THE HOUSE SITES AVOID THE STEEP SLOPES AND ARE PLACED ON GOOD TERRAIN. IN SOME AREAS, THE HOUSE SITES ARE PLACED WHERE THERE IS SOME EXISTING HARDWOOD TREES.



STEP 3: STREET AND LOT LAYOUT

BASED ON THE PREVIOUS TWO STEPS, A GENERAL ROAD AND LOT LAYOUT WAS CREATED. THE RESIDENTIAL ENTRY ROAD ENTERS FROM MAYES ROAD AT TWO POINTS AND LOOPS DOWN TO THE BOTTOM OF THE SITE. THE LOCATION OF THE ENTRY ROADS WERE CHOSEN BASED ON THE VAST FIELD AREA AND MINIMAL SLOPING TOPOGRAPHY AND WITH THE PRESERVATION OF EXISTING TREES IN MIND. THE LOTS WERE LAID OUT TO AVOID THE EXISTING STREAMS, TOPOGRAPHY, AND LANDSCAPE BUFFERS. BY USING THIS APPROACH, THE LOTS ARE PROPOSED ON THE MOST SUITABLE BUILDING SITES. THE STREAMS WILL NOT BE DISTURBED.



STEP 4: DRAWING LOT LINES

WE WERE ABLE TO CREATE 83 LOTS WITHIN THE BUILDABLE AREA. THE LOTS RANGE IN SIZE (NO SMALLER THAN 60' WIDE). THE LOTS LINES WERE DRAWN PERPENDICULAR TO THE ROADWAY THEY MEET TO ALLOW FOR VISUAL AESTHETICS WHEN DRIVING DOWN THE ROADS. THE VARYING LOT SIZES ALLOW FOR VISUAL APPEAL AND A LESS UNIFORM LOOKING RESIDENTIAL AREA.

DATE	ISSUED FOR	REV
02/08/2021	Pre Submittal to Town of Huntersville	0
03/01/2021	Initial Submittal to Town of Huntersville	1
05/24/2021	Second Submittal to Town of Huntersville	2
06/11/2021	Third Submittal to Town of Huntersville	3



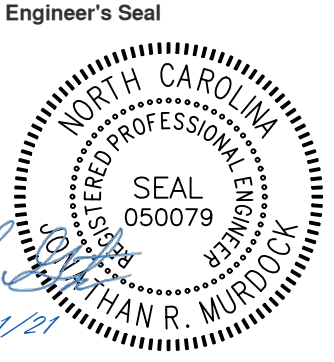
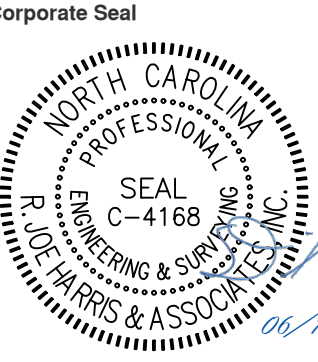
Engineer:



R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning
Management
1186 Stonemaster Blvd., Topo City, S.C. 29708 P: (803) 802-1799

www.rjoe-harris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.



Project Manager
D. Gates
Department Manager
P. Murphy
Print/Plot Date
June 11, 2021
Asbuilt Drawn
-
Client
MAYES BOWMAN, LLC.
13815 CINNABAR PLACE
HUNTERSVILLE, NC 28078
P: (704) 875-9704
Project:
Mayes Road Sketch Plan
Drawing Title:
Four Step Process
Project No.
4424
DWG File Name:
4424 - Four Step Process
Drawing No.
C6.01

Mayes Road Neighborhood Meeting 3/24/21

NAME	ADDRESS	PHONE #	EMAIL
Karen Hunt	12250 Mayes Rd	704-400-4493	karatop@bellsouth.net
Marie & Paul Bjorneboe	12001 Mayes Rd	704-892-0117	pxb9582@yahoo.com
Angela Thompson	12216 Mayes Rd	704-806-0436	angela_buffin1964@yahoo.com
Tom Mayes	1725 17 th St NW, Apt 302 Wash, DC	202-549-5052	tommayes57@gmail.com
Stephen Bjorneboe	PO Box 635, Southold, NY 11971	917-575-0172	sbjorneboe@hotmail.com
Dan Mayes	9200 Fairmead Dr	704-904-5893	dbmayes1@aol.com
Gina Mayes	13422 Scanlan Way		
David Sayers	12232 Mayes Rd	704-526-7510	sayeresq@gmail.com
James Bjorneboe			
Jack Simoneau	Town Planning		
Nick Walsh	Town Board		

- Karen Hunt - Q - Why is the street stubbed to my property? What type of units? What size lots?

A - The town requires us to stub to neighboring properties for possible future connections. These are all single family lots. Lots range from 60' to 80' wide and 125' deep.

- Marie & Paul Bjorneboe - Q - Concerned about traffic and ROW for road widening. Is there another connection to take traffic off Mayes Rd? What is the size and price of homes? Why did the entry road move?

A - We have no requirement for a turn lane so the ROW needed should be minimal if needed at all. No our only possible connections are to Mayes Rd. We have 3 stubs that could connect to future development with additional connections. We do not have a builder yet but anticipate the homes to range from 2400-4000 square feet and range from \$500,000-\$800,000. NCDOT said our original location was too close to the other entry and they made us move it.

- Angela Thompson - Q - How far is the first lot from my property line?

A - Zoning requirement is a minimum 20' buffer and we are providing around 35' at your property line.

- Tom Mayes - Q - Will you involve Charlotte Mecklenburg Historic Landmarks Commission? Concerned about BMP grading along adjoining property line on the west side of the property. How is sewer getting to this site?

A - Yes we plan on discussing the house with them but do not know to what extent they will be involved. we have a required 20' buffer that we can't disturb and will meet you on site to look at the adjoining property line. Sewer is coming from the church property to the south at Highway 73.

- Dan Mayes - Q - What will trails on the west side look like and can the property line be clearly marked so people stay off the adjoining property? Why is the west entry a right in/right out?

A - Any trails will be natural and no heavy machinery grading them out. We can walk the property line with you and we will make sure the property line is clearly marked. NCDOT is requiring the right in/right out.

- Angela Thompson - Q - How far is the entry from my property?

A - Around 160 feet.

- Tom Mayes - Q - What is the UOS to the east of the house?

A - We have a 80 buffer along Mayes Rd that will be planted to the towns buffer standards. The rest of the UOS will have landscaping along the edges with a large open grassed area that the homeowners can use.

- David Sayers - Q - I don't feel this meets the code as it is not consistent with existing properties, 2030 plan calls for R and TR to have min lot width of 90', and I don't believe density calculation should include the open space.

A - Jack answered with why these statements were not correct. The min lot size is an average lot width of 60', and the density calculation is always done with the total property acreage not just the developed areas.

- Angela Thompson - Q - I thought the zoning here was for one unit per acre? How are utilities tying into the property?

A - Zoning before 2003 allowed for 2.5 units per acre and in 2003 the zoning ordinance was adopted changing this property to the new TR allowing 1.5 units per acre with 40% open space. Sewer is coming from church property on Highway 73, water will be extended along Mayes Rd, and power is currently along Mayes Rd.

- Karen Hunt and Angela Thompson - Q - We would prefer less houses along the adjoining property line to the east of the property.

A - We will look at adjusting our lots and moving the larger 80' lots along this side and moving the smaller lots more internal which would slightly reduce the number of lots along this side.

- David Sayers - Q - Would we be able to tie into the water/sewer?

A - Yes, Charlotte water will connect you if you are within 1000' of an existing line. The water will be along our entire frontage so that will be close enough and the sewer will also be close enough it's just a matter of if there is enough fall from your house to the sewer for it to gravity flow.

Angela Thompson and David Sayers - Q - Will your development affect our wells?

A - We don't have a technical answer but with the water quality ordinance from the town and the BMP requirements we have to capture our water runoff on site.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Jack Simoneau, Director

Date: June 21, 2021

Subject: Petition #TA 21-01 - Amendments to Zoning and Subdivision Ordinance

EXPLAIN REQUEST:

Take action on TA 21-01

ACTION RECOMMENDED:

Take action

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA21-01 Town Board Staff Report - 6-21-21
2. Application
3. ZO Updated 160D Changes TB Review
4. Subdivision Ordinance Edits Re 160D

TA 21-01 – 160D Zoning & Subdivision Text Amendment

PART 1: DESCRIPTION

TA21-01 is a request by the Huntersville Planning Department to amend the Huntersville Zoning and Subdivision Ordinance. The purpose of the amendment is to comply with the new Chapter 160D of the State Statutes and correct any other adjustments needed.

PART 2: BACKGROUND

The North Carolina General Statutes were amended in 2019 by creating a new Chapter 160D. This new Chapter consolidated city- and county-enabling statutes for development regulations (previously Chapters 153A and 160A) into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law did not make major policy changes or shifts in the scope of authority granted to local governments, it did provide many clarifying amendments and consensus reforms that must be incorporated into local development regulations.

In addition to amendments related to 160D, other miscellaneous adjustments are proposed to correct citations, standardized references, delete outdated references, clear-up conflicts, etc. Changes are tracked in the proposed amendments and comments have been added where appropriate to provide clarification.

PART 3: RELEVANT HUNTERSVILLE 2040 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

TA21-01 is consistent with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to maintain land development regulations.

PART 4: STAFF RECOMMENDATION

Approval

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinance Advisory Board recommended approval on May 10, 2021.

PART 6: PUBLIC HEARING

The Public Hearing was held on May 3, 2021. Discussion on TA21-01 can be found at the 2:06 hour of the May 3, 2021 meeting: <https://www.facebook.com/HuntersvilleNCTownGovernment/videos/307941484038677/>
All legal ad requirements are certified as having been met by the Huntersville Planning Department.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board unanimously recommended approval of TA 21-01 on May 25, 2021.

PART 8: ATTACHMENTS AND ENCLOSURES

1. Text Amendment Application
2. Zoning Ordinance with changes tracked
3. Subdivision Ordinance with changes tracked

PART 9: STATEMENT OF CONSISTENCY – TA20-01

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA21-01 to the Huntersville Zoning and Subdivision Ordinance, planning staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to maintain land development regulations. It is reasonable and in the public interest to amend the Zoning Ordinance it is necessary to coordinate the Huntersville Zoning and Subdivision Ordinances with state enabling development regulations	APPROVAL: In considering the proposed amendment TA21-01 to amend the Huntersville Zoning and Subdivision Ordinance, the Planning Board recommends approval based on the amendment being consistent with state law. It is reasonable and in the public interest to amend the Zoning Ordinance because for the town to comply. (8-0 vote for approval)	APPROVAL: In considering the proposed amendment TA21-01 to amend the Huntersville Zoning and Subdivision Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>
DENIAL: N/A	DENIAL: In considering the proposed amendment TA20-01 to amend Article 7.2.1, Article 7.4.2 F and Article 12 of the Huntersville Zoning Ordinance, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>	DENIAL: In considering the proposed amendment TA20-01 to amend Article 7.2.1, Article 7.4.2 F and Article 12 of the Huntersville Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>



Text Amendment Application

Date of Application January 7, 2021

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): ALL Article(s): ALL Section(s): ALL as noted

see attached

Current Ordinance

see attached

Proposed Text

Comply with State Statute 160-D

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 Jack Simoneau

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

Signature Jack Simoneau Date 1-7-2021

Title Planning Director Email j.simoneau@huntersville.org

Address of Applicant _____

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: 1-7-2021

Staff Initials: JS

ARTICLE 1: AUTHORITY AND PURPOSE

1.1 Authority

These regulations are adopted pursuant to the authority vested in the Town of Huntersville by its charter, the Session Laws, and the General Statutes of North Carolina, particularly Chapter 160A-D, Article 19, Part 3 and any special local legislation enacted by the General Assembly for the Town of Huntersville.

1.2 Purpose

The purposes of these regulations are to promote the public health, safety, and general welfare. To that end, [these](#) regulations address, among other things, the following public purposes: to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the efficient, adequate and economic provision of transportation, water, sewerage, schools, parks and other public requirements, to conserve the value of buildings, and encourage the most appropriate use of land throughout the corporate area and extraterritorial zoning jurisdiction, in accordance with the Huntersville Community Plan and other adopted long range plans for the Town of Huntersville.

Deleted: "It is our describable outside that defines us, willy-nilly, to others, that may save us, or destroy us, in the world; it may be our shield against chaos, our mask against exposure; but whatever it is, the move we make in the place we live has to signify our intent and meaning."¶
Eudora Welty¶
The Eye of the Story (122)

Deleted: (Strategic Update)

1.3 Title

These regulations shall be known as The Zoning Ordinance of the Town of Huntersville, North Carolina, and may be cited as the "Zoning Ordinance"; the maps referred to herein titled Official Zoning Maps, Huntersville, North Carolina may be cited as the "Zoning Maps".

1.4 Jurisdiction

These regulations govern the development and use of all land and structures within the corporate limits and the extraterritorial zoning jurisdiction of the Town of Huntersville, as shall be defined by [this](#) ordinance and [amended](#) from time to time as [authorized by](#) the General Statutes of North Carolina.

Deleted: provided in

1.5 Zoning Maps

The Town Board, upon the recommendation of the Planning Board, shall adopt a series of Zoning Maps entitled "Official Zoning Maps, Town of Huntersville, NC" which shall be retained in the office of the Planning Department. The Zoning Maps shall set out and delineate into the zoning districts established in Article 3 all land within the jurisdiction of these regulations. The Zoning Maps and notations thereon are hereby designated, established, and incorporated as a part of these regulations and shall be as much a part of these regulations as if they were fully described herein.

1.6 Separability

If any section, specific provision, or standard of these regulations, or any zoning district boundary that now exists or may exist in the future is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

1.7 Relation to Other Ordinances

When regulations made under authority of this ordinance require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under authority of this ordinance shall govern. In the event this ordinance conflicts with other provisions of local, state or federal law, that law which provides the greatest protection to environment and natural features shall govern unless preempted by state or federal law. Where that intent is not clear from a superficial reading of the Ordinance and laws, that law or ordinance which is most restrictive shall apply.

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1.8 Effective Date

These regulations shall become effective on November 19, 1996.

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ARTICLE 2: APPLICABILITY OF ORDINANCE

2.1 Applicability

.1 Applicability.

No building, structure, or land shall be used or occupied, nor any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered, nor any changed use be established for any building, structure, or land, nor substantial clearing, grading, filling or excavation be commenced unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations.

.2 Exceptions to Applicability.

These regulations shall not apply to bona fide farms, as defined in Article 12, except that non-farm uses on farms shall be regulated herein, and land within the Mountain Island Lake ~~and Lake Norman~~ Watershed Overlay Districts shall comply with the regulations of Section 3.3.2 and 3.3.3.

2.2 Permit Choice and Vested Development Rights

.1 Any amendments ~~to these land development regulations or the Zoning Maps shall not be applicable or enforceable without the written consent of the owner with regard to:~~

- a) ~~buildings or uses of buildings or land for which:~~
 - i. ~~a development permit application was submitted, review of which was not discontinued pursuant to N.C.G.S. § 143-755(b1), and a development permit decision was not made prior to the effective date of the amendment making the change; or~~
 - ii. ~~a development permit was issued prior to the effective date of the amendment making the change so long as the permit remains valid and unrevoked pursuant to subsection 2.2.2;~~
- b) ~~subdivision of land for a which a development permit authorizing the subdivision was issued prior to the effective date of the amendment making the change;~~
- c) ~~a valid and unexpired site-specific vesting plan established pursuant to subsection 2.2.3 prior to the effective date the amendment making the change;~~
- d) ~~an approved multi-phased development established pursuant to subsection 2.2.4 prior to the effective date of the amendment making the change; or~~
- e) ~~a vested right established pursuant to a development agreement satisfying the requirements of Article 10, Chapter 160D of the North Carolina General Statutes executed prior to the effective date of the amendment making the change.~~

~~Deleted:~~ <#>These regulations shall not apply to horse farms on three or more acres, as defined in Article 12, except that uses on the premises not accessory to horse farms shall be regulated herein, and land within the Mountain Island Lake Watershed Overlay District shall comply with the regulations of Section 3.3.2 and 3.3.3. ¶

~~Deleted: and Permit Choice~~

~~Deleted:~~ , modifications, supplements, repeal or other changes in

Commented [ES1]: Rephrased to match statutory language and for consistency with below subsection language as proposed.

~~Deleted:~~ buildings and uses

Commented [ES2]: Note: Development permit is statutorily defined by NCGS 143-755(e)(2) essentially the same as 160D-102 defines development approval. I recommend adding the definition of the latter. See below comment.

Commented [ES3]: Addresses permit choice

~~.2 Buildings or uses of buildings or land for which a development permit application was issued.~~

~~Building permits expire six months after issuance unless work under the permit has commenced. Upon commencement of work under the building permit, the permit will expire if there is a discontinuation of work for a period of 12 months from the date of commencement of work. Building permits may be revoked pursuant to N.C.G.S. 160D-1115.~~

~~Unless otherwise specified by this Section 2.2, other local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. After work has substantially commenced, a development approval shall expire if development work is intentionally and voluntarily discontinued for a period of 24 consecutive months, unless the discontinuance is tolled pursuant to N.C.G.S. § 160D-108. As used in the subsection, substantially commenced shall include any of the following:~~

~~Deleted:~~ ¶

~~Deleted:~~ ,

Commented [ES5]: Substantially commenced is not defined by the statute, but UNC-SOG suggests that local regulations can define. Examples are provided in the microsite guidance. I removed the language from prior subsections .4 and .5 regarding subdivisions as it would seemingly contradict with this paragraph, but we could incorporate similar limitations by defining substantially commenced.

~~Deleted:~~ ,

- (a) The development has received and maintained a valid erosion and sedimentation control permit and conducted grading activity on a continuous basis and not discontinued it for more than thirty (30) days;
- (b) The development has installed substantial on-site infrastructure; or
- (c) The development has received and maintained a valid building permit for the construction and approval of a building foundation.

.3 Valid and unexpired site-specific vesting plan.

A vested right to commence development and use of property according to a site-specific vesting plan as subject to the provisions of N.C.G.S. § 160D-108.1 may be established as a result of any one of the following development approvals listed in a) through e) below, provided that the approved plan include a description within reasonable certainty of the intended type and intensity of use for the specific parcel(s) subject to the plan:

- a) a special use permit;
- b) any overlay district for which a site-specific vesting plan is required under the provisions of this ordinance;
- c) a conditional zoning district;
- d) a subdivision sketch plan or a preliminary plan when required by the subdivision ordinance; or
- e) a final plat when no sketch plan or preliminary plan is required.

The vested right thus established is subject to the terms and conditions of the site-specific vesting plan; it shall remain in force for two years from date of approval (unless otherwise specified at the time of approval). Failure to abide by the terms and conditions of the approval will result in a forfeiture of any vested rights.

Plans legally vested by the Mecklenburg County Board of Commissioners, according to county ordinance standards, shall be honored for the vesting period specified by the County Board.

Modifications or amendments to an approved site-specific vesting plan do not extend the period of vesting unless specifically so provided by the Town Board or Town Staff when the modification or amendment is approved. A right which has been vested under the provisions of this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued.

.4 An approved multi-phased development.

For purposes of this subsection, a multi-phased development is a development containing 25 acres or more, which is submitted for development approval to occur in more than one phase and which is subject to a master development plan with committed elements showing the type and intensity of use of each phase.

All phases of development subject to a multi-phased development approval are vested under the land regulations in place at the time the site plan approval is granted for the initial phase of the development. A vested right provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

.5 Miscellaneous provisions.

A vested right obtained under this Section 2.2 is not a personal right, but shall attach to and run with the subject property.

A petition for annexation filed with the town under N.C.G.S. § 160A-31 or N.C.G.S. § 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested

Deleted:

Deleted: <#>for which a building permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and the building permit has not been revoked pursuant to G.S. 160A-422; or ¶
<#>for which a vested right has been established pursuant to Section 2.2.2 and such vested right remains valid and unexpired pursuant to Section 2.2.2.¶
.2

Commented [ES6]: Sufficient to incorporate exceptions found in 160D-108.1(f).

Deleted:

Commented [ES7]: Add definition of development approval to the definition section to match definition in 160D-102:
A written quasi-judicial or administrative approval that is required prior to commencing development or undertaking a specific activity, project, or development proposal.

See above note that the definition is essentially the same as development permit.

Commented [ES8]: Required by 160D-108.1(a).

Commented [ES9]: The statutory default is 2 years. See 160D-108.1(e)(2). The default may be extended up to five years based on factors set forth in 160D-108.1(e)(2), which appear to require analysis on a case-by-case basis. Suggest we keep the default and, based on an analysis of the statutory factors for each individual project, determine if the vesting period should be expanded at the time of approval. The vesting period as determined will be included into the approved plan.

Deleted: Procedures for Establishing Vested Rights Pursuant to G.S. 160A-385.1. On or after October 1, 1991, a vested right to commence the development and use of property according to a site specific development plan is established upon approval of any one of the plans listed in a) through e)-d) below. The vested right thus established is subject to the terms and conditions of the site plan; it shall remain in force for three years from date of approval (unless otherwise specified).¶
<#>a special use permit;¶

Deleted: it approves

Commented [ES10]: Assuming staff approves minor modifications.

Deleted: A vested right obtained under this sub-section is not a personal right, but shall attach to and run with the subject property.

Deleted: -

Deleted: When a vested development plan has been partially, but not wholly built to completion by the end of the vesting period ... [2]

Deleted: .

Deleted: development phases

Deleted: 3

Deleted: .

Commented [ES11]: 160D-108(i) applies this provision to each of the categories listed in 2.2.1

Deleted: Voluntary Annexation.

Deleted: G.S.

Deleted: G.S.

ARTICLE 2 1/7/2021 APPLICABILITY

right has been established under N.C.G.S. § 160D-108, shall be binding on the landowner and any such vested right shall be terminated.

Deleted:

Deleted: G.S.

Deleted: A-385.1 or G.S. 153A-344.1

Deleted: ,

Deleted: or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the

Deleted: zoning

Deleted: .4 Right to complete subdivisions: Subject to the provisions of .5, subdivisions not subject to a site specific development plan as defined in .2 above, shall be built to completion according to the zoning and subdivision regulations in force at the time and in the jurisdiction of approval unless a revised subdivision plan is subsequently submitted and approved according to the standards of these regulations. ¶

Deleted: .5 Any subdivision having been given sketch plan approval which has not obtained preliminary plat approval for one or more sections and made improvements costing more than 5% of the total project costs shall be deemed void except as provided by law (vested rights) after three years from date of approval. ¶

2.3 Expansion/Redevelopment of Existing Structures and Projects

- .1 Individual structures which become non-conforming as of the effective date of these regulations may be expanded upon a finding by the Planning Director that:
 - a) the proposed expansion meets the requirements of these regulations to the extent practicable, given the shape and topography of the tract and the location of existing buildings and site improvements; and
 - b) the proposed expansion does not cause the structure to exceed maximum building size for the district; and
 - c) the development site taken as a whole, including parking, sidewalks, screening, landscaping and signage, will be brought into conformance with these regulations to the extent practicable.
- .2 Existing multi-building development projects, such as shopping centers, apartment complexes, and business parks, which become non-conforming as to building and site layout as of the effective date of these regulations, are eligible for partial redevelopment, which may include expansion, upon a finding by the Planning Director that:
 - a) the redevelopment or expansion meets the requirements of these regulations to the extent possible, given the shape and topography of the tract and the location of existing buildings; and
 - b) the development site taken as a whole, including parking, sidewalks, screening, landscaping and signage, will be brought into conformance with these regulations to the extent practicable.
- .3 Appeal of the Planning Director's decision regarding expansion or redevelopment according to subsections 2.3.1 or 2.3.2, above shall be to the Huntersville Board of Adjustment following the procedures of Section 11.3.2.

2.4 Consecutive or Sequential Development Applications

Proposed developments may not be phased or subdivided in piecemeal fashion to avoid application of this ordinance. Two or more developments represented to be separate developments shall be aggregated and treated as a single development under this ordinance if the Administrator determines them to be part of a unified plan of development and physically proximate to one another, based on any of the following factors:

- a) There is unified ownership, indicated by the fact that:
 - 1) The same person has retained or shared control of the developments;
 - 2) The same person has ownership or a significant legal or equitable interest in the developments; or
 - 3) There is common management of the developments controlling the form of physical development or disposition of parcels of the development.
- b) There is a reasonable closeness in time between the completion of eighty (80)% or less of one development and the submission to the Town of a development proposal for a subsequent development that is indicative of a common development effort.
- c) The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments.

Commented [JS12]: Moved this section from the TIA Article because it is universal in application.

Commented [LS13]:

Commented [JS14R13]:

Page 2: [1] Deleted	Emily Sloop	1/2/2021 4:31:00 PM
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▼

Page 2: [2] Deleted	Emily Sloop	1/6/2021 4:39:00 PM
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ARTICLE 3: ZONING DISTRICTS

3.1 ZONING DISTRICTS ESTABLISHED**.1 General Districts**

The General Zoning Districts are established below in a hierarchy from “highest” to “lowest”. Reclassification of property to any general zoning district is considered under the procedures of Section 11.4. The requirements of each general district are established in Section 3.2.

District		Classification
R:	Rural District	Residential
TR:	Transitional Residential District	Residential
NR:	Neighborhood Residential District	Residential
GR:	General Residential District	Residential
TND-R:	Rural Traditional Neighborhood Development District	Mixed Use
TND-U:	Urban Traditional Neighborhood Development District	Mixed Use
TOD-R:	Transit-Oriented Development District – Residentially Led	Mixed Use
NC:	Neighborhood Center District	Mixed Use
TC:	Town Center District	Mixed Use
CI:	Campus Institutional District	Mixed Use
TOD-E:	Transit-Oriented Development District – Employment Led	Commercial
HC:	Highway Commercial District	Commercial
CB:	Corporate Business District	Commercial
VS:	Passenger Vehicle Sales District	Commercial
SP:	Special Purpose District	Commercial

.2 Conditional Zoning Districts

Conditional zoning districts correspond to general districts. They provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the general district has insufficient standards to mitigate the site-specific impact on surrounding areas. Uses which may be considered for a conditional zoning district are restricted to those uses permitted in the corresponding general zoning district. Conditional Zoning Districts are established on an individualized basis, at the request of ~~all owners of the property to be included~~, according to the procedures of Section 11.4. Zoning of a conditional zoning district is not intended for securing early or speculative reclassification of property. It is expected that, in most cases, the standards of the General Districts appropriately regulate site-specific impact of permitted uses and structures on surrounding areas.

District		Classification
R (CD):	Conditional Zoning Rural District	Residential
TR (CD):	Conditional Zoning Transitional Residential District	Residential
NR (CD):	Conditional Zoning Neighborhood Residential District	Residential
GR (CD):	Conditional Zoning General Residential District	Residential
TND-R (CD):	Conditional Rural Traditional Neighborhood Development District	Mixed Use
TND-U (CD):	Conditional Urban Traditional Neighborhood Development District	Mixed Use
TOD-R (CD):	Conditional Transit-Oriented Development District – Residential	Mixed Use

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NC (CD):	Conditional Zoning Neighborhood Center District	Mixed Use
TC (CD):	Conditional Zoning Town Center District	Mixed Use
CI (CD):	Conditional Zoning Campus Institutional District	Mixed Use
TOD-E (CD):	Conditional Transit-Oriented Development District – Employment	Commercial
HC (CD):	Conditional Zoning Highway Commercial District	Commercial
CB (CD):	Conditional Zoning Corporate Business District	Commercial
VS (CD):	Conditional Passenger Vehicle Sales District	Commercial
SP (CD):	Conditional Zoning Special Purpose District	Commercial

.3 Overlay Districts

An Overlay District is a zoning district which is applied only in conjunction with another zoning district. It may grant additional uses, restrict permitted uses, or impose development requirements which differ from those of the underlying district. The underlying district and the overlay district, taken together, will control development. The Overlay Districts are established below. The requirements of each Overlay District are set forth in Section 3.3.

District		Classification
MH-O:	Manufactured Home Overlay District	Residential
MIL-O:	Mountain Island Lake Watershed Overlay District	Environmental Protection
LN-O:	Lake Norman Watershed Overlay District	Environmental Protection

.4 Zoning District Boundary Interpretation

- Where district boundaries are shown within a street or alley right-of-way, railroad or utility line right-of-way, recorded easement, or navigable or non-navigable waterway, such boundaries shall be construed to be in the center of the right-of-way, easement, or waterway.
- Where district boundaries are so indicated that they approximately follow lot lines, or town, city, or county borders, such lines shall be construed to be said district boundaries, unless otherwise indicated.
- Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is shown, such distance shall be determined by use of the scale shown on the official Zoning Maps.
- Where a district boundary line divides a single lot, each part of the lot shall be used in conformity with the standards established by these regulations for the district in which that part is located.
- Zoning district boundaries are automatically amended to remain consistent with the boundaries of the Zoning Maps incorporated herein by reference pursuant to Section 1.5. If, because of error or omission in the maps, any property within the jurisdiction of this ordinance is not shown as being in a zoning district, such property will be classified as TRANSITIONAL until changed by amendment.
- When a zoning case file contains detailed, verifiable information regarding the boundary, that information will be used as the correct boundary location.
- In instances where none of the above methods are sufficient to resolve the boundary location, the reasonable maintenance of a regular boundary will be used to establish the boundary location.

Commented [ES1]: 160D-1-5(b)

3.2 GENERAL DISTRICTS

3.2.1 RURAL DISTRICT (R)

Intent: The Rural District is provided to encourage the development of neighborhoods and rural compounds that set aside natural vistas and landscape features for permanent conservation. Density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Rural District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

Deleted: "An environment without perceivable boundaries is amorphous, indistinguishable from its surroundings, and generally placeless." ¶
Alex Krieger ¶
PLACES ¶
Winter, 1996 (70)

Commented [ES2]: If possible, update formatting to stretch font across section for all removed quotes throughout.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to two roomers
- family care home
- single family detached homes

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- duplexes up to 10% of dwelling units in development, (9.13)
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)
- schools, (9.35)
- transit shelters, (9.39)

Uses permitted with Special Use Permit

- agricultural industry, (9.3)
- banquet facility, (9.59)
- commercial communication towers (9.9)
- commercial par 3 golf course and / or golf driving range (9.61)
- off-site catering services performed in an agritourism facility (9.60)
- solar energy facility, major, (9.54)
- 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 the public street or common access, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory (9.53)

b) Permitted Building and Lot Types

- attached house
- civic building
- detached house

c) Permitted Accessory Uses

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- accessory uses permitted in all districts (8.11)

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d) General Requirements

1. **Frontage** on a public street is required for all lots in the Rural District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), this section), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically exempted in Article 8.1.
2. **Development** in the Rural District shall meet the following standards:
 - a. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 ~~sq. ft.~~ and a minimum lot width of 90'; no open space requirement. Further, individual lots of less than 20,000 ~~sq. ft.~~ and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.
 - b. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Rural zoning district shall be as follows:

Percent Open Space	0% unless tract is within a proposed greenway, in which case the greenway shall, at a minimum, be reserved as open space per the subdivision regulations	25%	45% or more
Units per Gross Acre	Less than .3 units per acre	.30	.90

For every 1% additional open space over 25%, density can be increased by .03 units per gross acre to a maximum of .90 units per gross acre.

- c. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.
- d. In determining density permissible on a tract of land, fractions shall be dropped.
- e. Lot sizes shall average at least 15,000 sq. ft., but in no case shall any lot be less than 8,000 sq. ft. The front yard setback for residential lots shall be a minimum of 25'. The side yard setback shall be 8' and the rear yard setback shall be a minimum of 25'.
- f. Lot widths shall average at least 70 feet (excluding cul-de-sac lots), but in no case shall any lot be less than 60' wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum 35' of frontage along the street right-of-way.
- g. In residential subdivisions, lots should not have a depth greater than 4 times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on quality of design as opposed to reduction of development costs.
- h. In order to preserve the low intensity development character found in the Rural zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The Board of Commissioners may allow modification to the buffer width when special site

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ARTICLE 3 (2-22-21)

RURAL DISTRICT

conditions exist such as topography or the site has multiple road frontages. The buffer shall be in common area and shall be counted towards meeting open space requirements.

- i. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision. Modification to this standard may be allowed by the Board of Commissioners in the interest of traffic safety.
- j. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.

3. **Open Space.** Designated ~~open space~~ includes that parcel or parcels of land, which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are ~~four~~ types of open space in the Rural District – agriculture, common, natural, and recreation. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

- a. Areas containing buildings and other impervious surfaces in excess of 100 ~~sq. ft.~~ shall not be counted as ~~open space~~. ~~This shall include, but not be limited to, barns, storage buildings, parking lots, clubhouses and tennis courts,~~
- b. Open Space that is dedicated and accepted by the general public shall be maintained and managed by the Town of Huntersville or Mecklenburg County. The town and county have the right to accept or deny the dedication of open space to the public.

- c. In the Farmhouse Cluster and in the Conservation Subdivision, open space may also include portions of private building lots subject to a conservation or open space easement.

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- d. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives which ensure the open space preservation required by this section will also be permitted. 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. Upon verification by the town that restriction of development has been established by a permanent and irrevocable instrument, a letter so noting shall be simultaneously issued to the property owner(s) and to the Mecklenburg County Tax Administrator, Office of Real Estate Appraisal.

4. Compatibility with Surrounding Development.

- a. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along

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an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.

- Nothing in this subsection shall be interpreted to conflict with the building design element 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.
 - b. On new streets, allowable building and lot types will establish the development pattern.
5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

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e) Special Requirements: Farmhouse Cluster Developments

A **Farmhouse Cluster** permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:

- 1) Minimum project size and frontage on public road: 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
- 2) There shall be no more than two farmhouse cluster developments permitted per tract.
- 3) Private drives shall be paved in accordance with the Town of Huntersville construction standards. The private street right-of-way or easement shall be sufficient width to accommodate drainage/water quality treatment associated with the private drive. Further, the recorded easement shall have at least 30' of frontage on a public street. In the event two farmhouse clusters are established, the private drive serving those farmhouse clusters may be connected provided:
 - a. The subdivision plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future unless such street complies with the construction standards of that public entity.
 - b. Where feasible, there shall be two means of ingress and egress into the combined farmhouse cluster development. Only in the event the original tract does not have the adequate frontage on a public road to obtain two driveway permits would one private drive be allowed to serve the combined farmhouse cluster development;
- 4) An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Mecklenburg County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
- 5) The location of building sites shall be determined through a site analysis which identifies features listed in Article 7 to be preserved as open space;
- 6) No minimum lot size or width is required, so long as the project meets all other standards of the district;
- 7) At least 50% of the tract shall be designated as open space. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.
- 8) 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

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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. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut. In order to ensure septic tanks are located on the most suitable soils, septic fields may be located in common open space provided a maintenance easement is established for access.

- 9) The project shall maintain a generally rural appearance from public road(s).
- 10) Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on a plan adopted by the Town of Huntsville or the Charlotte-Mecklenburg Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.
- 11) A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Town Board and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.

f) Special Requirements: Conservation Subdivisions

A **Conservation Subdivision** permits single-family building lots to be divided from a parent tract(s) according to a streamlined subdivision approval process. The approval process, coupled with exemption from most zoning and subdivision requirements, is available to owners who voluntarily place **conservation easements** on their land in favor of an established lands conservancy. A land division can be approved as a Conservation Subdivision when the following conditions are met:

- 1) An irrevocable conservation easement held by a conservation organization is placed upon the tract(s) to be subdivided, and documentation of the conservation easement, including a boundary description of the area subject to the conservation easement is submitted with the subdivision application.
- 2) Limits on location and extent of land disturbance and building construction are set out in the conservation easement(s), which shall at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
- 3) Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision Ordinances.
- 4) Minimum project size: 40 acres.
- 5) Maximum gross density: 1 dwelling unit per 20 acres.
- 6) No new public streets are to be created through the development process.
- 7) All parcels within the conservation subdivision will have frontage on an existing public road right-of-way or will be provided access to a permanent 20-foot wide access easement that connects to the public right-of-way. Permanent access easement(s) may be either exclusive or non-exclusive, however landlocked parcel(s) may not be created. Documentation of lot access shall be submitted with the subdivision application.
- 8) The holder of the conservation easement will be held responsible for enforcement of the terms of the conservation easement.
- 9) Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted **Comprehensive Transportation Plan**, and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations shall be made, either by the filing of a deed or the filing of a plat map.

Commented [ES7]: Technically, the Conservation and Historic Preservation Agreements Act refers to "conservation agreements," which include conservation easements that accomplish the purpose set forth in N.C.G.S 121-35(1).

Suggest adding definition of "conservation easement" to ordinance definition section by reference to statutory definition of conservation agreement:

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

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ARTICLE 3 [\(2-22-21\)](#)

RURAL DISTRICT

10) Documentation of the above, including a copy of the recorded conservation easement with metes and bounds description, shall be provided with the subdivision application and shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat approval and recordation according to the requirements of [Subdivision Ordinance](#) Section 6.520 for a minor subdivision.

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11) A Conservation Subdivision and the lots and homes built therein are exempt from the following ordinance provisions:

- Requirement that each building lot have frontage on a public street.
- Requirement to provide [open space](#).
- Requirements of Article 4: Lot Types/Detached House, which section describes the placement of a building on its lot.
- Requirements for the placement and size of residential garages set out in Section 8.16, paragraphs [.1](#) and [.6](#). All other standards of Section 8.16 shall apply.
- Requirement to plant street trees along existing public road(s) where existing, mature trees are to be preserved as a condition of the conservation easement.
- Requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing public road(s).

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3.2.2 TRANSITIONAL RESIDENTIAL DISTRICT, (TR)

Intent: The Transitional Residential District serves as a bridge between rural zones and more urbanized development. It is provided to encourage the development of neighborhoods and rural compounds that set aside significant natural vistas and landscape features for permanent conservation. Density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Transitional District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

a) Permitted Uses**Uses permitted by right**

- bed and breakfast inns
- boarding or rooming houses for up to two roomers
- family care home
- single family detached homes

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- duplexes up to 20% of dwelling units in development, (9.13)
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)
- schools, (9.35)
- transit shelters, (9.39)

Uses permitted with Special Use Permit

- agricultural industry, (9.3)
- country inn development (9.52)
- solar energy facility, major, (9.54)
- 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, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

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b) Permitted Building and Lot Types

- attached house
- civic building
- detached house

c) Permitted Accessory Uses

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54) accessory uses permitted in all districts (8.11)

d) General Requirements

1. **Frontage** on a public street is required for all lots in the Transitional Residential District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), this section), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically excepted in Article 8.1.
2. **Development** in the Transitional Residential District shall meet the following standards:
 - a. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 ~~sq. ft.~~ and a minimum lot width of 90'; no open space requirement. Further, individual lots of less than 20,000 ~~sq. ft.~~ and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.
 - b. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Transitional zoning district shall be as follows:

Percent Open Space	20%	40% or more
Units per Gross Acre	.5	1.5

For every 1% additional open space over 20%, density can be increased by .05 units per gross acre to a maximum of 1.5 units per gross acre.

- c. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. In order to obtain credit the open space should align with the Town and County's future land use plans. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.
- d. In determining density permissible on a tract of land, fractions shall be dropped.
In mixed use developments, areas used for nonresidential purposes shall be subtracted from the tract acreage to determine density permitted.
- e. Lot sizes shall average at least ~~7,500~~ sq. ft., but in no case shall any lot be less than ~~6,000~~ sq. ft. ~~The front yard setback for residential lots shall be a minimum of 20'. The side yard setback shall be 6' and the rear yard setback shall be a minimum of 25'.~~
- f. Lot widths shall average at least ~~60~~ feet (excluding cul-de-sac lots), but in no case shall any lot be less than ~~50'~~ wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum ~~25'~~ of frontage along the street right-of-way. No more than 50% of the lots in a subdivision shall be one width. A 10' differential in lot widths is required. At least 2 lot ~~widths~~ shall be required for subdivisions of 50 or less lots and at least 3 lot ~~widths~~ shall be required for subdivisions over 50 lots in size.
- g. In residential subdivisions, lots should not have a depth greater than four (4) times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on the quality of design as opposed to reduction of development costs.
- h. In order to preserve the low intensity development character found in the Transitional ~~Residential~~ zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in

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ARTICLE 3

TRANSITIONAL RESIDENTIAL DISTRICT

these regulations. The Board of Commissioners may allow modification to the buffer width when special site conditions exist such as topography or the site has multiple road frontages. The buffer shall be in common area and shall be counted towards meeting open space requirements.

- i. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision. Modification to this standard may be allowed by the Board of Commissioners in the interest of traffic safety
- j. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.

3. **Open Space.** Designated ~~open space~~ includes that parcel or parcels of land, which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are ~~five types of open space in the Transitional Residential District: urban, agricultural, common, natural, and recreational.~~ Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

- a. Areas containing buildings and other impervious surfaces in excess of 100 ~~sq. ft.~~ shall not be counted as Open Space. ~~This shall include, but not be limited to, barns, storage buildings, parking lots, clubhouses and tennis courts,~~
- b. Open Space that is dedicated and accepted by the general public shall be maintained and managed by the Town of Huntersville or Mecklenburg County. The town and county have the right to accept or deny the dedication of open space to the public.
- c. In the Farmhouse Cluster and in the Conservation Subdivision, open space may also include portions of private building lots subject to a conservation or open space easement.

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- d. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives which ensure the open space preservation required by this section will also be permitted. 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. Upon verification by the town that restriction of development has been established by a permanent and irrevocable instrument, a letter so noting shall be simultaneously issued to the property owner(s) and to the Mecklenburg County Tax Administrator, Office of Real Estate Appraisal.

4. Compatibility with Surrounding Development.

- a. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

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Deleted: Further, in addition to having the required 20% open space in a common ownership, minor subdivisions are permitted to locate the open space within proposed private lots provided the lot size is 20% larger (.9 ac) on average than the minimum required, subject to a conservation or open space easement.

ARTICLE 3

TRANSITIONAL RESIDENTIAL DISTRICT

- A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.
 - Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- b. On new streets, allowable building and lot types will establish the development pattern.
5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts

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e) Special Requirements: Farmhouse Cluster Developments

A **Farmhouse Cluster** permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:

- 1) Minimum project size and frontage on public road: 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
- 2) There shall be no more than two farmhouse cluster developments permitted per tract.
- 3) Private drives shall be paved in accordance with the Town of Huntersville construction standards. The private street right-of-way or easement shall be of sufficient width to accommodate drainage/water quality treatment associated with the private drive. Further, the recorded easement shall have at least 30' of frontage on a public street. In the event two farmhouse clusters are established, the private drive serving those farmhouse clusters may be connected provided:
 - a. The subdivision plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future unless such street complies with the construction standards of that public entity.
 - b. Where feasible, there shall be two means of ingress and egress into the combined farmhouse cluster development. Only in the event the original tract does not have the adequate frontage on a public road to obtain two driveway permits would one private drive be allowed to serve the combined farmhouse cluster development;
- 4) An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Mecklenburg County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
- 5) The location of building sites shall be determined through a site analysis which identifies features to be preserved as open space;
- 6) No minimum lot size or width is required, so long as the project meets all other standards of the district;
- 7) At least 50% of the tract shall be designated as open space. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.

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ARTICLE 3

TRANSITIONAL RESIDENTIAL DISTRICT

- 8) 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. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut. In order to ensure septic tanks are located on the most suitable soils, septic fields may be located in the common open space provided a maintenance easement is established for access.
- 9) The project shall maintain a generally rural appearance from public road(s).
- 10) Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on a plan adopted by the Town of Huntsville or the Charlotte-Mecklenburg Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.
- 11) A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Town Board and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.

f) Special Requirements: Conservation Subdivisions

A **Conservation Subdivision** permits single-family building lots to be divided from a parent tract(s) according to a streamlined subdivision approval process. The approval process, coupled with exemption from most zoning and subdivision requirements, is available to owners who voluntarily place conservation easements on their land in favor of an established lands conservancy. A land division can be approved as a Conservation Subdivision when the following conditions are met:

- 1) An irrevocable conservation easement held by a conservation organization is placed upon the tract(s) to be subdivided, and documentation of the conservation easement, including a boundary description of the area subject to the conservation easement is submitted with the subdivision application.
- 2) Limits on location and extent of land disturbance and building construction are set out in the conservation easement(s), which shall at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
- 3) Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision ordinances.
- 4) Minimum project size: 40 acres.
- 5) Maximum gross density: 1 dwelling unit per 20 acres.
- 6) No new public streets are to be created through the development process.
- 7) All parcels within the conservation subdivision will have frontage on an existing public road right-of-way or will be provided access to a permanent 20-foot wide access easement that connects to the public right-of-way. Permanent access easement(s) may be either exclusive or non-exclusive, however landlocked parcel(s) may not be created. Documentation of lot access shall be submitted with the subdivision application.
- 8) The holder of the conservation easement will be held responsible for enforcement of the terms of the conservation easement.
- 9) Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted thoroughfare plan and for which an engineered alignment has been selected, any right of

Deleted: (as authorized in U.S.C. 170(h); 2055(a) and N.C.G.S. 124-34 et seq.) is placed upon the tract(s) to

ARTICLE 3

TRANSITIONAL RESIDENTIAL DISTRICT

way reservation required by the subdivision regulations shall be made, either by the filing of a deed or the filing of a plat map.

- 10) Documentation of the above, including a copy of the recorded conservation easement with metes and bounds description, shall be provided with the subdivision application and shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat approval and recordation according to the requirements of Subdivision Ordinance Section 6.520 for a minor subdivision.
- 11) A Conservation Subdivision and the lots and homes built therein are exempt from the following ordinance provisions:
- Requirement that each building lot have frontage on a public street.
 - Requirement to provide open space.
 - Requirements of Article 4: Lot Types/Detached House, which section describes the placement of a building on its lot.
 - Requirements for the placement and size of residential garages set out in Section 8.16, paragraphs .1, and .6. All other standards of Section 8.16 shall apply.
 - Requirement to plant street trees along existing public road(s) where existing, mature trees are to be preserved as a condition of the conservation easement.
 - Requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing public road(s).

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3.2.3 GENERAL RESIDENTIAL DISTRICT (GR)**Deleted:**

Intent: The General Residential District is coded to permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Huntersville Board of Commissioners prior to the effective date of these regulations or by the Charlotte-Mecklenburg Planning Commission under the prior jurisdiction of Mecklenburg County. The application of the General Residential District is not intended for development projects in the Huntersville jurisdiction which are initiated after the effective date of this ordinance (November 19, 1996).

a) Permitted Uses**Uses permitted by right**

- single family homes
- family care home

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- duplexes on corner lots, (9.13)
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- schools, (9.35)
- transit shelters, (9.39)

Uses permitted with Special Use Permit

- 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)

b) Permitted Building and Lot Types

- civic building
- detached house
- other building types previously approved by the Board of Commissioners as elements of a cluster development plan

c) Permitted Accessory Uses

- accessory dwellings for use by related person(s), (9.1)
- day care home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- accessory uses permitted in all districts (8.11)

Deleted: square feet**d) General Requirements**

- 1) Development density, amount and location of open space, arrangement of streets and lots, yard dimensions, and access to existing roads shall be controlled by the most recently approved subdivision plan (sketch, preliminary, or plat) unless the lot size and width in question is less than 50% of the standards found in (D)(3) below. If below 50% of the lot area and width, then Section 11.5.5 of these regulations shall apply. Any modifications to an approved subdivision plan shall maintain the density of the original plan.
- 2) Developments in the general residential district which are approved but not yet built are permitted minor modifications through the administrative process; such developments, if redesigned, must conform to all of the requirements of this ordinance for the GR District (3, below) or may petition for a district change according to Section 11.4.
- 3) In the absence of a subdivision sketch or preliminary plan approved prior to the effective date of this ordinance, the following lot dimensions shall apply:

ARTICLE 3

NEIGHBORHOOD RESIDENTIAL DISTRICT

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
20,000	90'	40'	50'	10'	20'

3.2.4 NEIGHBORHOOD RESIDENTIAL DISTRICT (NR)

Intent: The Neighborhood Residential District provides for residential **infill** development around the Town Core, Activity Centers and Mixed Use Centers, and their logical extensions identified in adopted long range plans. Streets in the Neighborhood Residential District must be interconnected, according to Article 5, Streets, and Urban Open Space provided according to Article 7. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use and commercial buildings at residential scale, according to locational criteria. The intensity to which permitted uses may be built is regulated by the building type which corresponds to the use.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to four roomers
- congregate housing designed within the “civic” building type
- family care home
- multi-family homes
- single family homes

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial use in a mixed-use building¹, located on an arterial or at the intersection of a local street and a larger capacity street
- commercial use, in a detached house building type, located within ¼ mile of a Town Center district and fronting a major or minor thoroughfare (Includes properties in which any portion falls within the ¼ mile boundary) (9.51)
- essential services 1 and 2, (9.14)
- government buildings up to 5000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- retirement communities (9.50)
- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

Uses permitted with Special Use Permit

- 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)

b) Permitted Building and Lot Types

- apartment
- attached house
- civic building
- detached house (Commercial uses up to 4,500 sq. ft. of first floor area)
- mixed use¹, up to 3,000 sq. ft. of first floor area

c) Permitted Accessory Uses

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- home occupation, (9.19)
- marinas, (9.42)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building

¹ The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

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Alex Krieger[¶]
PLACES[¶]
Winter, 1996 (67)[¶]

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ARTICLE 3

NEIGHBORHOOD RESIDENTIAL DISTRICT

- integrated solar panels on roof slopes facing a street (9.54)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- accessory uses permitted in all districts (8.11)

d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.
 - Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) In major subdivisions, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
- 4) Notwithstanding the limitations of 3), above, in any section of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville.
- 5) Every building lot shall have frontage upon a public street except as provided in Section 8.1.
- 6) The percentage of attached dwelling units contained in a retirement community is not limited when duplex style buildings are used.
- 7) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

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3.2.5 NEIGHBORHOOD CENTER DISTRICT, (NC)

Intent: The Neighborhood Center District is provided for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings. A neighborhood center shall be developed on an interconnected pattern of streets and is limited to approximately ¼ mile in radius. Uses in the neighborhood center will have a primary market area of 1 mile and buildings compatible with surrounding residences. If a neighborhood center is the focus of a planned transit stop, it should be designed to serve the neighborhood's residential base plus transit riders.

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Ray Oldenburg¶
The Great Good Place (210)¶**a) Permitted Uses****Uses permitted by right**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- indoor amusement
- indoor recreation
- multi-family homes
- single family homes

markets, Christmas tree/pumpkin sales), (9.37)

- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

Uses permitted with Special Use Permit

- 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)

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- government buildings up to 6,000 [sq. ft.](#) of first floor area
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers'

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b) Permitted Building and Lot Types

- apartment
- attached house
- civic
- detached house
- mixed use² up to 6,000 ~~sq. ft.~~ of first floor area
- storefront up to 6,000 ~~sq. ft.~~ of first floor area
- workplace up to 6,000 ~~sq. ft.~~ of first floor area

c) Permitted Accessory Uses

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- marinas accessory to residential uses, (9.42)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited³.
- accessory uses permitted in all Districts (8.11)

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² The mixed use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

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³ Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

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d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
- 4) Notwithstanding the limitations of 3), above, in any section of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville. Further, the percentage of dwelling units contained in attached houses, apartment buildings and mixed-use buildings is not limited when the dwellings are part of a mixed-use (office and/or commercial, residential) project provided that no more than 45% of the habitable floor area within the planned development project is for residential use.
- 5) New Construction favors retail first floor, office or residential second floor
- 6) Maximum radius of neighborhood center = ¼ mile
- 7) Incremental development of a neighborhood center is to be expected with individual sites developed in accordance with an approved, locationally explicit, town plan.
- 8) Every building lot shall have frontage upon a public street or urban open space.
- 9) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

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3.2.6 TOWN CENTER DISTRICT, (TC)

Intent: The Town Center District provides for revitalization, reuse, and infill development in Huntersville's traditional town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Town Center anchors the surrounding residential neighborhoods while also serving the broader community. The district is coded to accommodate the higher overall intensity of development required to support a rail transit station. It is to be expected that the Town Center District will be expanded over time through the zoning change process to an approximate ½ mile radius to meet growth in demand for downtown facilities and services.

a) Permitted Uses**Uses permitted by right**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- government buildings
- hotels
- indoor amusement
- multi-family homes
- nightclubs, music clubs, bars, and similar entertainment facilities
- single family homes

Uses permitted with conditions

- automobile and/or motorcycle sales, automobile service and repair, up to 2 acres in size, with a principal building of at least 8,000 sq. ft., all damaged vehicles and auto parts to be screened opaque (9.25)
- cemeteries, (9.7)
- religious institutions, (9.8)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary

accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)

- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

Uses permitted with Special Use Permit

- 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)

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 Alan Gussow¶
Placeways: A Theory of the Human Environment (209)¶
 "...begin with the place, with a sense of what it is, and then try to imagine a way of being public which would fit the place."¶
 Daniel Kemmis¶
Community and the Politics of Place (41)

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b) Permitted Building and Lot Types

- apartment
- attached house
- civic
- detached house
- mixed use⁴ up to 50,000 ~~sq. ft.~~ of first floor area; larger buildings may be permitted with a special use permit
- storefront up to 50,000 ~~sq. ft.~~ of first floor area; larger buildings may be permitted with a special use permit
- workplace up to 50,000 ~~sq. ft.~~ of first floor area; larger buildings may be permitted with a special use permit

c) Permitted Accessory Uses

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited⁵
- accessory uses permitted in all districts, (8.11)

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⁴ The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

⁵ Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

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d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - 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.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
- 4) Notwithstanding the limitations of 3), above, in any portion of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville.
- 5) New construction favors retail on first floor, office and/or residential on upper floors.
- 6) Every building lot shall have frontage upon a public street or urban open space.
- 7) Minimum Height. Mixed Use, Storefront and Workplace Buildings. New construction shall be a minimum of two stories for buildings fronting on the following roads:
 - Gilead Road- From Sherwood Drive to Old Statesville Road (NC 115)
 - Huntersville-Concord Road- From Old Statesville Road (NC 115) to Main Street
 - Old Statesville Road (NC 115) - From 400 feet north of the intersection of Gilead Road/Huntersville-Concord Road to Greenway Drive
 - Main Street- From Huntersville-Concord Road to Greenway Drive
- 8) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

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3.2.7 HIGHWAY COMMERCIAL DISTRICT (HC)**Deleted:**

Intent: The Highway Commercial District is established to provide primarily for auto-dependent uses in areas not amenable to easy pedestrian access and a comfortable pedestrian environment. It is expected that the Highway Commercial District will serve not only the Huntersville Community, but interstate travelers as well. Because of the scale and access requirements of uses in this category, they often cannot be compatibly integrated within the Town Center or Neighborhood Center Districts. Development at district boundaries must provide a compatible transition to uses outside the district; property boundaries adjacent to freeways or expressways will require a 50-foot foliated buffer yard; and frontages on major or minor arterials will require formal street tree planting.

a) Permitted Uses**Uses permitted by right**

- amusement facilities: all indoor uses
- armories for meetings and training of military organizations
- auction sales
- boarding or rooming houses for up to six roomers
- religious institutions
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- contractor offices and accessory storage yards, excluding the storage of general construction equipment and vehicles
- family care home
- government buildings
- indoor and outdoor recreation
- multi-family homes
- nightclubs, music clubs, bars, and similar entertainment facilities
- pawnshops and second-hand shops
- single family homes
- vocational and technical schools
- wholesale sales with related office, storage and warehousing entirely within an enclosed building; truck terminals not permitted

- gasoline service stations, including service and repair of motor vehicles, (9.22)
- hotels spaced 250' or more from residential or mixed-use zones, (9.45)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- vehicle and boat service, rental, cleaning, mechanical repair, and body repair, (9.25; 9.26)

Deleted:**Uses permitted with special use permit**

- 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)

Deleted:**Uses permitted with conditions**

- adult establishments, (9.2)
- amusement facilities, outdoor, limited to par 3 golf courses, golf driving ranges, and archery ranges, (9.5)
- car wash, (9.6)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)

ARTICLE 3

HIGHWAY COMMERCIAL DISTRICT

b) Permitted Building Types

- apartment
- attached house
- civic
- detached house
- highway commercial; up to 65,000 ~~sq. ft.~~ of first floor area on major thoroughfare; up to 15,000 ~~sq. ft.~~ of first floor area on minor thoroughfare.⁶
- mixed use⁷ up to 65,000 ~~sq. ft.~~ of first floor area on major thoroughfare; up to 15,000 ~~sq. ft.~~ on minor thoroughfare
- shopfront, up to 65,000 ~~sq. ft.~~ of first floor area on major thoroughfare; up to 15,000 ~~sq. ft.~~ of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.
- workplaces; up to 65,000 ~~sq. ft.~~ of first floor area on major thoroughfare; up to 15,000 ~~sq. ft.~~ of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.

c) Permitted Accessory Uses

- commercial outdoor kennels, (9.10)
- drive through windows associated with any use (9.12)
- helistop, (9.18)
- home occupations, (9.19)
- outdoor storage, excluding construction equipment, (9.26)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front; outdoor storage must be behind building and screened from view from public spaces⁸
- warehousing accessory to merchandise showroom, within an enclosed building
- accessory uses permitted in all districts, (8.11)

⁶ Maximum first floor area for highway commercial buildings may be exceeded only where massing of building is varied to reduce perceived scale and volume. *NOTE: This provision was added by TA-06-12 allowing a transfer of vesting rights through a rezoning that was approved but overturned by the courts-provision is no longer needed.*

⁷ The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

⁸ Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

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Deleted: Maximum floor area of non-residential buildings on property located on a minor thoroughfare in the HC zoning district may be exceeded, in the sole discretion of the Town Board, with the following conditions: 1) a conditional district rezoning of the property specifying first floor area of non-residential buildings is approved by the Town Board; and 2) the applicant applies for and receives approval of the rezoning of other property (the "vested property") for which vested right exists to construct a non-residential building with a first floor area that exceeds the maximum permitted; and 3) the rezoning of the Vested Property is to a less intensive use and has the effect of terminating such vested right. *NOTE: This*

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d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - 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.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
- 4) Notwithstanding the limitations of 3), above,
 - (a) In any section of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville.
 - (b) In a pedestrian-oriented development organized around a system of streets and blocks, and anchored with retail, restaurant, and entertainment uses, 100 percent of the dwelling units which are located in the same block with commercial uses may be contained in attached houses, apartment buildings, and mixed-use buildings. To qualify under this paragraph, at least one parking space per dwelling unit must be replaced in a parking deck which is located on the interior of the block, and at least 20% of the habitable first floor area in each block must be devoted to commercial uses. Habitable first floor area includes all first floor building area that is used for interior human activity (including storage areas of retail shops, kitchen areas and pantries for restaurants, and similar uses). Habitable first floor area does not include the first floor of a parking deck nor outdoor areas used for restaurant seating or retail display. Hotels, light manufacturing and assembly facilities, and laboratories and associated research facilities are permitted within the development, but may not be used to meet the 20% minimum first floor commercial requirement. The higher density residential environment permitted by this exception provides a full-time population which animates the streets, supports the businesses on a daily basis, and accesses goods and services without sole dependence on private vehicles.
 - (c) Within a Mixed-Use Node, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 80% subject to the following requirements:
 - i Housing density shall decrease in intensity on streets further away from the Commercial Use(s); apartment buildings and mixed-use buildings housing density shall not exceed 18 units per acre; attached housing density shall not exceed 8 units per acre; detached housing density shall not exceed 3 units per acre.
 - ii A minimum of 50% of the node acreage must be for residential use
 - iii All mixed-use buildings shall count towards the residential acreage requirements

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ARTICLE 3

HIGHWAY COMMERCIAL DISTRICT

- iv An approved Mixed-Use Node that contains less than 100 acres may be expanded to include parcels that are adjacent to the approved Mixed-Use Node and its major thoroughfare. The number and type of dwelling units permitted at an expanded Mixed-Use Node shall not exceed the overall allowable density as prescribed herein.
- 5) Where screening is required by Article 9 for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Section 7.5 shall apply.
- 6) Any Highway Commercial District shall be bordered on at least one side by a major or minor thoroughfare.
- 7) Abutting Interstate 77, the specified buffer requirement of Section 7.5 applies.
- 8) The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
- 9) Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations 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 in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.
- 10) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

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3.2.8 CAMPUS INSTITUTIONAL DISTRICT (CI)**Deleted:**

Intent: The campus institutional district is established to provide for large institutional complexes which are already in place and for new institutional complexes on 15 acres or more which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community. Campus districts, unlike town districts, are buffered from neighboring properties; nonetheless, buildings in the campus district that front a town street shall relate to the street as prescribed by building type. Campus districts are intended primarily for existing institutions, as most new institutional projects can and should be designed within the fabric of the town.

a) Permitted Uses**Uses permitted by right**

- academic institutions, including elementary, middle, and high schools, technical, vocational, college, and university
- religious institutions and religious institution-related facilities
- single family and multi-family homes on the premises which are intended for use by employee(s) of the institution or of companies providing on-site services to the institution
- governmental complexes, including indoor and outdoor recreation, but excluding correctional and waste management facilities
- health institutions, including hospitals and congregate care facilities with accessory shopfronts, sheltered workshops, and similar uses
- family care home, unlimited as to number of residents

Uses permitted with conditions

- day care centers, (9.11)
- essential services 1 and 2, (9.14)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

Uses permitted with Special Use Permit

- halfway houses (9.55)
- 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)

b) Permitted Building and Lot Types

- apartment
- attached house
- civic building
- detached house
- mixed use⁹
- shopfront
- workplace

⁹ The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

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ARTICLE 3

CAMPUS INSTITUTIONAL DISTRICT

c) Permitted Accessory Uses

- commercial uses and structures that are clearly accessory to a permitted principal use
- helistop, (9.18)
- **home occupations, (9.19)**
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- accessory uses permitted in all districts, (8.11)

d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - Where necessary scale of building prevents design compatibility, buffer standards of Section 7.5 shall apply
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) The interior of new campus developments shall be laid out along a street pattern and maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation; ~~quadrangles are recommended.~~
- 4) Every building lot shall have frontage upon a public street, or urban open space; buildings fronting urban open space shall provide for vehicular access from a rear alley or street.
- 5) The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

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3.2.9 CORPORATE BUSINESS (CB)

Intent: The Corporate Business district is established to provide for large business or light industrial uses and parks which are already in place and for new business or light industrial uses or parks which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community. The predominant use is that of the workplace. Some institutional uses such as schools and religious institutions may be appropriate if they are sited properly and temporary. The corporate business district, unlike town districts, is buffered from neighboring properties; nonetheless, buildings in the corporate business district that front a town street shall relate to the street as prescribed by building type. Individual workplace buildings oriented to the street and scaled for compatibility with the surrounding environment are also permitted in the Highway Commercial district and, on a smaller scale, in the Town Center, Neighborhood Center, and TND Districts. Such workplaces should not be reclassified to the Corporate Business District. The corporate district is reserved for uses which require very large buildings and/or large parking and loading facilities such as warehouse/distribution operations.

a) Permitted Uses**Uses Permitted by Right**

- office
- distributive businesses
- inns
- laboratories and research facilities
- manufacturing and assembly, ~~excluding heavy manufacturing~~
- government buildings
- warehouses, except mini-warehouse storage
- wholesale sales
- vocational and technical schools

Uses Permitted With Conditions

- automotive country club, (9.57)
- day care center, (9.11)
- commercial communication tower, (9.9)
- essential services 1 and 2, (9.14)
- hotels and motels spaced 250' or more from residential or mixed use zones, (9.45)
- parks, (9.29)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

Uses Permitted with Special Use Permit

- hotels and motels spaced less than 250' from residential or mixed use zones (9.45)
- ~~schools~~ (9.35)
- 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)

- solar energy facility, minor free-standing non-residential (9.54)
- solar energy facility, minor rooftop non-residential, on roof slope facing a street that are noticeable (9.54)
- wind energy facility, minor (accessory) (9.53)

b) Permitted Building and Lot Types

- apartment
- attached house
- civic building
- highway commercial, up to 65,000 ~~sq. ft.~~ of first floor area

b) Permitted Building and Lot Types (continued)

- mixed use, up to 6,000 ~~sq. ft.~~ of first floor area¹⁰
- shopfront, as accessory to workplace
- workplace

¹⁰ The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

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Daniel Kemmis¶
Community and the Politics of Place (88)¶

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c) Permitted Accessory Uses

- attached single family and multi-family homes intended for use by personnel employed for security or maintenance
- attached single family and multi-family homes in a corporate business development of 400 acres or more, with an approved, vested plan so long as (a) the gross land area of the attached single family and/or multi-family housing development(s) does not exceed 8 percent of the gross land area in the corporate business development; and (b) the number of attached single family and/or multi-family housing developments within the corporate business development is limited to 3
- helistop, (9.18)
- home occupations, (9.19)
- outdoor storage, excluding the storage of construction equipment, (9.26)
- retail, restaurant, personal services, branch banks, conference facilities, clinics, indoor recreation and similar workplace support uses up to 10 percent of gross floor area within the business or light industrial park or 70,000 sq. ft., whichever is less
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- accessory uses permitted in all districts, (8.11)

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d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - Buffer standards included in Article 7, Part A shall apply.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) Rezoning to the CB district shall only include one or more tracts of land or development sites that total fifteen acres or more in size except that proposals for less than fifteen acres adjoining an existing CB district may be considered.
- 4) The interior of new business and light industrial parks shall be laid out along a street pattern and shall maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation; quadrangles are recommended.
- 5) Every building lot shall have frontage upon a public street or urban open space unless an 80' buffer as provided in Article 7 is established; buildings fronting urban open space shall provide for vehicular access from a rear alley or street.
- 6) The arrangement of multiple buildings on a single lot shall have building facades established generally parallel to the frontage property lines along existing streets and proposed interior streets.

Commented [JS19]: Reflect current implementation.

3.2.10 SPECIAL PURPOSE DISTRICT (SP)**Deleted:**

Intent: The Special Purpose District is established to accommodate uses that may constitute health or safety hazards, have greater than average impacts on the environment, or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances. Because uses permitted in the SP District vary as to their impacts on the community, they may likewise vary as to effective mitigating conditions. Therefore, the SP district exists as a General Zoning District, but will frequently benefit from application as a Parallel Conditional Zoning District.

a) Permitted Uses**Uses Permitted by Right**

- abattoirs
- agricultural industries
- amusement facilities: all indoor uses
- commercial uses including office
- contractor offices and accessory storage yards
- foundries
- Indoor Recreation
- laboratories
- lumber mills and storage yards
- heavy manufacturing
- outdoor theatres
- power generation plants
- railroad freight yards, repair shops, and marshalling yards
- repair of products of heavy manufacturing operations
- all other uses permitted by right in the CB District
- mini-warehouse storage

Uses Permitted with a Special Use Permit

- airports, (9.4)
- correctional facilities, (9.41)
- essential services 3, (9.15)
- halfway houses (9.55)
- hazardous or infectious material incineration, handling, or storage, (9.17)
- off-site LCID and C&D landfills, (9.23)
- quarries, (9.31)
- raceways and drag strips, (9.32)
- sanitary landfill, (9.34)
- solar energy facility, major, (9.54)
- 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)
- solid waste incineration, (9.36)
- transfer station for organic and inorganic waste products, (9.38)
- other environmentally sensitive uses not expressly permitted in the SP or other districts, (9.24)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

Uses Permitted with Conditions

- amusement facilities, outdoor, (9.5)
- commercial communication towers, (9.9)
- commercial kennels, indoor and outdoor (9.10)
- essential services 1 and 2, (9.14)
- inorganic residential household waste, intake and transfer off-site, (9.16)
- internet sweepstakes, (9.58)
- residential recycling center, (9.16)
- yard waste intake and processing, (9.16)
- junk yards, (9.20)
- outdoor storage, (9.26)
- outdoor storage of construction equipment, (9.27)
- petroleum storage facilities, (9.30)
- temporary mobile food sales, (9.37)

ARTICLE 3

SPECIAL PURPOSE DISTRICT

- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- trucking terminals, (9.40)
- all other uses permitted with conditions in the CB District

b) Permitted Building and Lot Types

- workplace
- highway commercial

c) Permitted Accessory Uses

- day care center, (9.11)
- helistop, (9.18)
- outdoor storage, (9.26)

d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings
 - Buffer standards of Section 7.5 shall apply
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets

- outdoor storage of construction equipment, (9.27)
- accessory uses permitted in all districts, (8.11)
- modular home display as accessory to modular home sales office
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)

3.2.11 TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICTS (TND-U AND TND-R)

Intent: The Traditional Neighborhood Development Districts are provided for the development of new neighborhoods and the revitalization or extension of existing neighborhoods, which are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) offer a mixture of housing types and prices, prominently sited civic or community building(s), and stores/offices/workplaces to provide a balanced mix of activities. Religious institution and pre-school/elementary school facilities are encouraged. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND-U is urban in form, is an extension of the existing developed area of the town, and complies with density measures of the Neighborhood Residential (NR) District. Minimum size of a TND-U is 40 acres. A TND-R will resemble a rural village, will usually be surrounded by a rural landscape, and must comply with the density limits and bonuses of the Rural and Transitional District. Minimum size of a TND-R is 65 acres.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing
- conference facilities
- family care home
- government buildings
- hotels
- multi-family homes
- single family homes

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial marinas, (9.43)
- day care centers, (9.41)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be

permitted by agreement with town); outdoor storage expressly prohibited¹¹.

Uses permitted with Special Use Permit

- 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)

¹¹ Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

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b) Permitted Building and Lot Types

- apartment
- attached house
- civic
- detached house
- mixed use¹² up to 6,000 [sq. ft.](#) of first floor area; up to 65,000 [sq. ft.](#) of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares
- storefront up to 6,000 [sq. ft.](#) of first floor area; up to 65,000 [sq. ft.](#) of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares
- workplace up to 6,000 [sq. ft.](#) of first floor area; up to 65,000 [sq. ft.](#) of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares

c) Permitted Accessory Uses

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- marinas accessory to residential uses, (9.42)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street, (9.54)
- accessory uses permitted in all districts, (8.11)

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¹² The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

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d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - 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.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) A master plan in compliance with Traditional Neighborhood Development standards shall be provided with the subdivision sketch plan submittal for a general district TND or with the conditional district plan for reclassification to a parallel conditional TND zoning district. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.
- 4) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

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e) TND Development Provisions

- 1) Minimum Development Size: generally 40 acres in the TND-U
generally 65 acres in the TND-R

To allow for the gradual accretion of a TND, which may include the participation of several property owners over an extended period of time, a partial TND of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and the potential to become a TND-U of at least 40 acres, or a TND-R of at least 65 acres.
- 2) Maximum Development Size: 200 acres

Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all provisions.
- 3) Maximum Permitted Densities:

2TND-U may be developed to the density permitted in the NR district (see Section 3.2.3)
TND-R may be developed to the maximum density permitted in the R & TR district (see Section 3.2.1 & 3.2.2)

f) TND Design Provisions

1) Neighborhood Form

- The illustrations of Traditional Neighborhood Street Typologies in Article 5 show the general arrangement and distribution of elements in a more urban TND (designated TND-U), and in a less urban TND (designated TND-R).
- The area of the TND shall be divided into blocks, streets, lots, and open space.
- Similar land uses shall generally enfront across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

2) Streets

- Public streets shall provide access to all tracts and lots.
- Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
- The average perimeter of all blocks within the TND should not exceed 1,350 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access.
- A continuous network of rear alleys is recommended for all lots in a TND; rear alleys shall provide vehicular access to lots 50 feet or less in width.
- Utilities may run along alleys.
- TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; ~~streets and rights-of-way are therefore expected to differ in dimension.~~ The proposed hierarchy of streets shall be indicated on the submitted sketch plan. Each street type in a TND shall be separately detailed. Street types illustrated in Article 5 represent the array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use.
- To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (Article 5) and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space; (3) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

3) Buildings and Lots

- All lots shall share a frontage line with a street urban open space; lots fronting an urban open space shall be provided rear alley access.

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ARTICLE 3 [\(1/29/21\)](#)
DISTRICTS

TND

- Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
- Building and lot types shall comply with Article 4.
- Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

4) Open Space

Open space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. Design of urban open space shall comply with Article 7. In the TND-U, the open space requirements of the NR district shall apply. In the TND-R, the open space requirements of the R & TR districts, including rural open space, shall apply. Rural open space is site specific in its designation. Paragraphs d) 3 & 4 of Section 3.2.1 & 3.2.2, describe the site analysis required to identify qualifying rural open space.

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5) Parking and Landscaping

Parking and landscaping shall comply with Article 6.

3.2.12 PASSENGER VEHICLE SALES DISTRICT (VS)

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Intent: The Passenger Vehicle Sales District is established to provide large accommodations for the sale of new and used passenger vehicles and trucks not exceeding the size, weight, and configuration of the medium duty truck standard. It is intended for use in areas not amenable to easy pedestrian access, where a comfortable pedestrian environment is unlikely to be achieved. It is expected that the Passenger Vehicle Sales District will serve the passenger and small business vehicle needs of those in the Huntersville Community and in the larger region. Because of the scale of buildings and parking, and the access requirements of uses in this category, they cannot be compatibly integrated within the Town Center, Neighborhood Center, or smaller scale Highway Commercial Districts. At district boundaries, compatible transitions must be provided by the use of landscaping and/or walls. Property boundaries adjacent to freeways or expressways will require a 50-foot foliated buffer yard and frontages on major or minor arterials will require formal street tree planting.

a) Permitted Uses**Uses Permitted with Conditions**

- essential services 1, (9.14)
- sales and leasing of vehicles not exceeding the industry standard for "medium duty trucks", (9.25)¹³
- sales and leasing of boats and boat accessories (9.25)
- transit shelters, (9.39)

Uses Permitted with Special Use Permit

- 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)
- wind energy facility, minor, accessory, (9.53)

b) Permitted Building Types

- highway commercial; up to ~~65,000 sq. ft.~~ of first floor area on major thoroughfare; up to ~~15,000 sq. ft.~~ of first floor area on minor thoroughfare.¹⁴

c) Permitted Accessory Uses

- car wash
- boat wash
- service, cleaning, mechanical repair and body repair in association with vehicle sales/leasing, including drive-in vehicle drop off facilities in compliance with Section 3.2.10 d), item 4 (9.25)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- warehousing accessory to merchandising and repair, within an enclosed building
- accessory uses permitted in all districts, (8.11)

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¹³ Expressly prohibited is the sale or lease of campers, motor homes, trailers, and similar vehicles.

¹⁴ Maximum first floor area for highway commercial buildings may be exceeded only where massing of building is varied to reduce perceived scale and volume.

d) General requirements and district options

- 1) Along existing streets, new buildings shall respect the street frontage relationships of existing buildings in terms of building setback and orientation. On new streets, allowable building and lot types will establish the development pattern.
- 2) Where screening is required by Article 9 for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Section 7.6 shall apply.
- 3) Any Vehicle Sales District shall be bordered on at least one side by a major or minor thoroughfare.
- 4) Drive-in service windows and service processing, stacking and circulation lanes, and circulation are prohibited in the established front setback of the principal building and prohibited within a 75-foot setback from the right-of-way in a principal building's side yard that abuts a major or minor thoroughfare. On-site stacking lanes for drive-in service windows shall be a minimum of 200 feet in length if accessed directly from a thoroughfare or minimum of 100 feet if accessed directly from a street of lesser capacity.
- 5) In the VS Zoning District only, the buffer requirement of Section 7.5 (yards abutting I-77 right-of-way) shall be met.
- 6) All other signs on the site and building shall conform to the standards of Article 10, Signs, including, but not limited to the prohibition of flashing signs, portable signs and fluttering signs such as pennants and pennant swags. Non-conforming signs, if present anywhere on the site, shall be removed prior to issuance of a change of use permit, issuance of grading permit, or commencement of new construction on the site.
- 7) Vehicles or boats for sale or lease shall not be displayed in the established front yard of the principal building on the site.
- 8) In the Vehicle Sales district only, the established front yard shall be designed in accordance with the Highway Commercial Building / Lot Type found in Article 4 or a) or b) below:
 - (a) Vehicles for sale or lease may be displayed in the established front yard in front of the principal building in the VS district only. Such areas shall be permitted on sites where the principal building consumes at least 35% of the frontage. The Highway Commercial Building Type build to line (15'), measured to the face of the canopy (if applicable), shall be increased by no more than 10' to accommodate one row of vehicle display. An established front yard used for display of vehicle sales or leasing must be constructed of a decorative paving material (if impervious), and must be screened in accordance with 10) of this section.
 - (b) Notwithstanding the limitations of off-street parking in front of buildings, as described by building type and parking lot specifications, vested parking and maneuvering areas in the established front yard may be constructed in accordance with an NCDOT driveway permit.
- 9) Outdoor storage of vehicles in process of repair and vehicles-for-sale that are in the process of dealer preparation for buyer pick up is permitted.
 - (a) Such storage areas are exempt from the interior landscaping requirements for Parking Lots found in Article 6. However, the perimeter landscaping requirements of Article 6 shall apply to such storage areas.
 - (b) Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.
- 10) In the Vehicle Sales district only, the landscaping requirements of Article 6 shall be applied as follows:
 - (a) Vehicle display areas shall be exempt from the interior landscaping requirements for Parking Lots found in Article 6. However, a large maturing tree shall be planted within a 200 square

ARTICLE 3

VEHICLE SALES DISTRICT

foot pervious area that is permanently protected from parking and maneuvering areas with all vehicles on display being located within 40' of such pervious area.

- (b) Along the frontage, a vehicle display area is exempt from the large maturing tree 40' on center requirement found in Landscaping of Parking Lots in Article 6.
- 11) Uses in the VS District are exempt from the Article 6 *suggestion* to provide for bicycle parking.
- 12) The arrangement of principal buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
- 13) Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations 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 in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.
- 14) Adjoining businesses shall provide for interconnectivity by way of internal street(s) or, if permitted, private drives; internal street(s) shall remain open at all times while private drive connections shall, at a minimum, remain open for public passage during business hours.
- 15) Businesses in the VS district are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).
- 16) Lighting in customer parking areas shall comply with Article 6, OFF-STREET PARKING (Lighting for Parking Lots).
- 17) Lighting in vehicle display parking areas and storage areas may comply with the standards of Article 6 (Lighting for Parking Lots) or with all of the alternative lighting standards below:
 - (a) Including the base/mounting fixture the maximum height for lighting (pole mounted and wall mounted) shall be 30 feet.
 - (b) To prevent glare from off-site locations, all lighting fixtures shall be full cut-off. The use of drop lens, vertical burn lamps, and other equipment with similar glare producing effects are prohibited. Lighting shields or hoods shall be employed to result in lighting projection of display areas only.
 - (c) Floodlights are not permitted for parking lot illumination. In all applications, lighting shall be directed downward. This prohibition does not apply to floodlights allowed elsewhere in this ordinance for external illumination of permitted signs.
 - (d) Along the front line of the display area, lighting shall not exceed an average of 30 foot-candles, measured at grade.
 - (e) Uniformity shall not exceed a 3:1 ratio.
 - (f) All lights, except those required for security as provided herein, must be extinguished at 9 PM on all days. For reasons of security, a maximum of 1.5 foot-candles at entrances, stairways and loading docks, and 1.0 foot-candle on the rest of the site is permitted.
 - (g) The spillover light level from lighting on the site onto adjacent property or property across a public road shall not exceed 0.1 foot-candle measured 10' into the adjacent property from any orientation of the measuring device.
 - (h) The average illumination, measured at grade, across the entire property, including the frontage, shall not exceed 30-foot candles. The site area for calculating the average illumination shall exclude the building(s).
 - (i) Lighting fixtures that produce glare visible from adjacent property(s) and public right of way(s) are prohibited.

3.2.13 TRANSIT-ORIENTED DEVELOPMENT – RESIDENTIAL (TOD-R)

Intent: The transit-oriented residential district is established to support higher density residential communities that include a rich mix of retail, restaurant, service, and small employment uses within a pedestrian village format. Land consuming uses, such as large lot housing and large retail outlets are excluded from this district. The TOD-R may be located on developable and redevelopable parcels generally found within the ½ mile catchment area of designated rapid transit station sites. Nothing in these regulations shall preclude application of the TOD-R beyond the ½ mile radius when site-specific development plans demonstrate efficient resident access to a rapid transit station. The district establishes a primarily residential village within a 10-minute walk of a designated rapid transit station that serves a residential population of sufficient size to constitute an origin and destination for purposes of rapid transit service.

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a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- dormitories
- family care home
- inns
- multi-family homes
- greenways
- single family homes
- transit stations

Uses permitted with a Special Use Permit

- any non-residential use permitted by right or with conditions where size of first floor area exceeds 15,000 sq. ft., (9.47)
- any permitted non-residential use or collection of non-residential uses that exceeds the maximum permitted in the district by paragraph e) 5) of this section, (9.47)
- parking lot or structure as principal use (9.47)
- schools (9.47)
- 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)

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Uses permitted with conditions

- banks, up to 6,000 sq. ft. of gross floor area
- religious institutions up to 300 seats in the largest place of assembly, (9.8)
- civic, cultural, and neighborhood recreation facilities up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- conference centers, up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- day care centers up to 8,000 sq. ft. of gross floor area (9.4)
- essential services 1 and 2, (9.14)
- government buildings up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- indoor motion pictures, limited to one (1) screen
- offices, general, medical, professional, minimum FAR of .35
- personal, professional, and technical services up to 8,000 sq. ft. of gross area, minimum FAR of .35
- research and development services, minimum FAR of .35
- restaurants without drive-through windows, up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- retail establishments, up to 8,000 sq. ft. of gross area, minimum FAR of .35
- squares, plazas, or other formal open spaces not exceeding ½ acre in area
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited¹⁵.
- taverns and bars, up to 6,000 sq. ft. of gross floor area, minimum FAR of .35
- transit shelters, (9.39)
- workshops and studios for the design and manufacture of art, craft and artisan products, up to 8,000 sq. ft. of gross area, minimum FAR of .35

b) Permitted Building and Lot Types

- apartment
- attached house
- civic
- detached house on lot of 5,000 sq. ft. or less
- mixed use¹⁶
- storefront
- workplace

c) Permitted Accessory Uses

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- home occupation, (9.19)
- parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot, according to the standards of Article 6
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- accessory uses permitted in all districts, (8.11)

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¹⁵ Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

¹⁶ The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

d) General Requirements

- 1) To integrate the larger scale of buildings in transit-oriented developments into the existing built fabric of the community, the edge conditions of paragraph f) 6), below shall be met.
- 2) Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit Oriented Residential district.
 - New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b), for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- 3) On new streets, allowable building and lot types will establish the development pattern.
- 4) Within a TOD-R zoning district, a minimum average density of 15 dwelling units per acre shall be achieved; residential density shall be calculated by dividing the total number of housing units planned by the number of acres designated for residential use, net of streets.
- 5) A master subdivision sketch plan shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, approximate unit count, square footage on non-residential buildings and uses, proposed building heights, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted. Notwithstanding the provisions of Section 6.320 of the Huntersville Subdivision Ordinance, approval of the master sketch plan will be administrative.
- 6) A single building on an existing lot shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area, but shall require zoning and building permits only.
- 7) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

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e) Development Provisions

- 1) Minimum Development Size: None
- 2) Maximum Development Size: None
- 3) Residential Density: Within a TOD-R zoning district, a minimum average density of 15 dwelling units per acre (net of streets) shall be achieved; residential density shall be calculated by dividing the total number of housing units planned by the acreage of all lots that are designated for residential use. When designing the site, higher densities (18 du/a and greater) should be concentrated within approximately ¼ mile walking distance of the station site while lower densities (6 du/a and greater) may be placed beyond the approximate ¼ mile walking distance. The maximum density permitted on any lot in a TOD-R is 40 units per acre (net of streets).
- 4) Special parking provisions for residential development in the TOD-R:

ARTICLE 3

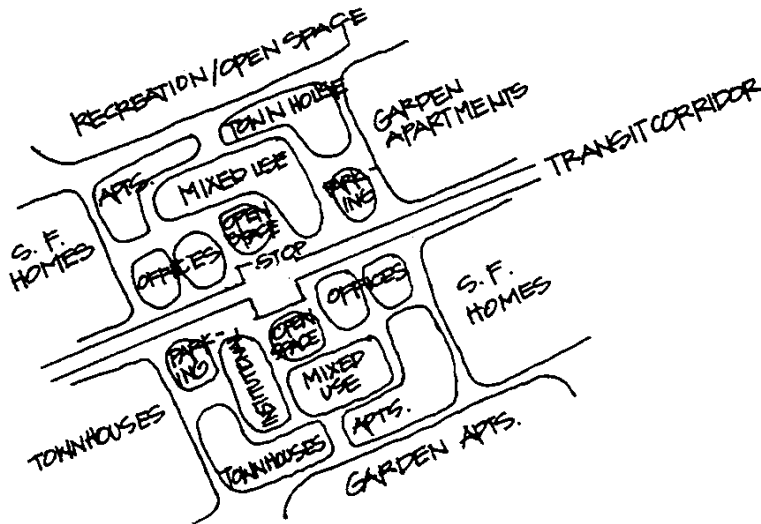
TOD-R DISTRICT

- | | <u>Minimum</u> | <u>Maximum</u> |
|---|----------------|----------------|
| • Efficiency apartment | 1 space/unit | 2 spaces/unit |
| • One or two bedroom apartment/attached house | 1 space/unit | 2 spaces/unit |
| • Other dwelling units | 1 space/unit | 2 spaces/unit |
- 5) Siting requirements for non-residential development: All non-residential development shall be oriented to provide direct pedestrian access from the transit station by way of the public street system, designated pedestrian paths, or any combination of the two. In addition, the locational standards below shall apply.
- Within a ¼ mile walking distance of the station site, a master subdivision sketch plan may include up to 10,000 sq. ft. of retail/services/commercial/office development for each 250 dwelling units master planned in the ½ mile catchment area.
 - If placed in a TOD-R district, religious institutions without shared parking, schools, and neighborhood recreation facilities, up to the maximum size permitted in the district, should be located between the ¼ mile and ½ mile walk of the station site.
 - Without regard to station proximity, day care centers and religious institutions with shared parking provisions that meet the size provisions of the TOD-R are permitted.

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f) Design Provisions

- 1) Neighborhood Form
- The illustration below shall guide the general arrangement and distribution of uses in the project.



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ARTICLE 3

TOD-R DISTRICT

- The area of the project shall be divided into blocks, streets, lots, and open space.
- Similar land uses shall generally enfront across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall approximate the setback established on each fronting street.

2) Streets

- Public streets shall provide access to all tracts and lots.
- Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
- No block face may exceed 500 feet in length without a dedicated alley or pathway providing through access for pedestrians.
- Utilities shall run along alleys where alleys are provided.
- Streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted master subdivision sketch plan. Each street type shall be separately detailed. Street types illustrated in Article 5 represent the array of elements that are combined to meet the purposes of neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use. Proposed routing for private vehicles and feeder buses entering and leaving the station area shall be shown.
- To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (Article 5) and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space; (3) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by buildings or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

3) Buildings and Lots

- Every building lot shall share a frontage line with a street, or urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.
- Consistent build-to lines shall be established along all streets and urban open space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and urban open space frontages.
- Building and lot types shall comply with Article 4. However, notwithstanding the height restrictions of Article 4, Building and Lot Types, new buildings in the Transit Oriented Residential district are limited to thirteen (13) stories or one hundred eighty-two 182 feet in height, whichever is greater. New buildings in the Transit Oriented Residential District within one (1) mile of the Town Center Zoning District are limited to four (4) stories or forty six (46) feet in height, whichever is greater. Minimum building height is twenty-six (26) feet, measured at the cave line.

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ARTICLE 3

TOD-R DISTRICT

- Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) shall occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

4) Open Space

Open space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements that diminish the utility or aesthetic quality of the space. Design of urban open space shall comply with Article 7.

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5) Parking Lot Landscaping

Parking lot landscaping shall comply with Article 6.

6) District Edge Conditions

Along any boundary of a TOD-R district that abuts a pre-existing subdivision of 20 or more single-family detached homes, one of the following edge conditions shall apply to abutting lot boundaries, however no buffer or wall shall be allowed to block extension of a street from existing development into a planned TOD-R development.

- a) A free-standing structure or the end unit of an attached structure on lots along the common boundary shall be limited to two stories or 26 feet in height, whichever is less, or
- b) A semi-opaque buffer shall be constructed along the common boundary, on the site of the developing use. The width of the buffer shall at a minimum equal $\frac{1}{2}$ the height of the abutting building in the TOD-R district, or
- c) A 6' masonry wall may be constructed by the developer along the common lot boundaries, in which case the width of the buffer may be reduced to the width of the wall.

3.2.14 TRANSIT-ORIENTED DEVELOPMENT – EMPLOYMENT (TOD-E)

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Intent: The transit-oriented employment district is established to accommodate general office uses and office support services in a highly pedestrianized setting. General office, characterized by 40 to 70 employees per acre, is the predominant use. Uses that employ relatively few workers, such as warehousing and distribution, are excluded from this district. The TOD-E may be located on developable parcels within the ½ mile catchment area of rapid transit stations. The district establishes an employment node within a 10-minute walk of a designated transit rapid station that serves a workforce of sufficient size to constitute a destination for purposes of rapid transit service.

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a) Permitted Uses**Uses Permitted by Right**

- financial services
- greenways
- government offices
- inns
- offices
- professional, personal, and technical services
- transit stations

Uses Permitted with a Special Use Permit

- light manufacturing, on not more than 5 acres, (9.48)
- accessory warehousing exceeding 25% of the finished floor area of the principal use, (9.48)
- hospitals, (9.48)
- 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)

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Uses Permitted with Conditions

- conference centers, up to 15,000 sq. ft. of gross floor area
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- multi-family homes in mixed use buildings
- squares, plazas, or other urban open spaces not exceeding ½ acre in area
- single family attached homes in mixed use buildings
- workshops and studios for the design and manufacture of art, craft, and artisan products, up to 8,000 sq. ft. of gross area
- parking lot or structure as a principal use, (9.48)

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b) Permitted Building and Lot Types

- civic building
- highway commercial (for conference facilities only), minimum FAR of .35
- mixed use¹⁷
- shopfront
- workplace, minimum FAR of .35

c) Permitted Accessory Uses

- home occupations, (9.19)
- parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot according to the standards of Article 6
- retail, restaurant, bars and taverns, personal services, clinics and similar workplace support uses up to 20 percent of first floor area of any building, or of a multi-building project taken as a whole
- 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; located in the established rear or side yards or roof slopes, (9.54)
- warehousing not to exceed 25% of the finished floor area of the principal use
- accessory uses permitted in all districts, (8.11)

Commented [ES23]: Should be uniform with or without periods (FAR or F.A.R.).

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¹⁷ The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

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d) General Requirements

- 1) Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit-Oriented Employment district.
 - New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) A master subdivision sketch plan in compliance with this district shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, approximate square footage of office/commercial buildings and uses, residential unit count, proposed building heights, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted. Notwithstanding the provisions of Section 6.320 of the Huntersville Subdivision Ordinance, approval of the master sketch plan will be administrative.
- 4) A single building on an existing lot shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area, but shall require zoning and building permits only.

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e) Design Provisions

- 1) Every building shall share a frontage line with a street, or urban open space; lots fronting directly onto an urban open space (i.e., without intervening street) shall be provided rear alley access.
- 2) New construction favors general office uses, with accessory retail, personal services, restaurant, and similar uses located at street level and residential uses permitted on third and higher floors.
- 3) Notwithstanding the height restrictions of Article 4, Building and Lot Types, new buildings in the Transit Oriented Employment district are limited to seven stories or 80 feet in height, whichever is greater. Minimum building height is 26 feet, measured at the eave line.
- 4) Minimum permitted Floor Area Ratio (FAR) is .35; preferred FAR will range from .5 to 1.5.
- 5) Special parking provisions for residential development in the TOD-E:

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- | | <u>Minimum</u> | <u>Maximum</u> |
|--------------------------------|----------------------|---------------------|
| • Office/Commercial uses | 1 space/1000 sq. ft. | 1 space/500 sq. ft. |
| • Efficiency apartment | 1 space/unit | 2 spaces/unit |
| • One or two bedroom apartment | 1 space/unit | 2 spaces/unit |
- 6) District Edge Conditions
 Along any boundary of a TOD-E district that abuts a pre-existing subdivision of 20 or more single-family detached homes, one of the following edge conditions shall apply to abutting lot

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boundaries, however no buffer or wall shall be allowed to block extension of a street from existing development into a planned TOD-E development.

- A free-standing structure or the end unit of an attached structure on lots along the common boundary shall be limited to two stories or 26 feet in height, whichever is less, or
- A semi-opaque buffer shall be constructed along the common boundary, on the site of the developing use. The width of the buffer shall at a minimum equal $\frac{1}{2}$ the height of the abutting building in the TOD-E district, or
- A 6' masonry wall may be constructed by the developer along the common lot boundaries, in which case the width of the buffer may be reduced to the width of the wall.

3.3 OVERLAY DISTRICTS

3.3.1 MANUFACTURED HOME OVERLAY DISTRICT, (MH-O)

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Intent: The Manufactured Home Overlay District is established to provide for existing and proposed neighborhoods which include or are proposed to include manufactured homes. The requirements herein are intended to ensure compatibility with existing housing stock by imposing supplemental appearance standards for manufactured housing. The Manufactured Home Overlay district may be applied to tracts zoned NR, GR, TR, or R. It supplements the range of residential types permitted in the underlying district while limiting some accessory uses. For existing neighborhoods, the MH Overlay may be established by map adoption; for proposed neighborhoods, the MH Overlay district requires zoning approval accompanied by a detailed development plan and supporting materials.

a) Permitted Uses

Uses permitted by right

- all uses permitted by right in the underlying district, according to the standards of the underlying district
- family care home

Uses permitted with conditions

- all uses permitted with conditions in the underlying district, according to the standards and conditions associated with the underlying district.
- Manufactured Homes, provided that:
 - (a) The home shall be set up in accordance with the standards set by the North Carolina Department of Insurance.
 - (b) A continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.
 - (c) The home will have all wheels, transporting lights, and towing apparatuses removed.
 - (d) The structure must be at least 14 feet in width along the majority of its length.
 - (e) The roof shall have at least a 3:12 pitch.
 - (f) Exterior wall and roofing materials and finishes shall be comparable in composition, appearance and durability to those commonly used in conventional residential construction. As examples, exterior walls would be expected to be covered in wood, stucco, brick, stone, other masonry materials, or similar conventional exterior finishes. Roofing material should consist of wood shingle, wood shake, synthetic composite shingle, ceramic tile, concrete tile, or similar conventional roofing materials.
 - (g) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

b) Permitted Building and Lot Types

- all building and lot types permitted in the underlying zoning district
- manufactured home placed according to the standards for a detached house

c) Permitted Accessory Uses

- dwelling accessory to any principal dwelling which meets the NC Housing Code, (9.1)
- day care home (small), accessory to any principal dwelling which meets the NC Housing Code, (9.11)
- home occupation accessory to any principal dwelling which meets the NC Housing Code, (9.19)
- marinas accessory to residential uses (9.42)
- accessory uses permitted in all districts, (8.11)

d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - 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
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) All subdivision standards shall be met.
- 4) In nonconforming subdivisions or manufactured home parks, any manufactured home may be replaced with another manufactured home of at least comparable width (i.e. a single-wide home may be replaced with a home of minimum 12 feet width or with a larger home, while a double-wide home can be replaced only by another double-wide home); a replacement home shall ~~with the exception of width, meet all design and safety conditions of Section 3.3.1 a).~~
- 5) Existing manufactured home parks which are not subdivided into individual deeded lots may continue operation but may not be expanded except in conformance with this ordinance and the Subdivision Ordinance.
- 6) For proposed neighborhoods, homes ~~shall be a minimum of 14 feet wide.~~
- 7) For proposed neighborhoods, an application to classify property to the MH-O district shall require a master plan that shows the location and hierarchy of streets and public spaces, location of residential, non-residential, and civic building lots, street sections and/or plans, phasing, and any other information which may be required to evaluate the subdivision's adherence to the standards of this ordinance and the subdivision ordinance.
- 8) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

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Deleted: have been manufactured no earlier than 1984 and

Commented [ES24]: Per 160D-910(c), a local government may **not** adopt or enforce zoning regulations or other provisions that have the effect of excluding manufactured homes from the entire zoning jurisdiction **or that exclude manufactured homes based on the age of the home.**

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e) MH-O Development Provisions

- 1) Minimum Development Size: 3 acres for new developments
- 2) Maximum Development Size: 25 acres for new developments
- 3) Maximum Permitted Densities are determined by the standards of the underlying district. Density in the RURAL AND TRANSITIONAL District correlates to amount of open space provided, as set forth in the district regulations. Density in the NR district is a function of building and lot type.

3.3.2 MOUNTAIN ISLAND LAKE WATERSHED OVERLAY DISTRICT, (MIL-O)**Deleted:**

Intent: The intent of the Mountain Island Lake Watershed Overlay District is to provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Protection Act (N.C.G.S. 143-214.5) and regulations promulgated there under. The Mountain Island Lake Watershed Overlay may be applied in any zoning district. The Mountain Island Lake Watershed Overlay District supplements the regulations of the underlying zoning district within the Mountain Island Lake Watershed Protection Area to ensure protection of public drinking water supplies. All regulations for the underlying district shall continue to remain in effect for properties classified under the Mountain Island Lake Watershed Overlay District.

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

.2 Exceptions to Applicability:

- a) Existing development, as defined in Section 12.2.3, is not subject to the requirements of the Mountain Island Lake Watershed Overlay District. Expansions to structures classified as existing development must meet the requirements of this section, however the built-upon area of the existing development is not required to be included in the impervious area calculations.
- b) An existing lot, as defined in Section 12.2.3, owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of Section 3.3.3-A, f) and g) or Section 3.3.3-B, f) and g), whichever are applicable.
- c) Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - (i) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America, and
 - (ii) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

.3 Watershed Subareas Established:**a) Critical Areas:**

CA1 - Lower Gar Creek. From normal pool elevation of Mountain Island Lake extending up Gar Creek to Beatties Ford Road and to approximately the ridge line along the north side of Gar Creek and to Mt. Holly-Huntersville Road on the south side of Gar Creek, as shown specifically on Town of Huntersville Zoning Maps.

CA2 - Upper Gar Creek. From Beatties Ford Road upstream along Gar Creek to the limits of the Gar Creek drainage basin and to approximately the ridge line along either side of Gar Creek, as shown specifically on Town of Huntersville Zoning Maps.

CA3 - McDowell Creek. From normal pool elevation of Mountain Island Lake extending one mile upstream on McDowell Creek and to approximately the ridge line along either side of McDowell Creek, as shown specifically on Town of Huntersville Zoning Maps.

CA4 - Lake Front. Extending landward one-half mile from normal pool elevation along Mountain Island Lake and the Catawba River between Cowan's Ford Dam and Mountain Island Lake Dam, as shown specifically on Town of Huntersville Zoning Maps.

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b) Protected Areas:

PA1 - The area extending from the outer limits of the critical areas to five hydrologic miles from the normal pool elevation and draining to Mountain Island Lake, as shown specifically on Town of Huntersville Zoning Maps.

PA2 - The area extending from the outer limit of the PA1 area where it intersects with N.C. 73 and running in a north-northeasterly direction along N.C. 73 to the intersection of I-77 and thence proceeding in a southerly direction along I-77 to the intersection of Gilead Road and thence in an easterly direction along Gilead Road to the intersection of N.C. 115 and thence in a southerly direction along N.C. 115 to the intersection of Hambright Road and thence in a westerly direction along Hambright Road to the intersection of Mt. Holly-Huntersville Road and thence in a northwesterly direction along the outer limits of the CA2 and PA1 areas to the beginning point, as shown specifically on Town of Huntersville Zoning Maps.

PA3 - The area extending from the outer limits of the PA2 area to the limits of the Mountain Island Lake Watershed, as shown specifically on Town of Huntersville Zoning Maps.

3.3.2-A Critical Areas (CA-1, CA-2, CA-3, CA4)

Intent: The intent of these regulations is to require higher standards in the Critical Areas of the Mountain Island Lake Watershed because of the greater risk of water quality degradation from pollution. All uses permitted in the Critical Areas are subject to the standards of both the overlay district and the underlying zoning district. In every case, the more restrictive standard controls.

a) Permitted Uses**Uses permitted with conditions**

- essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Mountain Island Lake Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter is not increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations;
- agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3 -A(f). Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;
- silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (~~02 NCAC 60C.0100 to .0209~~);
- residential uses permitted in the underlying district, subject to density and built-upon limits of the low-density development option; cluster development allowed in the underlying district is permitted;
- non-residential uses permitted in the underlying district, subject to the built-upon limits of the low-density development option; cluster development allowed in the underlying district is permitted.

b) Prohibited Uses

- all uses not permitted in the underlying zoning district
- residual applications
- landfills, sanitary
- landfills, off-site demolition
- new or expanded domestic and industrial discharges
- structural BMPs not associated with agriculture
- disposal or treatment of petroleum contaminated soils (land farming)

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c) Permitted Building and Lot Types

- building and lot types permitted in the underlying zoning district

d) Permitted Accessory Uses

- accessory uses permitted in the underlying zoning district; uses prohibited as principle uses are also prohibited as accessory uses

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e) Built-Up Area (BUA) Development Standards

For individual buildings or for development projects within the Critical Areas, the following impervious area limitations are established on a building or project basis.

CA1	6% B.U. ¹
CA2	12% B.U. ¹
CA3	12% B.U. ¹
CA4	24% B.U. ¹

- ¹ Residential subdivisions shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant

Commented [JS26R25]: That was the date we required reservation. It can be dropped now.

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f) Buffer Size

Undisturbed buffers, except as specifically provided in this section, are required in the Critical Areas along the shoreline of Mountain Island Lake, measured horizontally by a licensed land surveyor from the normal pool elevation (648' contour), and along all perennial streams, measured from the top of the bank on each side of the stream.

CA1	100 feet or 100 year flood plain boundary, whichever is greater
CA2	100 feet or 100 year flood plain boundary, whichever is greater
CA3	100 feet or 100 year flood plain boundary, whichever is greater
CA4 (lake shore)	100 feet

g) Buffer Protection

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- The surveyed buffer boundary must be clearly marked on-site with orange "tree-protection" or "high-hazard" fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this ordinance.
- The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following the completion of land disturbing activities and prior to occupancy. Properties greater than 200' in width shall be marked at a maximum of 100' intervals.
- No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above the existing grade, may be removed to be replaced by an effective

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stabilizing and filtering ground cover based upon the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)" and as approved by the Mecklenburg County Water Quality Program.

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- 4) Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the [Charlotte-Mecklenburg Storm Water Services](#)

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- 5) Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMPs and pervious materials.

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- 6) During new development or the expansion of existing development, the Town, upon the advice of the [Charlotte-Mecklenburg Storm Water Services](#), can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)".

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- 7) Mitigation of disturbed buffers required. Should existing vegetation within the buffer be disturbed (except as allowed by this ordinance), or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)" so that the buffer can effectively perform its filtering and absorption functions.

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- 8) Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)." If in a common area, such development and trails must be located a minimum of 30 feet from the normal pool elevation of Mountain Island Lake (648' contour), or a minimum of 30 feet from the top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of [Charlotte-Mecklenburg Storm Water Services](#).

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- 9) Non-conforming structures and increasing built-upon area may permitted if the following criteria are met:

- a. The existing structure (to be expanded) was built prior to the enactment of the 1993 [Watershed Ordinance](#).
- b. The [BUA](#) of the existing structure must cover a minimum of 10% of the 100-foot buffer on the lot.
- c. In Critical Area 1 (CA1), which has a 6% BUA cap, the maximum allowable increase in BUA in the buffers is 2%. In Critical Area 2 (CA2) and Critical Area 3 (CA3), which have a 12% BUA cap and Critical Area 4 (CA4), which has a 24% BUA cap, the maximum allowable increase in BUA is the buffer is 4%.
- d. Existing BUA shall not be increased within the State minimum 50-foot buffer.
- e. Best Management Practices (BMPs) (including rain gardens and plantings) must be installed to achieve the following removal efficiencies for all BUA on the lot (not just the BUA in the buffer):
 - i. 85% removal of Total Suspended Solids (TSS)
 - ii. 60% removal of Total Phosphorus (TP)
- f. All BMPs shall be installed or planted in accordance with the Charlotte-Mecklenburg BMP Design Manual and in accordance with Huntersville's Water Quality Ordinance.
- g. Maintenance Agreements and Maintenance Plans must be recorded for all BMPs installed and/or planted and the location of the BMP and corresponding notes must be recorded on the deed in compliance with Huntersville's Water Quality Ordinance.

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- h. Mitigation measures, including all BMPs, must be installed, inspected and approved and the provisions described in item g (above) satisfied prior to the release of any certificates of occupancy for the structural expansion.
- i. All structural BMPs must be inspected and certified annually for compliance with design criteria by a qualified professional in accordance with the Huntersville Water Quality Ordinance. Inspection reports must be submitted to Mecklenburg County for approval.
- j. Any deficiencies detected to the BMP or any other mitigation measure must be in a timely manner of detection as determined by the Town of Huntersville staff at the sole expense of the property owner. Failure to do so will be in violation of the Huntersville Water Quality Ordinance and could result in the assessment of penalties.

h) Paired-Parcel Averaged-Density Development

Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.

- 1) A density averaging certificate shall be considered one development request.
- 2) Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.
- 3) The paired parcels may include or be developed for residential or non-residential purposes.
- 4) Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
- 5) The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.
- 6) A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.
- 7) The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.

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- 8) The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.
- 9) Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by Charlotte-Mecklenburg Storm Water Services.
- 10) Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.
- 11) No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.
- 12) Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed

3.3.2-B Protected Areas (PA-1, PA-2)

Intent: The intent of these regulations is to allow development with fewer restrictions in protected areas 1 and 2 than in the critical areas because the risk of water quality degradation from pollution is less in the protected areas than in the critical areas. All uses permitted in the Protected Areas are subject to the standards of both the overlay district and the underlying zoning district. In every case, the more restrictive standard controls. *Note:* Protected area 3 defines the remainder of watershed and is not subject to watershed regulation.

a) Permitted Uses**Uses permitted with conditions**

- essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Mountain Island Lake Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter is not increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations;
- agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3-B(f). Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;
- silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- storage of hazardous materials, subject to the filing of a spill/failure containment plan with Mecklenburg County Fire Marshall and the fire department(s) with jurisdiction in the Huntersville Mountain Island Lake Watershed Overlay District;
- residential uses permitted in the underlying district, subject to either the low density or the high-density option; cluster development allowed in the underlying district is permitted;
- non-residential uses permitted in the underlying district, subject to either the low density or the high-density option; cluster development allowed in the underlying district is permitted.

b) Prohibited Uses

- all uses not permitted in the underlying zoning district
- in PA 1, off-site demolition landfills
- in PA 1, sanitary landfills
- in PA 1, wastewater treatment facilities

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c) Permitted Building and Lot Types

- building and lot types permitted in the underlying zoning district

d) Permitted Accessory Uses

- accessory uses permitted in the underlying zoning district; uses prohibited as principal uses are also prohibited as accessory uses

e) Built-Up Area (BUA) Development Standards

For individual buildings or for development projects within Protected Areas 1 and 2, the following impervious area limitations are established on a building or project basis.

PA1 and PA2, low density option	24% B.U. with curb and gutter streets ¹ 36% B.U. without curb and gutter streets ¹
PA1 and PA2, high density option, where permitted	70% B.U. with BMP ¹

¹ Residential subdivisions shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant

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f) Buffer Size

Undisturbed buffers, except as specifically provided in this section, are required in the Protected Areas along all perennial streams, measured horizontally by a licensed land surveyor from the top of the bank on each side of the stream.

PA1, low density option	50 feet
PA2, low density option	30 feet; 50 feet for agricultural uses
PA1, high density option	100 feet
PA2, high density option	100 feet

g) Buffer Protection

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- 1) The surveyed buffer boundary must be clearly marked on-site with orange "tree-protection" or "high-hazard" fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this ordinance.
- 2) The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following the completion of land disturbing activities and prior to occupancy. Properties greater than 200' in width shall be marked at a maximum of 100' intervals.
- 3) No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above existing grade, may be removed to be replaced by an effective stabilizing and filtering ground cover based upon the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)" and as approved by the Mecklenburg County Water Quality Program.
- 4) Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the [Charlotte-Mecklenburg Storm Water Services](#).

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- 5) Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
- 6) During new development or the expansion of existing development, the Town, upon the advice of the [Charlotte-Mecklenburg Storm Water Services](#), can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the ["Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines"](#).
- 7) Mitigation of disturbed buffers required. Should existing vegetation within the buffer be disturbed (except as allowed by this ordinance) or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the ["Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines"](#) so that the buffer can effectively perform its filtering and absorption functions.
- 8) Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the ["Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines."](#) If in a common area, such development and trails must be located a minimum of 30 feet from the top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of the Mecklenburg County Water Quality Program.
- 9) Non-conforming structures and increasing built-upon area may permitted if the following criteria are met:
 - a. The existing structure (to be expanded) was built prior to the enactment of the 1993 [Watershed Ordinance](#).
 - b. ~~BUA~~ of the existing structure must cover a minimum of 10% of the 100-foot buffer on the lot.
 - c. In Critical Area 1 (CA1), which has a 6% BUA cap, the maximum allowable increase in BUA in the buffers is 2%. In Critical Area 2 (CA2) and Critical Area 3 (CA3), which have a 12% BUA cap and Critical Area 4 (CA4), which has a 24% BUA cap, the maximum allowable increase in BUA is the buffer is 4%.
 - d. Existing BUA shall not be increased within the State minimum 50-foot buffer.
 - e. Best Management Practices (BMPs) (including rain gardens and plantings) must be installed to achieve the following removal efficiencies for all BUA on the lot (not just the BUA in the buffer):
 - i. 85% removal of Total Suspended Solids (TSS)
 - ii. 60% removal of Total Phosphorus (TP)
 - f. All BMPs shall be installed or planted in accordance with the Charlotte-Mecklenburg BMP Design Manual and in accordance with Huntersville's Water Quality Ordinance.
 - g. Maintenance Agreements and Maintenance Plans must be recorded for all BMPs installed and/or planted and the location of the BMP and corresponding notes must be recorded on the deed in compliance with Huntersville's Water Quality Ordinance.
 - h. Mitigation measures, including all BMPs, must be installed, inspected and approved and the provisions described in item g (above) satisfied prior to the release of any certificates of occupancy for the structural expansion.
 - i. All structural BMPs must be inspected and certified annually for compliance with design criteria by a licensed N.C. engineer in accordance with the Huntersville Water Quality Ordinance. Inspection reports must be submitted to Mecklenburg County for approval.
 - j. Any deficiencies detected to the BMP or any other mitigation measure must be corrected within 30 days of detection at the sole expense of the property owner. Failure to do so will be in violation of the Huntersville Water Quality Ordinance and could result in the assessment of penalties.

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h) High Density Option Requirements in Protected Areas of the MIL Watershed

- (1) The High-Density Option allows for greater development density provided engineered controls (structural BMPs) are used to manage storm water runoff. Structural BMPs are required under the High-Density Option. The High-Density Option is permitted in the PA1 and PA2 subareas. In addition to meeting basic zoning and subdivision standards of the Town of Huntersville, high density development shall meet the requirements of this section, the Land Development Standards Manual, and other published standards of the Town Engineering Department.
- (2) High-Density Permit Application.
 - (a) A High-Density Development Permit shall be required for new development exceeding the requirements of the low-density option.
 - (b) Application for a High-Density Development Permit shall be submitted as follows:
 - (a) Development plans subject to the Huntersville Subdivision Ordinance and the Sediment and Erosion Control Ordinance will submit the High-Density Development Permit to the Town Engineering Department and the Huntersville Planning Director, or designee, as part of the subdivision review application process.
 - (b) Development plans exempt from Subdivision Ordinance regulations will submit the High-Density Development Permit to the Town Engineer or their designee as part of the Sediment and Erosion Control requirements of the building permit application process.
 - (c) Applications for the High-Density Option shall be made on the proper form and shall include the following information:
 - A completed High-Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.
 - Required number of development plans and specifications of the storm water control structure.
 - Submittal of a sediment and erosion control plan to the appropriate agency.
 - Permit application fees.
- (3) Structural BMPs.
 - (a) All structural BMPs shall be designed, and the plans sealed, by a North Carolina registered professional with qualifications appropriate for the type of system required as provided for in the North Carolina General Statutes.
 - (b) Structural BMPs shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual.
 - (c) Qualifying areas of the structural BMP may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
 - (d) The design of the structural BMP shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

- (4) Posting of Financial Security Required.

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- (a) When Structural BMPs are required under the High-Density Option, the approval of the High-Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

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(5) Additional Requirements.

- (a) An Occupancy Permit shall not be issued for any building within the permitted development until the Town Engineering Department has approved the storm water control structure.
- (b) Appeals of any order, requirement, decision or determination shall be made to and decided by the Zoning Board of Adjustment of the Town of Huntersville.

i) Paired-Parcel Averaged-Density Development

Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.

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- 1) A density averaging certificate shall be considered one development request.
- 2) Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.
- 3) The paired parcels may include or be developed for residential or non-residential purposes.
- 4) Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
- 5) The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.
- 6) A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.
- 7) The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms

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to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.

- 8) The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.
- 9) Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by the Town of Huntersville.
- 10) Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.
- 11) No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.
- 12) Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

3.3.2-C Appeals and Variances in MIL-O District

- .1 The Zoning Board of Adjustment is hereby designated the Watershed Review Board.
- .2 An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator (herein designated the Watershed Administrator), shall comply with the procedures and standards of Section 11.3 of these regulations.
- .3 A petition for variance to the standards of the Mountain Island Lake Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.
 - a) In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.
 - b) Major and Minor Variances are differentiated by definition.

Minor variances shall include petitions for the reduction of any numerical standard of the low-density option in the overlay district by a factor of 10% or less.

Major variances mean variance from the minimum statewide water supply watershed protection criteria that result in any one or more of the following:

Petitions for the reduction of any numerical standard of the low-density option in the overlay district by a factor of more than 10%; and

Petitions for variation in the design, maintenance, or operation requirements of a wet detention pond or other approved storm water system; and

Petitions for the reduction of any management requirement that applies to a development proposal intended to qualify under the high-density option.

- c) Major and Minor Variances are differentiated as to procedures and standards.

Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Major variances shall comply with the procedures and standards of Section 11.3 except that:

A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Board of Adjustment hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

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3.3.3 LAKE NORMAN WATERSHED OVERLAY DISTRICT (LN-O)

Intent: The intent of the Lake Norman Watershed Overlay District is to provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Protection Act (G.S. 143-214.5) and regulations promulgated there under. The Lake Norman Watershed Overlay may be applied in any zoning district. The Lake Norman Watershed Overlay District supplements the regulations of the underlying zoning district within the Lake Norman Watershed Protection Area to ensure protection of public drinking water supplies. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified under the Lake Norman Watershed Overlay District.

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.1 Applicability: The Lake Norman Watershed Protection Area is that area within the jurisdiction of the Town of Huntersville which contributes surface drainage into that portion of the Catawba River known as Lake Norman and its tributaries. The Lake Norman Watershed Protection area is specifically defined on the Huntersville Zoning Maps.

.2 Exceptions to Applicability:

- a) Existing development, as defined in Section 12.2.3, is not subject to the requirements of the Lake Norman Watershed Overlay District. Expansions to structures classified as existing development must meet the requirements of this section, however the built-upon area of the existing development is not required to be included in the impervious area calculations.
- b) An existing lot, as defined in Section 12.2.3, owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of Section 3.3.4-A, f) and g), whichever are applicable.
- c) Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - (a) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
 - (b) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

.3 Watershed Subareas Established:

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- a) **Critical Area.** The Critical Area is defined as the land area which begins at the normal pool elevation of Lake Norman and extends one-half mile inland or to the ridgeline, whichever is closest, as shown more specifically on the Huntersville Zoning Maps.
- b) **Protected Area.** There is no Lake Norman Protected Area located within the jurisdiction of the Town of Huntersville.

3.3.3-A Critical Area (CA)

Intent: The intent of these regulations is to require higher standards in the Critical Area of the Lake Norman Watershed because of the greater risk of water quality degradation from pollution. All uses permitted in the Critical Area for which erosion/sedimentation control plans are required under Town of Huntersville regulations are subject to the standards of both the overlay district and the underlying zoning district. In every case the more restrictive standard controls.

Deleted:**a) Permitted Uses****Uses permitted with conditions**

- essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Lake Norman Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter will not be increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations;
- agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3-A(f). Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;
- silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- residential uses permitted in the underlying district, subject to either the low or high density option; cluster development allowed in the underlying district is permitted;
- non-residential uses permitted in the underlying district, subject to either the low or high-density development option; cluster development allowed in the underlying district is permitted.

Deleted:**Deleted:** 15A NCACIT.0201-.0209**b) Prohibited Uses**

- all uses not permitted in the underlying zoning district
- residual applications
- landfills, sanitary
- landfills, off-site demolition
- new or expanded domestic and industrial discharges
- disposal or treatment of petroleum contaminated soils (land farming)
- petroleum storage tanks as a principal use

c) Permitted Building and Lot Types

- building and lot types permitted in the underlying zoning district

d) Permitted Accessory Uses

- accessory uses permitted in the underlying zoning district; ~~uses prohibited as principal uses are also prohibited as accessory uses~~

Deleted:**e) Built-Upon Area (BUA) Development Standards**

For individual buildings or for development projects within the Lake Norman Critical Area, the following impervious area limitations are established on a building or project basis.

CA, low density option	24% B.U. ¹
CA, high density option	50% B.U. with Structural BMP ¹

- ¹ Residential subdivisions shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant

Deleted: approved after 2/17/03**f) Buffer Size**

Undisturbed buffers, except as specifically provided in this section, are required along the shoreline of Lake Norman measured horizontally by a licensed land surveyor from the normal pool elevation (760' contour) and along each side of all perennial streams measured from the top of the bank on each side on the stream. Minimum buffer widths are:

CA, low density option	50 feet
CA, high density option	100 feet

g) Buffer Protection

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- 1) The surveyed buffer boundary must be clearly marked on-site with orange "tree-protection" or "high-hazard" fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this Ordinance.
- 2) The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following the completion of land disturbing activities and prior to occupancy. Properties greater than 200' in width shall be marked at a maximum of 100' intervals.
- 3) No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above the existing grade, may be removed to be replaced by an effective stabilization and filtering ground cover based upon the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)" and as approved by [Charlotte-Mecklenburg Storm Water Services](#).

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- 4) Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the [Charlotte-Mecklenburg Storm Water Services](#).
- 5) Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMPs and pervious materials.
- 6) During new development or the expansion of existing development, the Town, upon the advice of the [Charlotte-Mecklenburg Storm Water Services](#), can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)".
- 7) Mitigation of disturbed buffers required. Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)" so that the buffer can effectively perform its filtering and absorption functions.
- 8) Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the "[Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines](#)." If in a common area, such development and trails must be located a minimum of 30 feet from the normal pool elevation of Lake Norman (760' contour), or a minimum of 30 feet from the top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of the [Charlotte-Mecklenburg Storm Water Services](#).

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(h) High-Density Option Requirements in the Critical Area of the LN Watershed

- 1) The High-Density Option allows for greater development density provided engineered controls (structural BMPs) are used to manage storm water runoff. Structural BMPs are required under the High-Density Option. The High-Density Option is permitted in the CA subarea. In addition to meeting basic zoning and subdivision standards of the Town of Huntersville, high-density development shall meet the requirements of this section, the Land Development Standards Manual, other published standards of the Town Engineering Department.
- 2) High Density Permit Application.
 - 1) A High-Density Development Permit shall be required for new development exceeding the requirements of the low-density option.
 - 2) Application for a High-Density Development Permit shall be submitted as follows:
 - i. Development plans subject to the Huntersville Subdivision Ordinance and the Sediment and Erosion Control Ordinance will submit the High-Density Development Permit to the Town Engineering Department and the Huntersville Planning Director, or designee, as part of the subdivision review application process.
 - ii. Development plans exempt from subdivision ordinance regulations will submit the High-Density Development Permit to the Town Engineer or their designee as part of the Sediment and Erosion Control requirements of the building permit application process.
 - iii. Applications for the High-Density Option shall be made on the proper form and shall include the following information:
 - A completed High-Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.

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- Required number of development plans and specifications of the storm water control structure.
 - Submittal of a sediment and erosion control plan to the appropriate agency.
 - Permit application fees.
- 3) Structural BMPs.
- (a) All structural BMPs shall be designed, and the plans sealed, by a North Carolina registered professional with qualifications appropriate for the type of system required as provided for in the North Carolina General Statutes.
 - (b) Structural BMPs shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual.
 - (c) Qualifying areas of the structural BMP may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
 - (d) The design of the structural BMP shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.
- 4) Posting of Financial Security Required.
- (a) When Structural BMPs are required under the High-Density Option, the approval of the High-Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.
- 5) Additional Requirements.
- (a) An Occupancy Permit shall not be issued for any building within the permitted development until the Town Engineering Department has approved the storm water control structure.
 - (b) Appeals of any order, requirement, decision or determination shall be made to and decided by the Zoning Board of Adjustment of the Town of Huntersville.

Deleted: ; these registered professionals are defined as professional engineers, landscape architects, to the extent that the General Statutes, Chapter 89A allow, and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89(C)-3(7)....

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i) Paired-Parcel Averaged-Density Development

Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.

- 1) A density averaging certificate shall be considered one development request.
- 2) Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a

ARTICLE 3

LN OVERLAY DISTRICT

less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.

- 3) The paired parcels may include or be developed for residential or non-residential purposes.
- 4) Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
- 5) The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.
- 6) A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.
- 7) The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.
- 8) The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.
- 9) Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by Charlotte-Mecklenburg Storm Water Services.
- 10) Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.
- 11) No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.
- 12) Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

3.3.3-B Appeals and Variances in LN-O District**Deleted:**

- .1 The Zoning Board of Adjustment is hereby designated the Watershed Review Board.
- .2 An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator (herein designated the Watershed Administrator), shall comply with the procedures and standards of Section 11.3 of these regulations.
- .3 A petition for variance to the standards of the Lake Norman Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.
 - a) In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.
 - b) Major and Minor Variances are differentiated by definition.

Minor variances shall include petitions for the reduction of any numerical standard of the low-density option in the overlay district by a factor of 10% or less.

Major variances mean variance from the minimum statewide water supply watershed protection criteria that result in any one or more of the following:

Petitions for the reduction of any numerical standard of the low-density option in the overlay district by a factor of more than 10%; and

Petitions for variation in the design, maintenance or operation requirements of a wet detention pond or other approved storm water system; and

Petitions for the reduction of any management requirement that applies to a development proposal intended to qualify under the high-density option.

- c) Major and Minor Variances are differentiated as to procedures and standards.

Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Major variances shall comply with the procedures and standards of Section 11.3 except that:

A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

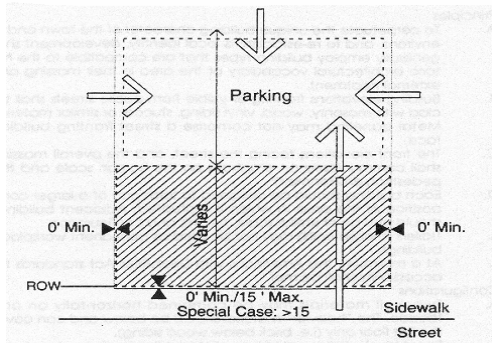
A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Board of Adjustment hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

Deleted: <#>The Watershed Review Board may advise approval of a major variance petition upon satisfying the findings of Section 11.3.2f, or upon the finding that significant community economic or social benefit would be derived from the grant of the variance.¶

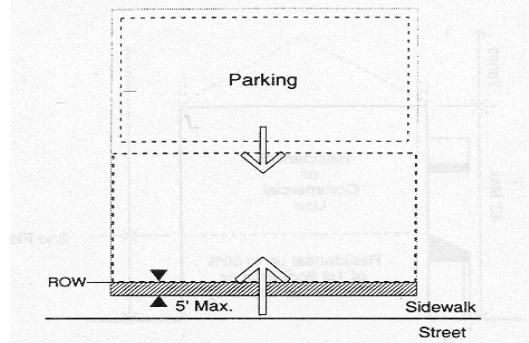
ARTICLE 4: BUILDING AND LOT TYPES

Lot Type / Urban Workplace

Building Placement/Parking/Vehicle Access



Encroachment/Pedestrian Access to Building



1. 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 ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
2. Building facades shall be generally parallel to frontage property lines. The façade shall be determined by the massing of the building.
3. 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.
4. Points of permitted access to the parking indicated by arrows.
5. 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.
6. Parking areas on adjacent lots shall be connected wherever practical.
7. Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of-way.
8. 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 principle 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.
9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height (min. 7'-6") are permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk.
2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

Special Conditions:

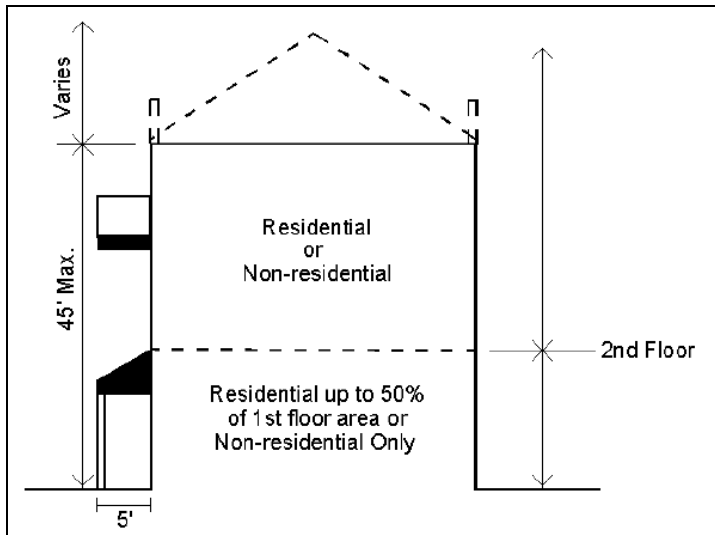
1. Buildings in all locations should relate the principal façade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. Side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. For example, squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

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 terminate vistas or serve as key focal points in the neighborhood.

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.

Architectural Standards

Principles

- A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.
- B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face. Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as canopies and their supporting structure. Decorative metal panel accents however, may not exceed 30% of any façade visible from the street.
- C. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
- D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- E. Trailers (mobile units) may not be used as permanent workplace buildings.

Configurations

- A. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
- B. Street level windows shall be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.
- C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.

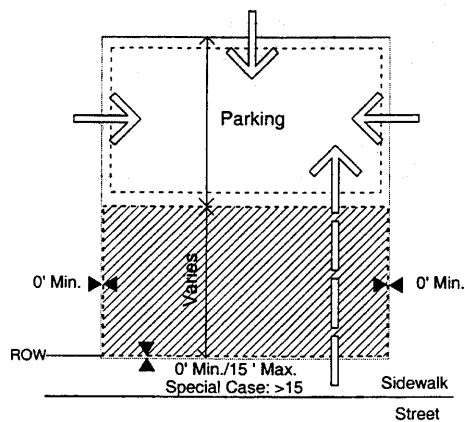
Techniques

- A. Windows should be set to the inside of the building face wall.
- B. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.



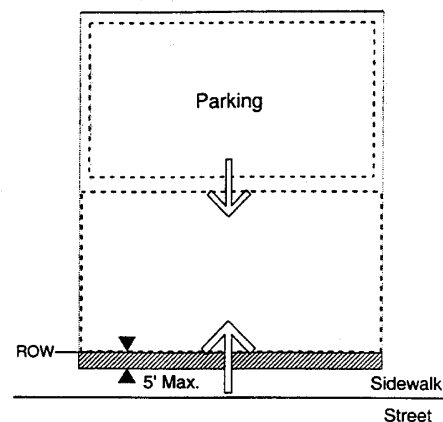
Lot Type / Shopfront Building

Building Placement/Parking/Vehicular Access



1. 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 ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Parking shall be located to the rear of the building; sideyard parking shall occupy no more than 25 percent of the primary frontage line and shall not be placed in an established sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified.
4. Points of permitted access to the parking indicated by arrows.
5. 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.
6. Parking areas on adjacent lots shall be connected wherever practicable.
7. Trash containers shall be located in a rear parking area (see Parking Regulations).
8. 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 principle 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.

Encroachment/Pedestrian Access to Building



1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height are permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk.
2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

Special Conditions:

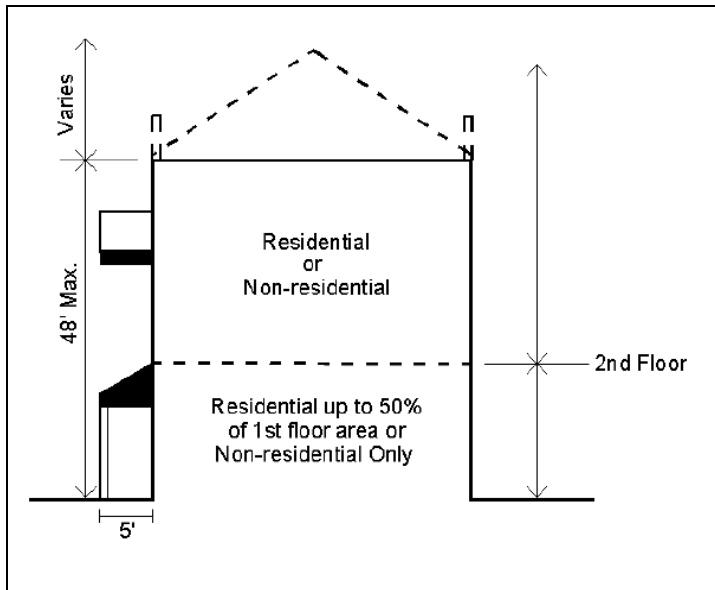
1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Drive-through customer services, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street.
3. Corners: Setbacks at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

Description:

The shopfront building is a small-scale structure which can accommodate a variety of uses. The structure is typically a maximum of 15,000 square feet. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial service, such as a convenience food store, in close proximity to homes. Traditional commercial buildings in the old town provide good examples. Hotels, inns, and conference centers may be placed in shopfront or mixed-use buildings. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Building Type / Shopfront Building

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 district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.

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. Metal paneling may not comprise a street fronting building face.
- C. The front elevations facing the street, and the overall massing shall communicate emphasis on the human scale and the pedestrian environment.
- D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- E. Trailers (mobile units) may not be used as permanent shopfront buildings.

Configurations

- A. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
- B. Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.
- C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.

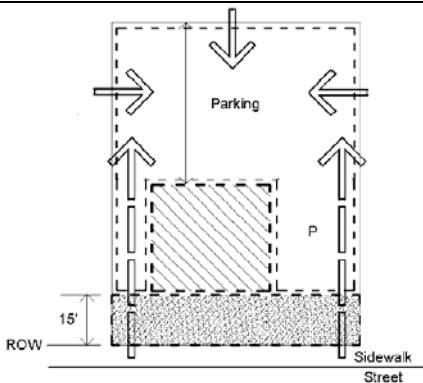
Techniques

- A. Windows should be set to the inside of the building face wall.
- B. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.



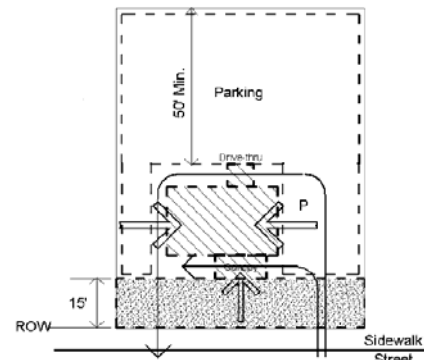
Lot Type / Highway Commercial

Building Placement/Parking/Vehicle Access



1. Buildings shall be placed on the lot within zone represented by the hatched area. In most cases, the build to line will be 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
2. Setbacks may vary according to setting within limits indicated.
3. Building facades shall be generally parallel to frontage property lines.
4. Parking shall be located to the rear and/or side of the building. Except in the VS District, sideyard parking may occupy no more than 45% of the principle frontage line. In the VS District, sideyard parking may occupy 50% of the principal frontage line. Parking 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.
5. Points of permitted access to the parking indicated by arrows.
6. 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.
7. Parking areas on adjacent lots shall be connected wherever practicable.
8. Trash containers shall be located in a rear parking area (see Parking Regulations).
9. 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 principle 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.

Vehicular Circulation/Pedestrian Access



1. Main pedestrian access to the building may be from the side (indicated by the larger arrows). Secondary access must be from the street frontage (indicated by the smaller arrow).
2. Drive-thrus shall be located to the rear of the building.
3. Entrance canopies (for motels, etc.) shall face the street.
4. Typical vehicular circulation movement is indicated by thin line arrows.

Special Conditions:

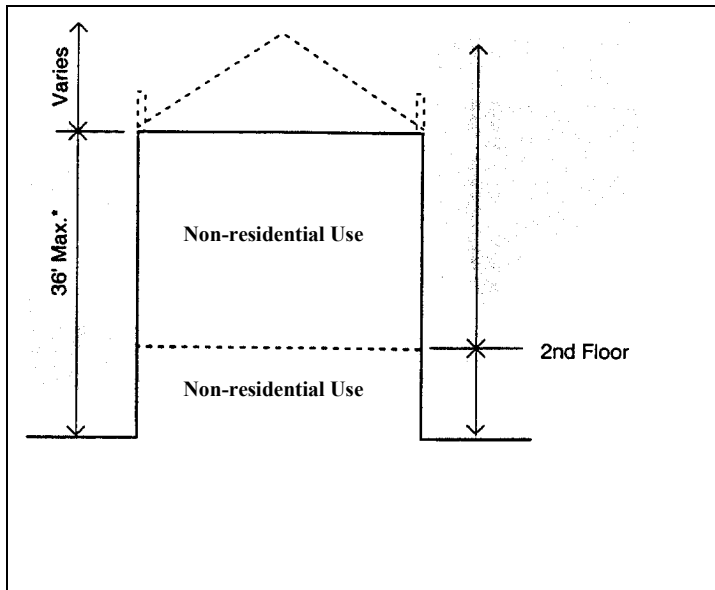
1. Buildings in all locations should relate a principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions.

Description:

1. This building type generally comprises fast food retail, drive through banks, motels and other highway dependent uses. These regulations are designed to bring these building types into a framework of town streets. This building type shall be limited to the Highway Commercial, Campus Business, and Special Purpose Districts. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Building Type / Highway Commercial

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 in the Highway Commercial (HC) zoning district may exceed the maximum building height (shown above), not to exceed six (6) stories, subject to the provisions of Article 9.45.

Architectural Standards

Principles

- A. 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.
- B. All walls not visible from a public right-of-way may be constructed of cinder block, bricks, wood or vinyl siding, or approved metal paneling but shall be painted to match the overall color scheme of the rest of the building.
- C. Trailers (mobile units) may not be used as permanent highway commercial buildings.

Configurations

- A. Two wall materials may be combined horizontally on one façade. The "heavier" material should be below (i.e. brick below wood siding).
- B. Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.

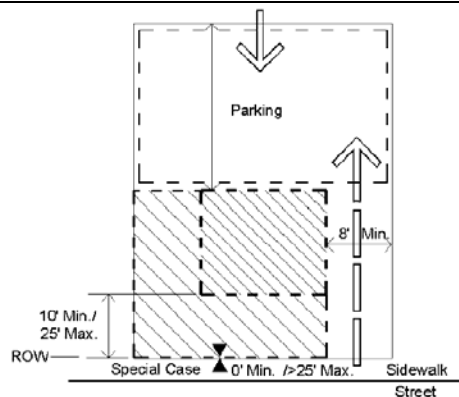
Techniques

- A. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.



Lot Type / Apartment Building

Building Placement/Parking/Vehicle Access

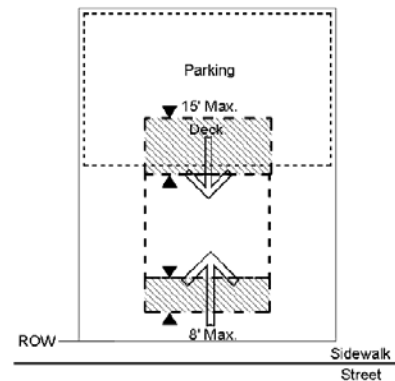


1. Buildings shall be placed on the lot within the zone represented within the hatched area.
2. In most cases, the build to line will be 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In urban conditions, apartments may be set up to the property line at the sidewalk, including corner conditions.
3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street. All ground floor residential units with exterior access shall front a public street, unless specifically exempted by one of the provisions of Section 8.1.
4. Parking shall be located to the rear of the building.
5. Points of permitted access to the parking indicated by arrows.
6. 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.
7. Trash containers shall be located in the rear parking area (see Parking Regulations).
8. 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 principle 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.

Description:

The apartment building is a residential building accommodating several households. In traditional towns, this building type coexists with a variety of other building types. A successful contemporary design permits its integration with other residential types through the coordination of site and building design (see Architectural Regulations). Apartment complexes should be one or more separated buildings similar in their scale on the public street to large detached housing. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Encroachment/Pedestrian Access



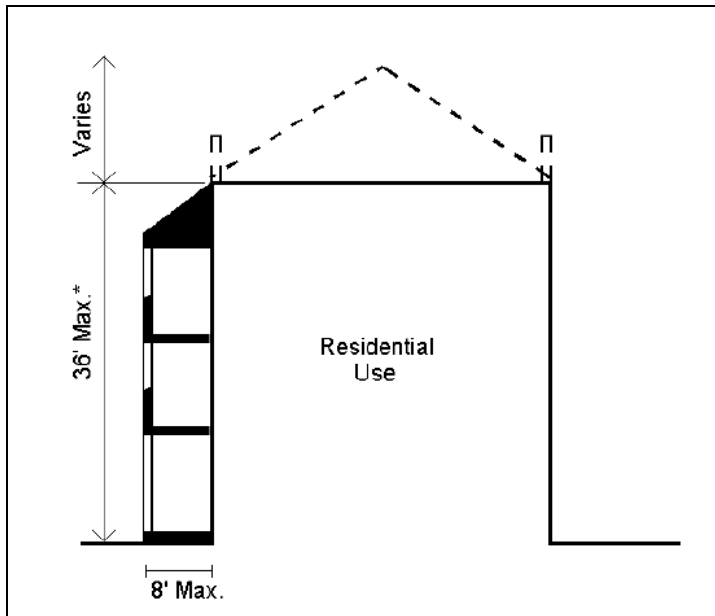
1. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.
2. Attached decks are permitted to encroach into the rear setback up to 15 feet.
3. For buildings set up to the sidewalk, upper level balconies, bay windows and their supports at ground level may encroach a maximum of 5'0" over the sidewalk.
4. Main pedestrian access to the building and to individual units is from the street (indicated by larger arrow), unless specifically exempted by one of the provisions of Section 8.1. Secondary access may be from parking areas (indicated by smaller arrow).

Special Conditions:

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

Building Type / Apartment Building

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.

Architectural Standards

Principles

- A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.
- B. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
- C. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- D. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.
- E. Porches should form a predominant motif of house designs, and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.
- F. Front loaded garages, if provided, shall meet the standards of Section 8.16.
- G. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Configurations

- A. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main building.
- B. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
- C. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below.
- D. Exterior chimneys should be finished in brick or stucco.

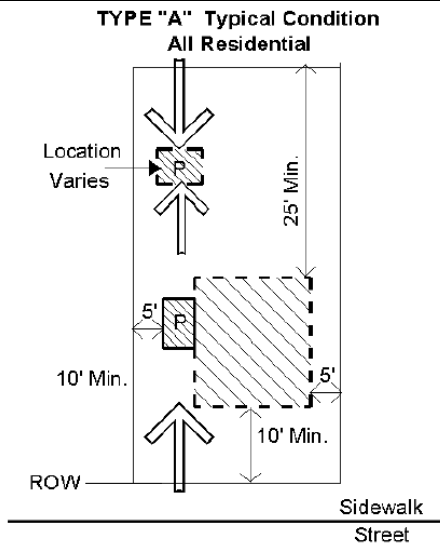
Techniques

- A. Overhanging eaves may expose rafters.
- B. Flush eaves should be finished by profiled molding or gutters.



Lot Types / Detached House

Building Placement/Parking/Vehicle Access

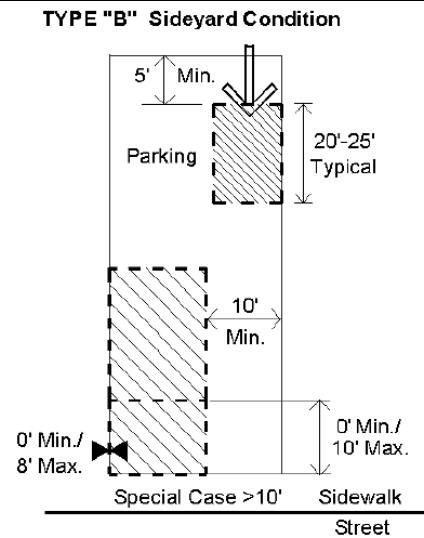


- Buildings shall be placed on the lot within zone represented by the hatched area except in R & TR zone, where min. front setbacks are 25' and 20' respectively.
Along new streets, the build-to line shall be a minimum of 10' behind street ROW.
Along existing streets, front build-to lines of new buildings shall be equal to the average setbacks of existing buildings on the same side of the street within 300'. Where the average setback of existing buildings within 300' exceeds 50' the setback of any new building may vary up to 20' from the setback of an adjacent building, existing or proposed, in order to negotiate a gradual transition to a different building setback. Only in the most exceptional circumstances having to do with extreme topography or very special design composition may these rules of residential building placement be varied.
- 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.
- A detached garage may be located only in the rear yard.
- Points of permitted front or rear access to parking indicated by arrows. On corner lots, sideyard access is also permitted.
- Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
- For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'.
- Sideyard setback is 12' in the R zone & 6' in the TR zone.

Description:

The detached house may coexist with other, similarly scaled buildings along town streets. When other building types are integrated with the detached house, the scale of the detached house type and lot shall control. Civic buildings, however, may exceed the scale of the detached house. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Building Placement/Parking/Vehicle Access



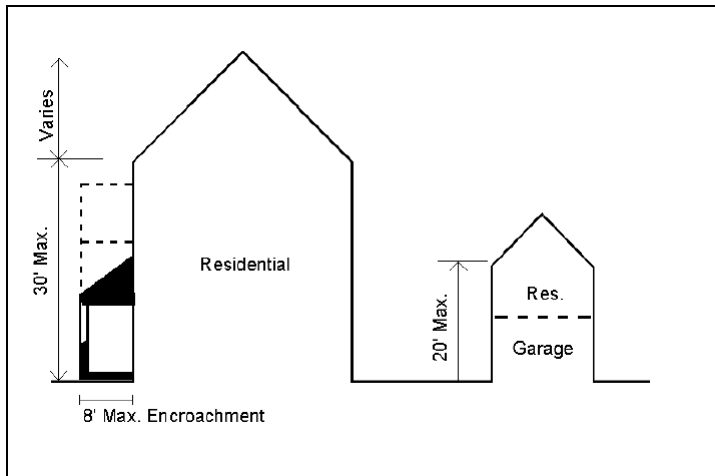
- Generally, buildings shall be placed on the lot within zone represented by the hatched area. The build-to line will range from 0' to 10' behind street ROW. Special site conditions such as extreme topography may require a larger setback. Sideyard houses are not permitted on in-fill sites abutting existing all-yard houses.
- A detached garage may be located only in the rear yard. Attached garages are not permitted on sideyard houses.
- Points of permitted rear access to parking indicated by arrow.
- Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
- For buildings set up to the sidewalk, balconies and upper level bay windows may encroach over the sidewalk up to 5'.
- For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'.
- Commercial Use in a Detached House (NR district) shall comply with the following:
 - Parking shall be located in the side or rear yards only. If provided in the side yards, the parking area shall not exceed 25% of the frontage line and shall not be in the yards adjacent to a street.
 - Parking areas on adjacent mixed use lot shall be connected whenever practical.
 - Trash containers shall be located in the rear yard. If adjacent to existing single family residential uses, trash containers shall be limited to residential rollout containers only (no dumpsters).
 - Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by an opaque screen.
- Mechanical equipment shall not encroach into any required setback.

Special Conditions:

- The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
- Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
- Within the limits described, these regulations apply to all houses built on public streets. For detached homes on large lots accessed by a private drive in Rural Neighborhoods, building placement and site planning will be dictated by landscape features and landscape preservation.

Building Type / Detached House

Permitted Height/Uses/Encroachments

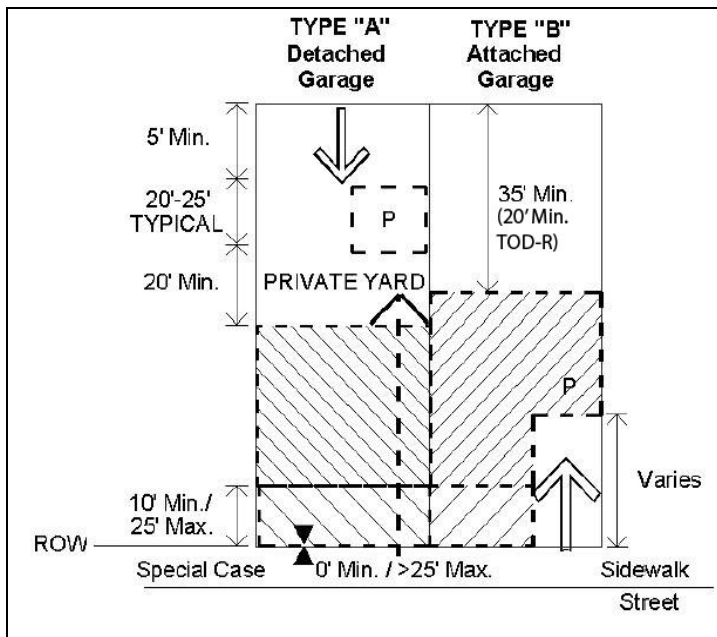


1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height of main dwelling to ridge may vary depending on the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet or 50% of first floor area of principal residence, whichever is greater.
5. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.
6. Decks, balconies, and porches are permitted to encroach into the rear yard setback as provided in Section 8.8.9.



Lot Type / Attached House

Building Placement/Parking/Vehicle Access

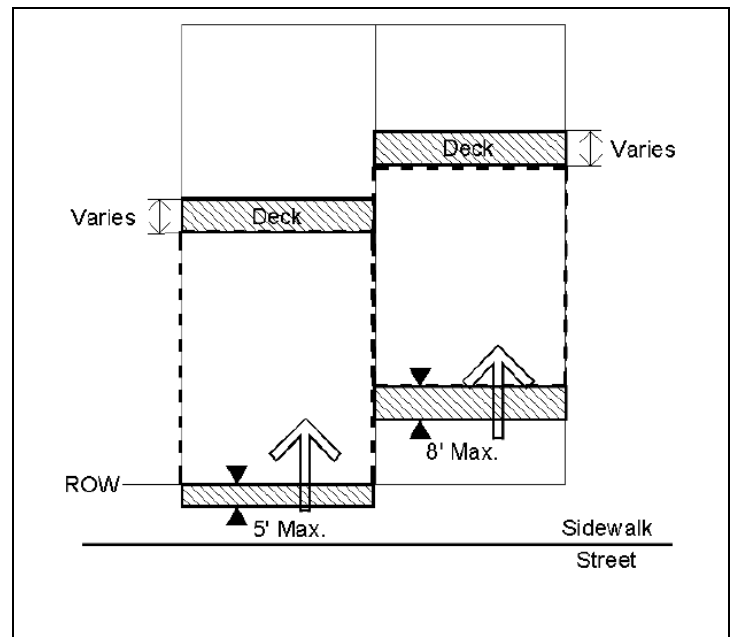


1. Buildings shall be placed on the lot within zone represented by the hatched area.
2. Along new streets, the build-to line will range from 10' to 25' behind street ROW. Special site conditions such as topography or lot widths permit a larger setback. Along existing streets, front build-to lines shall typically be equal to the average setbacks for buildings on the same side of the street within 300 feet. However, in more urban conditions, dwellings may be set up to the property line at the sidewalk.
3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street.
4. Front loaded garages, if provided, shall meet the standards of Section 8.16.
5. Points of permitted access to parking indicated by arrows.

Description:

The attached house is a rowhouse, a townhouse, or a duplex. Traditional southern homes in Savannah and Charleston provide the historic model. Dilworth Crescent in Charlotte provides a good contemporary example. Generally, building plans will have narrow frontages with the plan depth being greater than its width. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Encroachment/Pedestrian Access



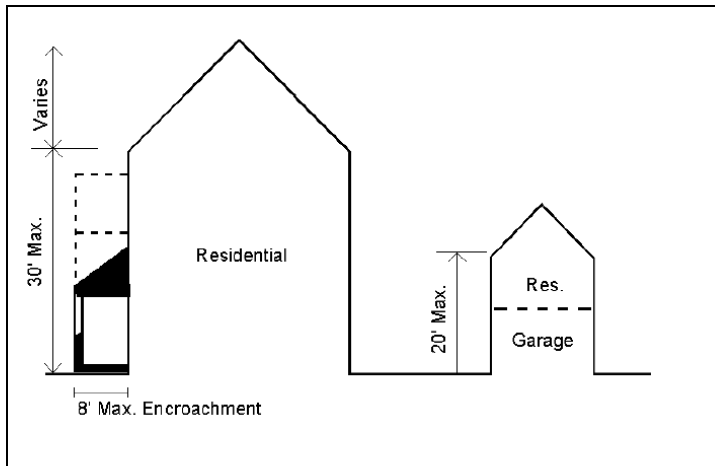
1. For buildings set up to the sidewalk, balconies and upper level bay windows are permitted to encroach over the sidewalk area up to 5'.
2. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).
4. Decks must be constructed only in an established rear yard and are permitted to encroach into the rear setback up to 15'.
5. Mechanical equipment shall not encroach into any required setback.

Special Conditions:

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity.

Building Type / Attached House

Permitted Height and Uses

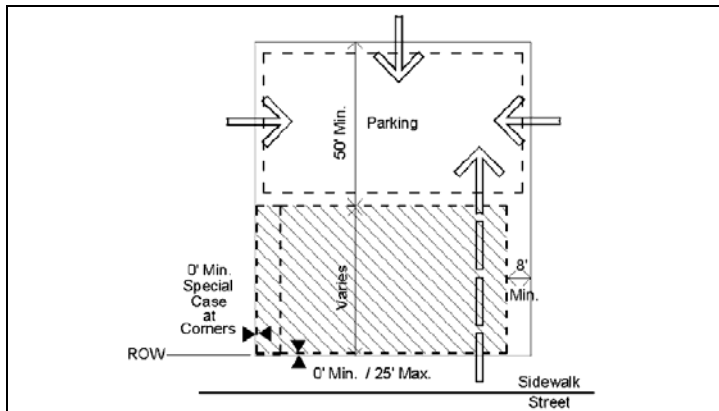


1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height to ridge will vary depending upon the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet.



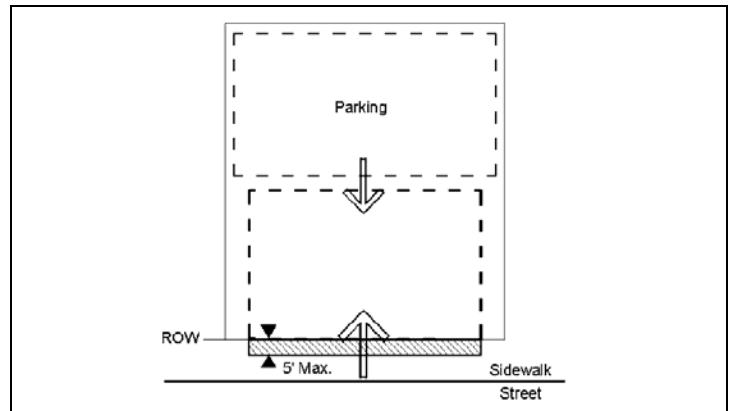
Lot Type / Civic Building

Building Placement/Parking/Vehicle Access



1. 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 25' behind street ROW. Special site conditions such as topography, lot width, or provision of a green or plaza will permit a larger building setback.
2. Parking shall be located to the rear of the building; sideyard parking shall occupy no more than 25% 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.
3. A green zone or defined plaza should be provided to relate the building to the street.
4. Generally, building and street facades must extend parallel to frontage property lines.
5. Points of permitted access to the parking indicated by arrows.
6. 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.
7. Parking areas on adjacent lots should be connected.
8. Trash containers shall be located in the parking area (see Parking Regulations).
9. 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 principle 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.

Encroachment/Pedestrian Access



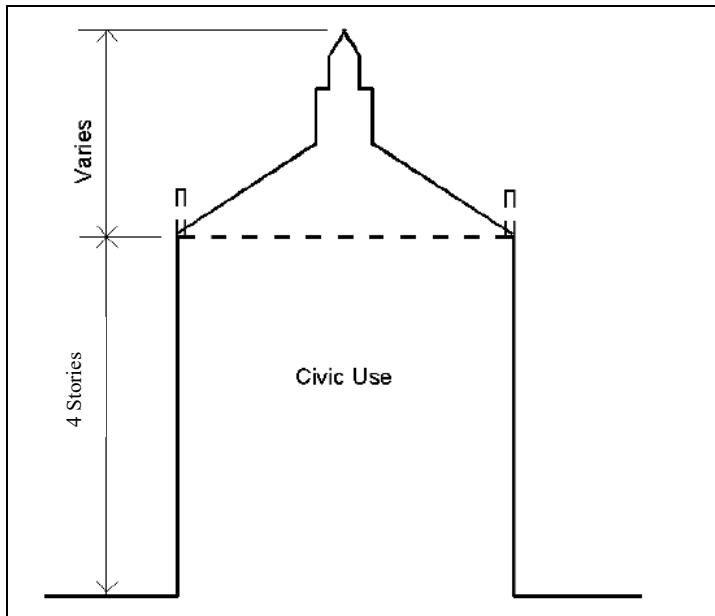
1. For buildings set up to the sidewalk, upper level balconies, bay windows and their supports may encroach a maximum of 5'0" over the sidewalk.
2. For buildings set back from the sidewalk, balconies, stoops stairs, open porches, bay windows, and awnings are permitted to encroach into front setback area up to 8'.
3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

Description:

A civic building is a building used for purposes that are public in nature (e.g. schools, libraries, government buildings, and churches). These buildings must be designed to take their appropriate places within neighborhoods as integral parts of the community. It is expected that the scale and architectural sophistication of these buildings will match their civic importance. Where possible, civic structures shall be designed to terminate vistas or serve as key focal points in the neighborhood. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. Civic buildings shall not be set back on the lot behind a standard parking lot; however, a plaza may be used for occasional parking.

Building Type / Civic Building

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. Maximum height of buildings shall be 4 stories. Building must comply with compatibility of surrounding development as found in applicable zoning district.
4. Permitted uses are indicated above and are further regulated by zoning district standards.

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. 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 a 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.
- E. Trailers (mobile units) shall not be used as permanent civic buildings.
- F. Schools, churches, and government buildings shall be built so that they terminate a street vista whenever possible, and shall be of sufficient design quality to create visual anchors for the community.

Configurations

- A. Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location. Clear textured glass is allowed in restrooms with windows. Stained glass or decorative art glass is permitted.
- B. Flat roof lines are allowed.
- C. The orders, if provided, should have proportions and moldings according to The American Vignola.

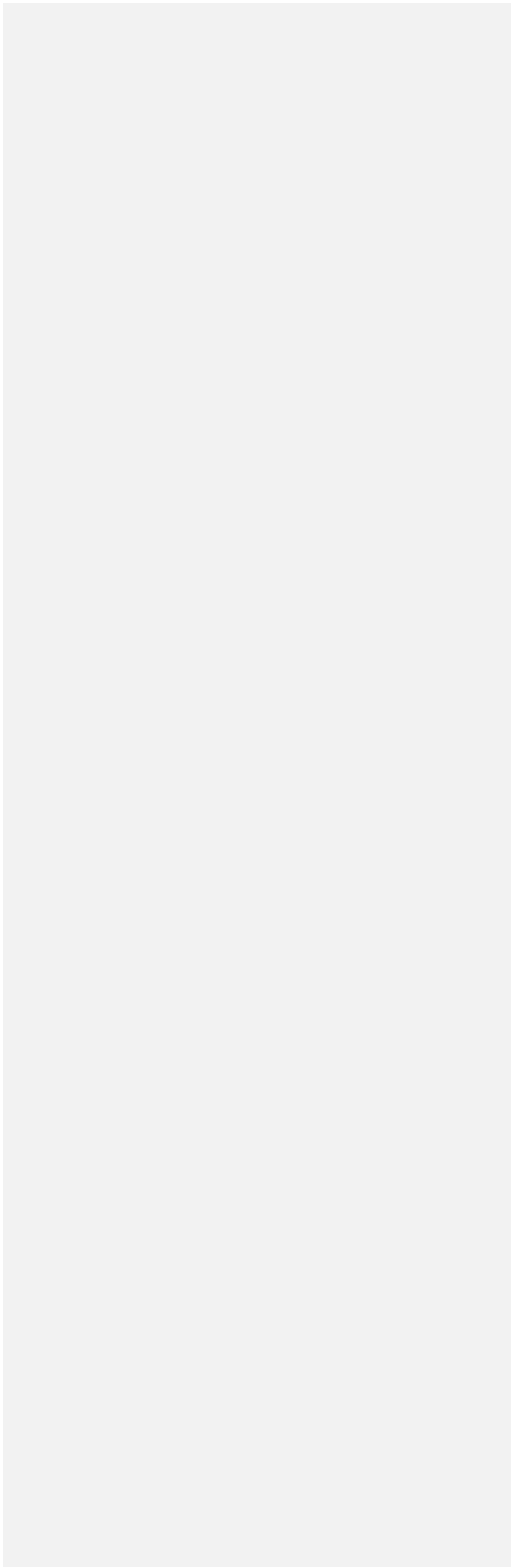
Techniques

- A. Windows should be set to the inside of the building face wall.
- B. All rooftop equipment shall be enclosed in building material that shall be enclosed in building material that matches the structure or is visually compatible with the structure.
- C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.



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ARTICLE 5: STREETS



5.1 Summary

Streets are an integral component of community design and represent the largest percentage of public open space in town. In Huntersville, public streets are designed with the land uses adjacent to the street to safely accommodate mobility, access, and travel for all users. All streets should connect to help create a comprehensive network of public areas to allow movement of automobiles, transit vehicles, bicyclists, and pedestrians. All elements of community design must be incorporated with the design of the street network to promote motorized speeds that are appropriate to their context.

The processes described in this Article in conjunction with the Town's Engineering Standards and Procedures Manual shall be used for the design of all public streets in the Town's jurisdiction, which includes both the Town corporate limits and the Extraterritorial Zoning Jurisdiction (ETJ).

Streets shall:

1. Incorporate appropriate accommodations for all modes of transportation including, vehicles, pedestrians, bicyclists, and transit users, and may include user amenities such as shelters, benches, and bike racks.
2. Interconnect within a development and with adjoining development. Cul-de-sac streets may be allowed only where topographical and/or adjacent development offer no practical alternatives for connections or through traffic. Street stubs shall be provided within developments adjacent to vacant land or land suitable for redevelopment, wherever possible, to provide for future connections. The Land Development Map, Huntersville Community Plan and any applicable Small Area Plans should be reviewed to locate potential connections in new neighborhoods.
3. Be bordered by sidewalks on both sides, with the exception of ditch-type local streets, alleys, and the undeveloped edge of parkways (see Article 7.11). Sidewalks on one side of the road may be permitted in the Rural zone as an incentive to protect water quality.
4. Be lined with street trees on both sides, with the exception of ditch-type local streets, alleys, and the undeveloped edge of parkways (see Article 7.11).
5. Be public. Private streets are not permitted within any new development. Alleys will be classified as public or private depending on function. Private drives are permitted [only as specifically provided for in these regulations](#).
6. Generally, all buildings will front on public streets.

Commented [JS1]: To reflect private drives allowed in Rural, Transitional, HC and CB under limited circumstances.

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5.2 Blocks, Intersections, and Traffic Calming**a. Blocks**

Street blocks defined by public streets are the foundation of traditional neighborhoods. Block dimensions are as follows:

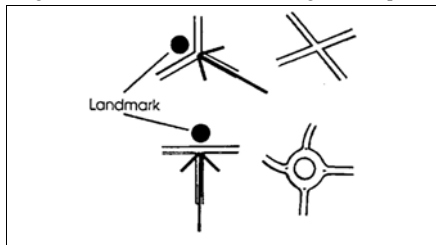
New Development Type	Linear feet as measured between cross streets
Urban Conditions	250 to 500 feet
Major Residential Subdivisions	Not to exceed 800 feet
Large Lot Subdivisions/Industrial Areas	Not to exceed 1500 feet

The block pattern should continue to establish the development pattern at the project edge. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in an arrangement of street connections, lots and public space more consistent with this Article and Article 7 of these regulations, the Town Board may authorize greater block lengths at the time of subdivision sketch plan review and approval.

b. Intersections

Segments of straight streets should be interrupted by intersections designed to:

1. Disperse traffic flow and reduce speeds, thereby eliminating the creation of de facto collector streets with high speed, high volume traffic; and
2. Terminate vistas with a significant natural feature, a building, a small park, or other public space.



c. Traffic Calming Other traffic calming measures such as mini traffic-circles, neck-downs, chicanes, mid-block diverters, intersection diverters, curb bulbs, serial hill crests, and related devices will be considered on a case-by-case basis, based on safety and appropriateness in the proposed location.

5.3 Acceptance of Streets for Town Maintenance

Streets shall be accepted in accordance with the Street Acceptance Policy adopted by the Board of Commissioners and as explained in Section I.J of the Engineering Standards and Procedures Manual.

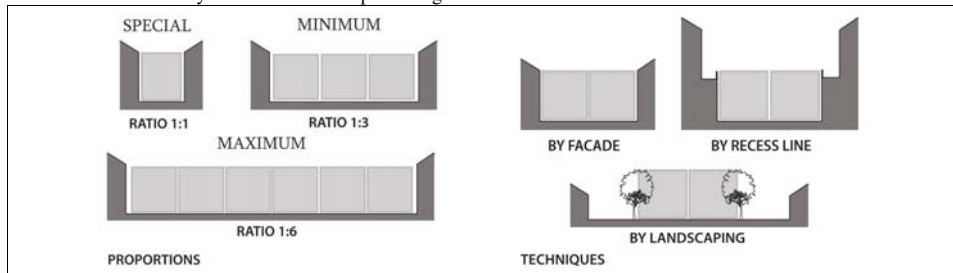
5.4 Defining the Public Space of the Street

As the most prevalent public spaces in Huntersville, streets should be spatially defined by buildings. Proper alignment and delineation of the public street space occurs when the facades of adjacent buildings are aligned much like the walls forming a room. Buildings that make up the street edges are aligned in a disciplined manner. The defined space observes a certain ratio of height to width.

Building articulation must take place primarily in the vertical plane of the façade. Appendages such as porches, balconies, and bay windows are encouraged to promote the transition between the public street and the private dwelling.

For good definition, the ratio of one increment of height to six of width is the absolute maximum, with one to three being a good effective minimum. As a general rule, the tighter the ratio, the stronger the sense of place. Very tight relationships of one to one can create special pedestrian places.

In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary on streets with deep building setbacks.



5.5 Street Design Specifications

Design should permit comfortable use of the street by motorists, pedestrians, bicyclists, and transit users. Pavement widths, posted speeds, and the number of travel lanes shall be appropriate for a multi-modal transportation network for which it will serve. The specific design of any given street must consider the context of the building-types which have frontage and the relationship of the street to the overall Town street network.

Decision Making Process

Street design is to be tailored to the context of the area in which the street is located and shall balance the needs of those living, working, and traveling on that street. All new streets and improvements to existing streets within the Town's jurisdiction (excluding projects where multi-modal transportation is not allowed) will use the collaborative decision-making process described below:

Step 1: Define Land Use Context. What is the intensity and type of land use at present? What building type(s), massing and exterior features are common between the existing developments? Is there a Small Area Plan for the district? What does it involve and advise? Are there other adopted plans that are applicable?

Step 2: Define the Transportation Context. Identify the transportation network that will influence the street design. What is the nature of the surrounding street network? Does the street cater to the multi-modal design philosophy? What are the incorporated street elements (lanes, sidewalks, bicycle lanes, traffic-calming devices, landscaping)? Are transportation improvements expected for the area?

Step 3: Establish Goals and Objectives. Consider the issues and opportunities of the context (land use and transportation) and their impact on the design of the street network in order to develop goal sets for all users.

Step 4: Prioritize Goals. What components are acceptable and what should be modified? Do the stakeholders and larger community prefer the street network and neighborhood to change or remain the same? How would the stakeholders and larger community prefer the street network and neighborhood to change?

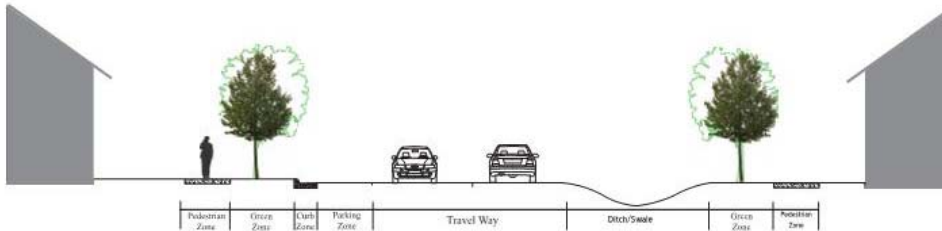
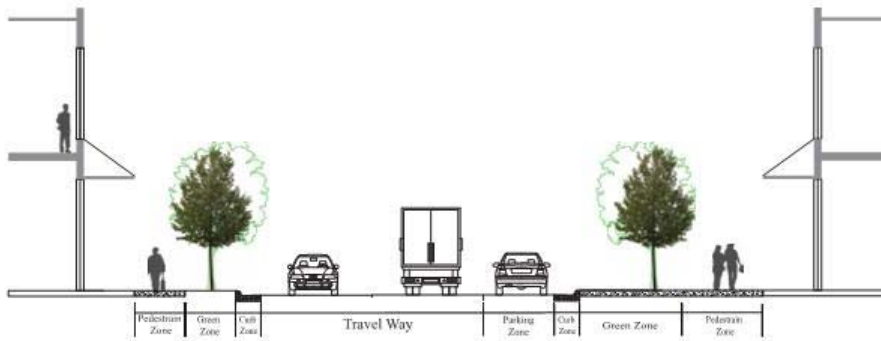
Step 5: Develop Alternatives. Research and test the most suitable street type and its elements using this Article. Identify the site-specific constraints (right-of-way, existing features, environmental features, topography, etc.).

Step 6: Recommend Alternatives. Apply the appropriate street cross-section in the Town of Huntersville Engineering and Standards and Procedure Manual. Reconfigure the cross-section according to the context-based analysis in Steps 1 and 2 to meet goals established in Step 4 and accommodate the site-specific constraints listed in Step 5.

Elements of Street Design: Below are cross-sections to be used for ILLUSTRATIVE PURPOSES to explain each design element discussed in this section.

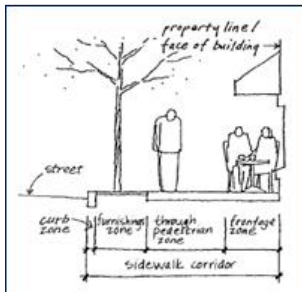
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Residential - Type Street Elements**Retail/Mixed-Use -Type Street Elements**

NOTE: On street parking typically provided on both side of street.

- a. Pedestrian Zone is the area intended for pedestrian travel. The walkway section of the pedestrian zone shall be free of all obstacles (temporary and permanent) and should be of sufficient width to allow pedestrians to walk safely and comfortably for current and future pedestrian activity. At a minimum, 5 feet "free and clear" (per ADA standards) shall be provided.



- b. A sidewalk is required on both sides of public streets excluding residential-type streets in the Rural district, and the undeveloped side of residential-type streets adjacent to open space. Sidewalks are not required for alleys. On residential streets, the minimum sidewalk width shall be 5 feet. In commercial and mixed-use areas, the minimum sidewalk width is 7 feet free and clear of obstacles. When the Green Zone includes

hardscaped materials (tree grates and cutouts), the minimum sidewalk width is 10 feet with 5 feet “free and clear” (per ADA standards).

- c. Sidewalk widths along thoroughfares (or higher-order streets) are established on a case-by-case basis but shall not be less than 6 feet.

- d. Tree-grates may be utilized for street trees; however, the grate-area may only count toward 1 foot of the “free and clear” (per ADA standards) sidewalk area. All other material placed at the base of street trees, other than concrete or asphalt, shall not count toward the minimum sidewalk width.

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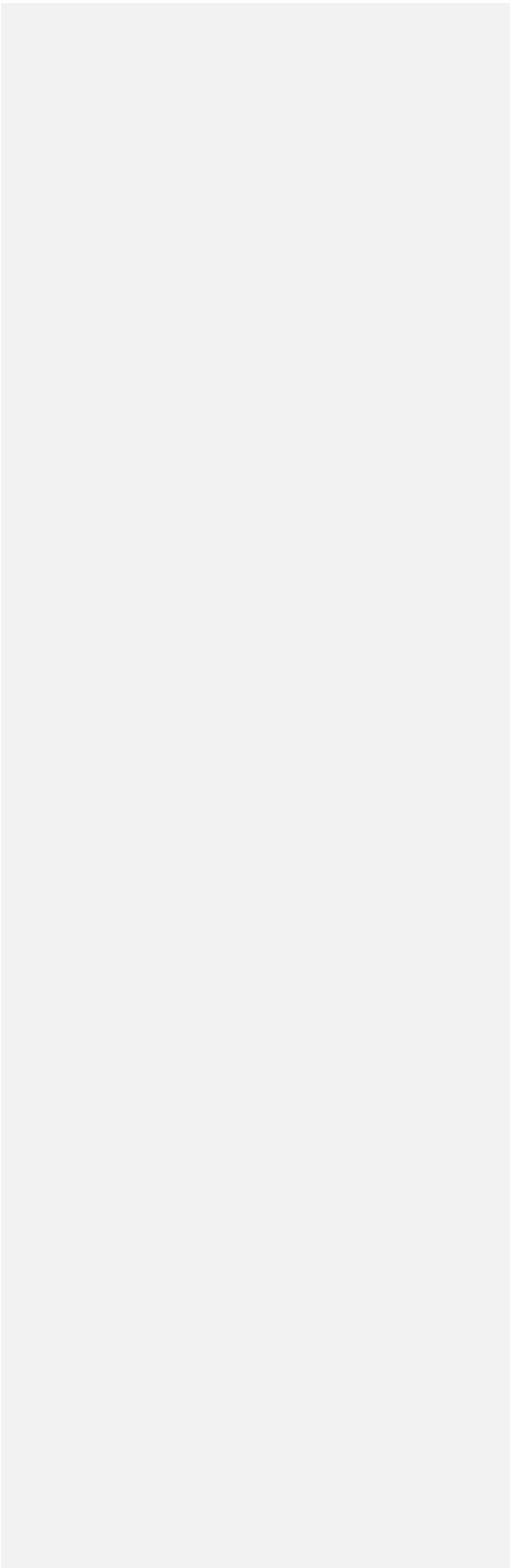
1. Street trees are required on both sides of all public streets except along the undeveloped side of residential-type streets adjacent to open space. Street Trees shall be located within a Green Zone, which is the space between the sidewalk and the back of curb or back of swale where no curb and gutter is present. Typically, Green Zones are a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone may include street trees and landscaping and often includes street furnishings and utilities. To encourage tree health, Green Zones shall be provided as follows:
 - a. Curb and gutter section – 7 feet in width (minimum);
 - b. Ditch section – 6 feet minimum outside the swale;
 - c. Industrial Streets – 10 feet in width;
 - d. Alleys – not required.
2. Generally, street trees shall be planted at a spacing not to exceed 40 feet on center, and shall be a large-maturing type (see Town of Huntersville Approved Tree and Shrub List). Where overhead utility lines preclude the use of large-maturing street trees, small-maturing street trees may be substituted, planted 30 feet on center. Street tree spacing may be “field-adjusted” for driveways or utilities, but should generally maintain uniform spacing. Street trees should not be planted within 40 feet of the radius return of an intersection.
3. Parking Zone is an area to accommodate on-street parking adjacent to uses where on-street parking provides convenience. Parking widths and layout may vary. Refer to the Town’s Engineering Standards and Procedures Manual for specifics on parking space widths and lengths. This area may also include transit stops and provisions for transit pullouts.

On-street parking is recommended where building type and use will generate regular parking need. Occasional on-street parking can be accommodated without additional pavement width. For streets which serve workplace and storefront buildings, on-street parking lane(s) are required and shall be marked as such. An on-street parking lane on at least one side of the street is required on streets serving apartments, attached houses, and detached houses with lots 60’ or less in width. This parking should be on the side of the street that the use is located (if applicable). In some conditions, parking should be adjacent to urban open space. Standard curb and gutter is required where there is marked parking.

Generally, on-street parking should be parallel, and 7 to 8 feet in width; Angled parking or reverse-angle parking is only permitted as an intentional design element where appropriate.

4. Medians. Medians that are greater than 10 feet in width should be planted. Refer to the Engineering Standards and Procedures Manual for additional planting requirements. Pedestrian refuges may be located in the medians.
5. Traffic Control Plans depicting all regulatory, warning and street name signage as well as pavement markings shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices and the Engineering Standards and Procedures Manual for all public streets. The developer is responsible for the initial installation of the signs and/or markings and the maintenance thereof until the public accepts the street for maintenance. Conflicts between street signs and tree plantings shall be avoided.

These elements may be varied only in accordance with the design principles detailed above and as approved by the Planning Director in consultation with the Town’s Engineer.



ARTICLE 6: OFF-STREET PARKING

Off-Street Parking Design

Design Standards

Off-street parking areas should be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. The following standards shall therefore be met.

- A. Parking lots shall be placed behind buildings; side of the building parking will be permitted only as indicated by Building Type and shall be measured along the build-to line. Off-street parking is not permitted in front of the primary building facade, except where specified in an adopted street section, detailed as a public plaza, or associated with a golf clubhouse and located a minimum of 800 feet from designated thoroughfare(s).
- B. Uninterrupted areas of parking lot shall be limited in size. Large parking lots shall be broken by buildings and/or landscape features.
- C. Parking lots are to be treated as enclosed rooms for cars, with enclosure provided by tree planting and/or building walls(s). For small lots (thirty-six spaces or less), landscaping shall be required at the perimeter; for large lots (more than thirty-six spaces), landscaping shall be at the perimeter and placed to break the lot into parking modules of no more than thirty-six spaces. See diagram on following page.
- D. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots, this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors may be delineated by a paving material which differs from that of vehicular areas and planted to provide shade. Small posts or bollards may be included.
- E. To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should be no wider than 24 feet. Driveways connecting to state roads shall meet the requirements of the NC Department of Transportation.
- F. To the extent practicable, adjoining parking lots serving non-residential buildings shall be interconnected.
- G. All commercial driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, peak parking, and Riding Academies and Commercial Stables. Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement or brick pavers.

Amount Required

While it is expected that on-street parking will contribute substantially to every day parking needs, sufficient off-street parking must also be provided to serve the particular needs of the building(s). The following minimum requirements apply:

Residential

1 bedroom dwelling unit: 1 space

Dwelling units with more than one bedroom: 1.5 spaces

Congregate housing: no minimum parking required

Commercial, Industrial, Office

1 space per 500 sq. ft.

Warehouse

.25 spaces per 1000 Sq. Ft.

Civic

No minimum

Hotels, motels

1 space per room plus 1 space per 500 sq. ft. of ancillary use

Exceptions:

- A. In the Town Center (TC) District, existing buildings which were legally constructed without the provision of on-site parking, and infill housing on existing lots of record may meet requirements with on-street parking and will be construed conforming as to parking. Such buildings are eligible for change of use permits, for building upfits, and for expansion.
- B. Residential buildings may meet or contribute to meeting parking requirements with on-street parking if individual driveways are minimized and the fronting street is specifically designed to meet the parking needs of the residential buildings.
- C. Where vehicular access is provided between adjoining non-residential sites and the peak operating hours of adjoining uses do not overlap, the uses may share up to 50 percent of required parking spaces. Shared use of parking shall be guaranteed by a contract or other legally binding agreement.

Landscaping of Parking Lots

Perimeter landscaping of parking shall meet all standards below:

- A. Screening shall be provided by installing along the perimeter of the parking lot a continuous row of evergreen shrubs max. separation 4' on center but in no case less than what is necessary to achieve a complete visual screening depending on the variety of shrubs planted (minimum height 2' at installation, expected height at maturity at least 6' except adjacent to street right-of-way where the expected height at maturity is at least 4') and/or a masonry wall 3' to 6' in height. This screen may be penetrated for access between parking lots.
- B. As an alternative screening requirement for parking lot edge(s) which abut street rights-of-way, a 3' masonry wall to provide casual seating may be installed in place of the continuous row of shrubs described in A., above.
- C. In addition to screening, large maturing canopy trees shall line the parking lot; they shall be planted at a maximum of 40 ft. on center. Tree planting strips at perimeter of lots shall be a minimum of 10 feet in width. Only where pre-existing overhead utility lines prevent use of large maturing trees may small maturing trees maximum 30 ft. on center be substituted.
- D. Existing vegetation which meets, in whole or in part, the purposes of perimeter landscaping above, may be applied toward requirements.

Interior landscaping of parking lots shall consist of large maturing canopy trees placed such that each section of parking (up to 35 spaces per section) is enclosed by trees (or building wall), with a maximum spacing of 40 ft. on center. Tree planting areas within parking lots shall be at least eight feet wide, a minimum of 200 square feet in area, edged with a curb at least six inches in height, and designed to minimize damage to trees by parking or moving vehicles. Only where pre-existing overhead utility lines prevent use of large maturing trees may small maturing trees maximum 30 ft. on center be substituted.

Dumpsters shall be set on a concrete base and shall be hidden by an opaque fence or wall of sufficient height to screen the bin and any appurtenances, but not less than 6' in height. Wooden shadow box fences are recommended. Trash containers such as dumpsters shall be located abutting residential property. Wherever used, fences and walls should be constructed to match the architectural details of the main building(s).

Lots with less than 5 parking spaces are not subject to the parking area landscaping

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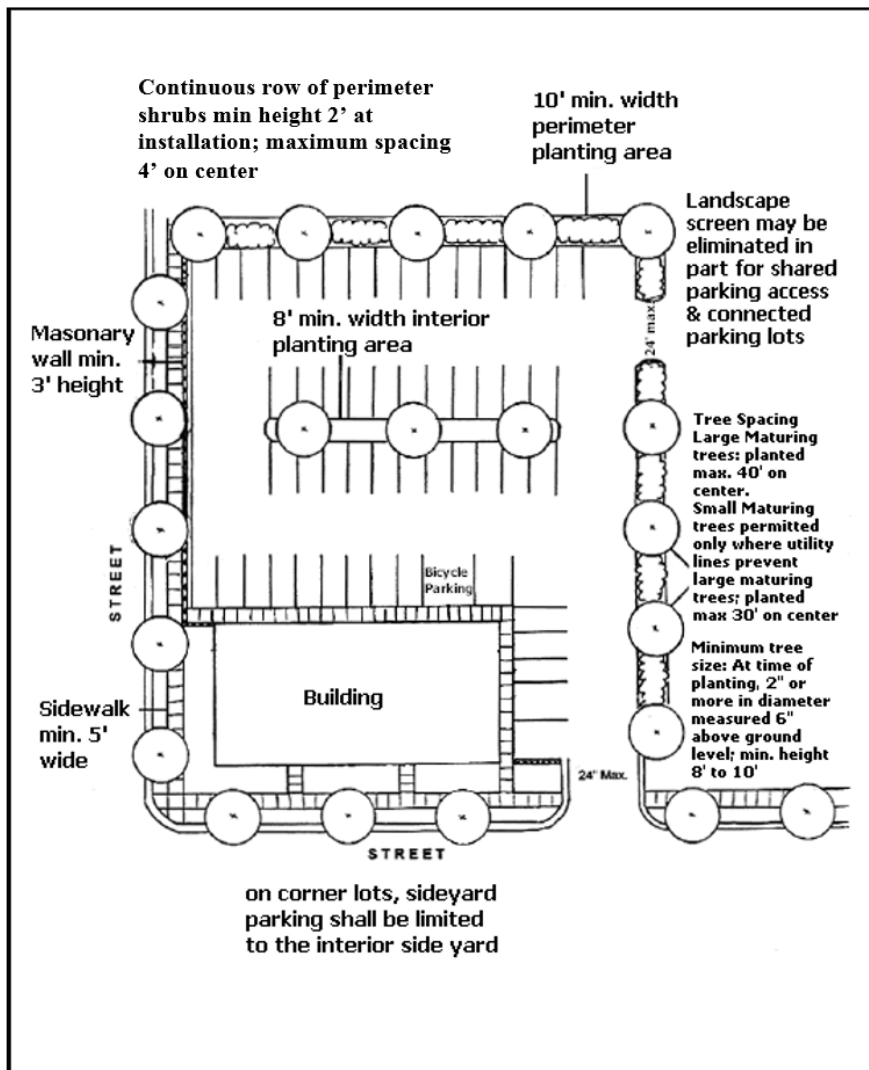
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D. In order to preserve the natural, environmental, and historic character of publicly owned nature preserves and wildlife refuges, parking access driveways and parking areas for such uses may be paved with gravel, crushed stone, or pea gravel provided the area of the parking lot and driveway for the use does not exceed 20,000 square feet. Bicycle Parking All non-residential buildings should include an area for parking bicycles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking area must include a bike rack with locking area. Overflow Parking Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be constructed of any dust-free, compacted, pervious ground cover; the owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of pervious ground cover; gravel and pavement are examples of impervious surfaces.
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provisions of this section. All mechanical equipment shall be screened from view with an opaque screen	Deleted: D)
Lighting for Parking Lots Lighting of parking lots shall be on standards ranging from 8' to 30' in height and shall meet the standards of Article 8.26	

Off-Street Parking Design

Typical Conditions/Corner Lot



ARTICLE 7

LANDSCAPING & OPEN SPACE

ARTICLE 7:

PART A: *LANDSCAPING*

PART B: *OPEN SPACE*

ARTICLE 7, PART A: LANDSCAPING

7.0 Purpose and Intent

These regulations are established to protect and enhance the natural landscape of Huntersville and to ensure the appropriate use of plant material in new construction. It is the intent of these regulations to preserve natural tree cover and to include new tree planting with development in order to:

- reinforce community identity;
- reduce visual blight, noise, and glare;
- increase building and property values;
- prevent soil erosion;
- reduce storm water runoff;
- increase groundwater recharge; and
- create shade and reduce solar overheating.

7.1 Applicability

- .1 This Article shall apply to any activity, which requires the issuance of a Land Disturbing permit, except as follows:
 - (a) This Article shall not apply to any portion of property included within the limits of a valid Land Disturbing Permit issued prior to February 17, 2003 (the effective date of this Part), provided that all time constraints relating to the permit issued shall be observed. In no event shall any vested project be extended for a greater time period than 24 months from the date of enactment of this ordinance.
 - (b) All plant and/or tree nurseries and botanical gardens shall be exempt from the terms and provisions of this ordinance in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business or for some public purpose.
 - (c) Land clearing or clearing and grubbing activities for agricultural purposes shall be exempt from the provisions of this ordinance and requires a valid permit issued by Mecklenburg County.
 - (d) Timber harvesting (selective cutting or clear-cutting) for pulpwood or saw timber shall be exempt within all zoning districts and requires a bona-fide farm permit issued by Mecklenburg County or have a Forest Management Plan written by the NC Forest Service or Registered Forester.
 - (e) Subdivisions approved prior to February 17, 2003 which are vested under the provisions of section 2.2 of this ordinance are subject to the landscaping requirements in effect at the time of vesting.

7.2 General Regulations

- .1 All trees and shrubs plantings required by this ordinance shall be selected from the approved Huntersville Tree and Shrub List. Other species and cultivars not on the list may be approved by the Planning Director on a case by case basis, but must be locally adapted to the area and meet the specifications for the measurement, quality, and installation of trees and shrubs in accordance with the American Standards for Nursery Stock, published by the American Horticulture Industry Association. Native species and related cultivars are encouraged.
- .2 Installation of trees and shrubs shall comply with the Land Development Standards Manual.
- .3 Landscaping, including berms where permitted, shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety upon any such street, driveway, parking aisle, or street intersection. Required NCDOT sight distance triangles and sight triangles in Section 8.9 shall apply to street trees. Any sight obstruction determined by the town shall be corrected immediately.

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- .4 Commercial parcels shall be landscaped while vacant to stabilize the site and maintain an attractive appearance. Landscaping shall consist of, at a minimum, turf grass or other vegetative ground cover to stabilize the soil. Shrubs, trees, or any other vegetative cover may be planted that will and create an attractive appearance.
- .5 All required plantings shall be installed in a manner that ensures the availability of sufficient soil and water for healthy growth and that is not intrusive to aboveground and underground utilities.
- .6 Small maturing trees are required to be substituted for large maturing trees whenever located within 25 feet of an overhead utility line.
- .7 Monoculture and over planting shall be avoided except that a single species of tree may be planted in formal parks or in conjunction with a streetscape plan.
- .8 The Zoning Administrator may approve revisions to a landscaping plan approved by the Town Board or Board of Adjustment in order to accommodate seasonal planting problems or a lack of plant availability as long as:
- (a) There is no reduction in the quantity of plant material.
 - (b) There is no significant change in the size or location of plant materials.
 - (c) The new plants are of the same general category and have the same general design characteristics as the materials being replaced.
- .9 Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements of sections 7.5 and 7.6 of this Article as long as such are: 1) free from disease or growth problems, 2) clearly shown on the site plan, 3) approved by the zoning administrator prior to development as meeting the intent of the landscaping requirements, 4) are not considered nuisance or noxious plants, and 5) are adequately protected during grading and development of the site.
- .10 In addition to the Tree Save Area required in this Article, every reasonable effort shall be made to protect and retain existing trees and shrubs not actually lying in planned roadways, drainageways, building foundation sites and construction activity areas. Except when necessary to provide access to a site or to ensure the safety and security of people and property, any existing healthy trees that are eight inches or greater in caliper, located within a public right-of-way or undeveloped required yard shall be retained unless approved for removal by staff during site plan review.
- .11 Berms are not permitted anywhere within the town's jurisdiction except in conformity with this Article.
- .12 All trees shall be a minimum of 2 inches in caliper and 8 feet in height at the time of planting, unless otherwise specified.
- .13 All shrubs shall be a minimum of 3 feet in height at the time of planting with an expected minimum height of at least 6 feet at maturity, unless otherwise specified.

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7.3 Maintenance of Required Landscaping

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- .1 The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffer yards, trees, berms, and landscaping planting required by this ordinance.
- .2 Staff is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced.
- .3 Buffer yards that, over a period of time, lose their screening ability shall be replanted to meet the requirements of this ordinance.
- .4 Replacement of trees and landscaping is permitted and shall be in accordance with the applicable provisions of this ordinance.
- .5 Maintenance includes actions necessary to keep landscaping materials healthy, neat, and orderly in appearance and free of litter and debris. Mulch and ground cover shall be organic. Tire mulch and impervious materials shall not be used in landscape areas.
- .6 Pruning of trees shall be done according to the *National Arborists' Association Standards* in a manner that preserves the character of the tree. Pruning shall not occur in order to give visibility to a structure, use, or sign.
- .7 Once streets have been accepted by the town or the state, street trees shall be maintained and cared for by the property owner adjacent to the tree except in subdivisions where the property owners' association provides maintenance and care. Prior to street acceptance, the developer shall be responsible for ensuring maintenance and care. Maintenance shall include replacement and trimming as necessary. A maintenance responsibility statement shall be provided on the Final Plat and documented within the homeowners' association articles of incorporation or the restrictive covenants/deed restrictions for the development.
- .8 Whenever shrubs are required for screening and buffer yards, they shall be maintained such that they retain their foliage to within 6 inches of the ground on a year-round basis. Further, such shrubs shall not be pruned to be less than the required mature height.

7.4 Tree Preservation, Protection, and Removal

- .1 Purpose.

Wooded sites provide distinct aesthetic, economic, and environmental significance and value as a natural resource of the Town. Existing vegetation plays a critical role in maintaining aesthetics, water quality, minimizing erosion and downstream flooding, and increasing quality of life.
- .2 Tree Preservation.
 - (a) Applicability.

Significant forest stands, specimen trees, and heritage trees, as defined in this ordinance, shall be preserved. Forested areas and vegetated areas and areas whose physical site conditions render them unsuitable for development shall be set aside as conservation areas or as open space. Wooded sites shall be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, careful consideration shall be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees, specimen trees and heritage trees shall be protected as a valuable asset of the property.

(b) Site Analysis/Existing Features Plan

For the purposes of identification and preservation, a site analysis by a North Carolina Landscape Architect, Engineer, or other professional approved by staff is required for all development. The site analysis shall be submitted to planning staff prior to sketch plan review and prior to any clearing. The developer and/or the design firm shall review plans with staff to determine the best areas for potential tree save. Refer to Section 6.0 of the Subdivision Ordinance for all site analysis requirements.

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(c) Method for Calculating Existing Tree Save and Proposed Tree Save Areas

Existing tree save area shall be considered the area in which the drip line of the existing tree or trees is located on the property plus an additional 5 feet around the perimeter, prior to development. Proposed tree save area shall be considered the area in which the drip line of the remaining tree or trees is located on the property plus an additional 5 feet around the perimeter after development. If root disturbance or construction activities occur within the drip line of any trees designated as tree save, only the area actually being protected will be included in the proposed Tree Save Area.

Additional credits shall be given to preserve Heritage Trees at a rate of 2 times the actual tree save area and Specimen Trees at a rate of 1½ times the actual tree save area. Staff may adjust applicable land development standards to protect and preserve Heritage or Specimen Trees.

(d) Tree Selection Criteria

The development manager, working with staff will determine the trees of greatest priority to designate as tree save areas. The following characteristics shall be considered when selecting trees to be protected and saved:

- (1) Tree vigor. Healthy trees shall be preserved. A tree of low vigor is susceptible to damage by environmental changes that occur during site development. Healthy trees are less susceptible to insects and disease. Indications of poor vigor include dead tips of branches, small annual twig growth, stunted leaf size, sparse foliage, and pale foliage color. Hollow or rotten trees; cracked, split, or leaning trees; or trees with broken tips also have less chance of survival.
- (2) Tree age. Old, picturesque trees may be more aesthetically valuable than smaller, younger trees, but they may require more extensive protection.
- (3) Tree species. Preserve those species that are most suitable for site conditions and landscape design. Tree species that are short lived or brittle or are susceptible to attack by insects and disease are poor choices for preservation.
- (4) Tree aesthetics. Choose trees that are aesthetically pleasing, shapely, large, or colorful. Avoid trees that are leaning or in danger of falling. Occasionally, an odd shaped tree or one of unusual form may add interest to the landscape if strategically located; however, be certain that the tree is healthy.
- (5) Wildlife benefits. Choose trees that are preferred by wildlife for food, cover, or nesting. A mixture of evergreens and hardwoods may be beneficial. Evergreen trees are important for cover during the winter months, whereas hardwoods are more valuable for food.
- (6) Environmental benefits. Choose trees that help to reduce runoff and erosion, disconnect impervious areas, serve as stormwater filters, and/or buffer onsite perennial streams.

(e) Tree Save Delineation

All tree save areas must be specified on the recorded plat, individual recorded deeds, and all property association documents for land held in common.

(f) Tree Preservation Requirements

Tree preservation areas (tree save) shall be determined once a site analysis plan has been completed demonstrating the amount of existing tree canopy on a site and identifying specific locations of all heritage and specimen trees. The percentages listed below are based on existing trees as established above under Method for Calculating Existing and Proposed Tree Save Area (7.4.2 C). The following is the minimum tree preservation required per district:

Zoning District	Minimum Tree Preservation Required			
	Existing canopy ≥ 10% of total site area	Existing canopy < 10% of total site area	Heritage Trees	Specimen Trees
R	50% of existing trees ^{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) ^{1, 2, 3}	100% ²	10% ²
TC, CI, TND, NC, TOD, HC, SP, CB, VS Districts	0%	0%	100% ²	30% ²

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 sq. ft. and each small maturing tree planted a canopy equivalent of 500 sq. ft. 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 planting 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	3900 sq. ft.	5850 sq. ft.
2 Heritage trees	2000 sq. ft.	4000 sq. ft.

- 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.

(g) Residential Development along Thoroughfares

All residential development fronting a major or minor thoroughfare shall provide a 20-foot landscape easement located within common area between the future right-of-way and any proposed lots or public streets. The easement shall be placed on a map of record and a note on the record plat shall state

“The homeowners association shall be responsible for the continued preservation and maintenance of this area.”

All existing vegetation shall remain unless it is determined by the Planning Board that the vegetation is not worthy of preservation and an alternative plan is acceptable. These areas must meet or exceed the opaque screening standards as established in this Article through the use of existing vegetation and supplemental plantings.

Along thoroughfares, berms may be installed in a landscape easement adjacent to residential development only in areas devoid of existing vegetation or vegetation not worthy of preservation and only with the approval of the Planning Board. Installation of berms shall not exempt development from the opaque planting requirement as listed above. If included in the landscape design, berms shall:

- (1) Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
- (2) Be designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
- (3) Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch, or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
- (4) Be fully installed, planted and stabilized prior to certification of zoning compliance.
- (5) Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

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- (6) Free of structures, including fences, unless approved by the Town as part of the landscaping requirements for a development site.
- (7) Not be used as part of any outdoor living space by adjacent property owners within the development.

.3 Tree Protection

(a) Applicability

A Tree and Root Preservation Plan delineating areas of tree save shall be incorporated as part of the Landscaping, Grading, and Erosion Control Plans. The following measures shall be followed to protect existing trees on a developing site.

- (1) Prior to demolition, clearing, construction, grading, and installation of erosion control measures, tree protective barriers must be installed around all tree save areas by the developer and approved by the Town.
- (2) The tree protection barrier shall be located along the perimeter of the tree save area (drip line plus 5 feet). Tree protection barrier for a forest canopy stand area is to be located along the perimeter of the tree save area around the forest edge. Tree protection barriers shall consist of orange safety fencing or a combination of orange safety fencing with silt fencing at a minimum of 4 feet in height on metal or wood posts.
- (3) All tree protection areas must be designated as such with prominent "tree save area signs" posted in addition to the required protective fencing. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
- (4) No soil disturbance or compaction, stock piling of soil or other construction material, vehicular traffic, or storage of equipment and materials are allowed within the tree save area.
- (5) No ropes, signs, wires, unprotected electrical installation or other device or material shall be secured or fastened around or through a tree or shrub in a tree save area.
- (6) All appropriate protective measures shall be maintained throughout the land disturbing and construction process and shall not be removed until final landscaping is installed.

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(b) Encroachment

If encroachment into a required Tree Save/Preservation Area occurs which causes irreparable damage to trees, the Tree Preservation and/or Replacement Plan shall be revised to compensate for the loss. Encroachments shall be subject to the penalties listed in Article 7.9. Encroachments, damage, and removal of vegetation in a tree save/preservation area shall result in replanting in accordance with Article 7.4.5.

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.4 Tree Removal

A Land Disturbing Permit is required. Land disturbing activities shall not commence until such activities have been authorized by issuance of a valid Land Disturbing Permit as specified under the provisions of the Land Development Standards Manual and Erosion and Sedimentation Control Manual.

.5 Mitigation

If a required tree save/preservation area or required undisturbed buffer yard is disturbed for any reason, it shall be restored at a rate of 5 trees per 1,000 square feet. Trees to be planted shall have a minimum caliper of 2 inches, shall be 8-10 feet in height at installation, and shall be at least 75% large maturing hardwood varieties. Where a disturbed area also functioned to buffer adjacent properties or public street(s), at least 50% of the trees shall be evergreen varieties. Trees shall be distributed throughout the disturbed area in such a way as to effectively replace the vegetation disturbed. Where under story vegetation is removed or disturbed it shall be replaced at a rate of 20 shrubs per 1,000 square feet. Shrubs shall be evergreen and 3 feet in height when installed and are expected to reach a minimum height of 6 feet at maturity. When a tree is destroyed due to an act of God, it shall be replaced with the same species or comparable species, 2 inch in caliper in size. A planting plan is required for staff review and approval prior to planting.

7.5 Buffer Yards

.1 Purpose.

The general purpose of buffer yards is to establish regulations protecting and preserving the appearance, character, and value of property within the town. The objectives are to exclude visual contact, create spatial separation and to minimize any adverse impacts on adjacent properties. Where topographical changes, the size and shape of existing lots of record, or other spatial conditions exist which would make adherence to the basic requirement either impossible or ineffective in meeting the purpose of the buffer yard, alternate buffer yard plans will be considered or may be required. These provisions shall not apply to developments in the Town Center (TC), Transit Oriented Development – Residential (TOD-R), and Transit Oriented Development – Employment (TOD-E) zoning districts.

.2 Applicability

All applicable development plans shall comply with the provisions of this section. A change of use, expansion of existing heated square footage of a building, or and expansion of parking and loading areas will require compliance with these provisions as prescribed per Article 11.5.6, Non-conforming landscaping and screening

.3 Function

A buffer yard shall function as an opaque or semi-opaque barrier between the viewer and the use or structure to be buffered. Therefore, the exact location and arrangement of materials in the buffer yard will be determined based upon an analysis of site topography and sight lines from public spaces or private properties, which are to be protected. The density of the buffer yard is determined by the intensity of the use and the zoning district. Buffer yard plantings shall meet or exceed the following standards:

Description	Condition where Buffer required	Width	Trees ¹	Shrubs ¹
I-77 Buffer	Any property abutting I-77 right-of-way	50 feet, greater if required by the district	5 trees per 1000 sq/ft of buffer area; 75% large	8 shrubs per 1000 sq/ft 75% evergreen

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			maturing; 50% evergreen	
CI, CB and SP	Any property zoned CI, CB, or SP ²	80 feet abutting street right-of-way and property lines ²	4 trees per 1000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing	5 shrubs per 1000 sq/ft 75% evergreen
Non-residential uses not otherwise listed	Any developing non-residential use abutting a lesser intense use and/or district when not internal to a planned development ^{3,5}	30 feet ⁶	4 trees per 1000 sq/ft of buffer area; 50% large maturing; 25% small maturing; 50% evergreen	7 shrubs per 1000 sq/ft 100% evergreen
Civic Uses - schools - religious institutions - govn't bldgs. - libraries	Any civic use abutting a property zoned residential or current use is residential ^{3,5}	30 feet ⁶	4 trees per 1000 sq/ft of buffer area; 50% large maturing ; 25% small maturing; 50% evergreen	7 shrubs per 1000 sq/ft 100% evergreen
Residential	Any major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community ⁴	20 feet	3 trees per 1000 sq/ft of buffer area; 25% large maturing; 25% small maturing; 25% evergreen	10 shrubs per 1000 sq/ft 100% evergreen

¹Minimum tree size is 2" caliper, with minimum height 8' to 10' at time of planting. Shrubs planted shall have a minimum height of 3' at installation, expected height of 6' at maturity.

²The CB, CI, and SP buffer is not required if the subject property is abutting a property zoned CB, CI, or SP. Further, a full eighty (80) foot buffer may be reduced along street frontages where building scale, frontage relationship, and location of accessory uses ensure design compatibility off-site.

³Where non-residential uses are a part of a mixed-use development, buffer yards are not required between lesser intense uses.

⁴Where connectivity between subdivisions is appropriate for high quality neighborhood design, the Town Board may reduce or waive the required buffer yard.

⁵Except where non-residential uses in the HC and VS district abut residential uses, buffer yard width may be reduced to 10' if evergreen shrubs are used that will reach a minimum height of 8' at maturity. Shrubs shall be planted to create a complete visual buffer.

⁶The hierarchy of uses from lower intensity to higher intensity for purposes of determining buffer yards shall be as follows: Residential; Civic; Commercial/Office; Industrial.

4 Additional Buffer Yard Standards.

- Buffers are not required for internal property boundaries of a planned community with mixed uses, but will be required to be placed at the perimeter of the project.
- Perimeter parking lot landscaping shall count towards the buffer requirements.
- Berms shall be permitted as part of a successful buffer program providing that they:

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- (1) Are not permitted along public streets as a means of meeting the buffering requirement of this section.
- (2) Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
- (3) Are designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
- (4) Are substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
- (5) Are fully installed, planted, and stabilized prior to certification of zoning compliance.
- (6) Are designed to prevent standing water or to impede the flow of stormwater from adjacent properties.
- (7) Are free of structures, including fences, unless approved by the town as part of the landscaping requirements for a development site.
- (8) Are held and maintained by a legally constituted homeowners association if located in a residential development and shall not be used as part of any outdoor living space by adjacent property owners within the development.
- (9) Are not used for the display of vehicles or other merchandise, except that, when approved by the town, the berm and any other required landscaping area may be used as a display site for landscaping materials and plants for sale by an adjacent use.
- (10) Berms are not permitted where installation will destroy or damage required tree save areas.

5. Spacing of plantings.

Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape to the extent that the plantings meet the screening intent of this section.

6. Grading and Development within the Buffer Yard Area

No grading, clearing, or land disturbing activities shall occur within the required buffer yard area. Areas completely devoid of existing trees may be graded with slopes no greater than 3:1 as long as the future grades do not change the functionality of the required buffer yard (example: grading of a buffer yard to where the planted vegetation is below the property to be buffered). No fill or grading shall occur in any tree save area. Grading shall not create a new drainage pattern that is harmful to existing vegetation.

7. Alternate Buffer Yard Plan

In the event of unusual topography or elevation of a development site, soil or other sub-surface condition on the site, or the presence of existing vegetation, the Zoning Administrator may alter the buffer yard requirements as long as the existing features of the development site comply with the spirit

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and intent of this Article. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Plan Reviewer showing existing site features that would buffer the proposed use and any additional buffer yard materials the property owner will plant or construct to buffer the proposed use. The Plan Reviewer shall not alter the requirements of the buffer yard unless the developer demonstrates that existing features and any additional buffer yard materials will buffer the proposed use as effectively as the required buffer yard. In deciding whether to approve such a plan, the Plan Reviewer shall consult with the Zoning Inspector. Plans must be reviewed and approved prior to issuance of any certificate of occupancy.

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- .8 All buffer yards shall remain undisturbed except for the following:
- (a) Utility easements may cross a buffer yard, but may not be planted laterally in a buffer yard. To the extent possible, the path cleared shall be replaced with plant materials which are consistent with those that existed prior to the easement.
 - (b) Driveways and street crossings may cross a buffer yard but may not be installed laterally in a buffer yard.
 - (c) Sidewalks and other pedestrian or bicycle paths may cross a buffer yard or be placed within it if such avoid disturbing existing vegetation
 - (d) Landscaping installation, maintenance, and replacement shall be exempt.
- .9 In situations where the required buffer yard width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.) the planting requirements of this Ordinance shall be met outside of the easement area. This area shall be identified as a buffer yard on all site, grading, erosion control, and landscape plans.

7.6 Screening

.1 Purpose

The purpose of a screen is to provide a visual barrier between an unsightly or out of scale development feature and the view from public streets and abutting properties. It is required as specified below:

- (a) dumpster or trash handling areas: opaque screen
- (b) mechanical and utility equipment at ground level or rooftop equipment: opaque screen or as otherwise provided in Article 4.
- (c) service entrances or utility facilities for building operation: semi-opaque screen
- (d) loading docks or spaces: semi-opaque screen
- (e) above ground backflow preventer: semi-opaque
- (f) all other uses for which screening is specifically required under these regulations (see Article 9, Conditions for Certain Uses).

.2 Opaque Screens

(a) Intent

An **opaque screen** is intended to exclude all visual contact with the screened structure or use.

(b) Composition

An opaque screen may be composed of:

- a wall
- wood fence
- planted vegetation
- existing vegetation
- a combination of these elements which will meet the purpose of the requirement

(c) Width

The width of the screen is that which is necessary to accommodate the screening materials.

(d) Location

To provide maximum sight line obstruction, a screen shall be placed immediately adjacent to the structure or use to be screened except as otherwise approved by staff.

(e) Performance

Performance of the screen shall meet or exceed the following standards:

- (1) To produce an opaque screen, intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 35 feet and have no unobstructed openings between tree canopies upon maturity.
- (2) At installation, shrub plantings shall have a minimum height of 3 feet with an expected height at maturity at least 12 feet, and no unobstructed openings wider than four feet.
- (3) At least 50 percent of the required trees and at least 75 percent of the required shrubs shall be evergreen species.
- (4) A structural screening material such as a wall or wood fence must be augmented with vegetation. Exceptions may include the screening of dumpsters in rear yard parking lots. Man-made berms are not permitted along public streets as a means of meeting the screening requirement of this section. Natural changes in topography will, however, be taken into account when evaluating sight lines.

.3 Semi-Opaque Screens

(a) Intent

A **semi-opaque screen** is intended to obscure visual contact with the screened structure or use. It can be used as a device to reduce the perceived scale and massing of a structure and to enhance its compatibility with the existing built and natural environment.

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(b) Composition

An semi-opaque screen may be composed of:

- a wall
- wood fence
- planted vegetation
- existing vegetation
- a combination of these elements which will meet the purpose of the requirement

(c) Width

The width of the screen is that which is necessary to accommodate the screening materials.

(d) Location

To provide maximum sight line obstruction, a screen shall be placed immediately adjacent to the structure or use to be screened except as otherwise approved by staff.

(e) Performance

Performance of the screen shall meet or exceed the following standards:

- (1) To produce a semi-opaque screen, intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 35 feet and have no unobstructed openings wider than 10 feet between tree canopies upon maturity.
- (2) At installation, shrub plantings shall have a minimum height of 3 feet, expected height of at least 6 feet at maturity, and no unobstructed openings wider than four feet.
- (3) At least 75 percent of the required shrubs shall be evergreen species.
- (4) When the builder or developer chooses a structural screening material such as a wall or wood fence, it shall be augmented with shrubs planted 6 feet on center. Man-made berms are not permitted along public streets, as a means of meeting the screening requirements of this section. Natural changes in topography will, however, be taken into account when evaluating sight lines.

7.7 Street Trees and Internal Landscaping

.1 Purpose

The purpose of this section is to regulate the protection, installation, and long-term management of trees and shrubs within the Town. The regulation of street trees along public and private streets within the Town ensures a pedestrian friendly environment along with providing distinct aesthetic, economic and environmental significance, and value as a future natural resource to the Town.

.2 Spacing and Location of Street Trees

Street trees are required to be within a minimum 7 foot planting strip located between the existing street and proposed sidewalk. Planting shall be provided as follows:

- (a) Large maturing canopy trees shall be planted at a spacing not to exceed 40 feet on center except that spacing may be altered slightly to accommodate driveways.
- (b) Small maturing “canopy –like” trees shall be planted 30 feet on center where existing overhead utility lines prohibit the use of large maturing canopy trees.

- (c) For property located on a major or minor thoroughfare, excluding the Town Center (TC) zoning district, an additional row of street trees are required to be located behind the proposed sidewalk in a 10-foot landscape easement to be recorded on a plat of record prior to issuance of a building permits. The interior row of trees shall be staggered from the trees provided within the right-of-way.
- (d) All street trees must be listed as an approved street tree on *The Town of Huntersville Tree and Shrub List*.

.3 Supplemental Landscaping Provisions for **Residential Lot Trees**

(a) New Trees

In order to maintain or replenish the urban tree canopy in areas of new residential subdivision, except when located in the TOD-R zoning district, each lot shall provide canopy trees in accordance with the following schedule:

<u>Lot Size</u>	<u>Required Number of Canopy Trees</u>
Less than 10, 000 sq./ft.	1 Front yard, 1 Rear Yard
10,000 –15,000 sq./ft.	1 Front yard, 2 Rear Yard
15,001 – 20,000 sq./ft.	2 Front yard, 2 Rear Yard
More than 20,000 sq./ft.	3 Front yard, 3 Rear Yard

(b) Existing Trees

The use of existing trees to satisfy this requirement is encouraged. Supplemental plantings may be required in the addition to native material. Existing canopy trees over 6” in caliper may be counted towards fulfilling this requirement. Required street trees may not be counted towards the fulfillment of this requirement.

(c) Location and Spacing

All trees required within this section shall be planted within the private lot and must be spaced at a width sufficient to accommodate mature growth. All trees shall be listed as an approved tree on *The Town of Huntersville Tree and Shrub List*.

.4 Internal Landscaping Requirements for off-street parking in **Commercial Development**

Please refer to Article 6 for internal landscaping requirements for parking lots in commercial developments.

7.8 Installation Guarantees and Maintenance Sureties

.1 Installation Guarantee Required.

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.

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. A temporary Certificate of Occupancy may be issued during the non-planting season in order to allow planting to occur during the next planting season.

.2 Warranty Required.

Developers shall enter into a Warranty agreement with the Town of Huntersville 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 warranty shall be equal to 50% of the value of the new trees or landscape material and their installation. The warranty shall be provided when all of the required trees and shrubs have been planted.

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7.9 Compliance and Penalties

The developer/owner shall be held responsible for compliance with the provisions of this Article and shall cooperate with the town in its efforts to administer and enforce these requirements.

Any act constituting a violation of this Article that results in the destruction, removal, or damage of trees, shrubs, and any vegetation, shall subject the landowner and the violator to a civil penalty in the amount of \$2.00 for every square foot of area of damaged or destroyed vegetation, not to exceed \$30,000, payable to the Town of Huntersville. In addition, any tree, shrub, or required vegetation that has been removed or destroyed shall be replaced in accordance with an approved re-vegetation plan.

Section 11.2, *Enforcement*, shall also apply except for the amount of the penalty and time period of Section 11.2(3)(g). A warning citation or notice shall be issued and destruction and removal shall cease immediately. If the offender fails to pay the civil penalties within ten (10) days after having been cited, the Town may recover the penalties in a civil action in the nature of dept.

ARTICLE 7, PART B: OPEN SPACE**7.10 Open Space – Purpose, Intent and Definitions**

Regulations are intended to provide quality open space within a subdivision, multi-building site or commercial development.

There are five types of open space Urban, Agricultural, Common, Natural, and Recreational. Encouragement is given to apply creative design and allow flexibility to aid application of open space typologies. When determining placement of open space within a subdivision evaluation should occur when siting services and infrastructure by reducing road length, utility runs, and pavement. The creation of compact neighborhoods accessible to open space amenities aid strong community identity.

.1 Open Space Typologies Defined

- (a) Urban Open Space: planned and improved open space, accessible and usable. For small lot subdivisions urban open space shall be provided to persons living within ¼ mile measured along rights-of-way. In large lot subdivisions, urban open space application is required at ½ mile.
- (b) Agricultural Open Space: preserve agricultural lands and rural character that would likely be lost through conventional development approaches.
- (c) Common Open Space: Any portion of a land that is not part of a private lot or tract of land such as, but not limited to, area devoted to water quality/quantity measures, entryway features including the landscape material, signage and, if applicable berm and any other open space area that is not defined by one of the four other open space types.
- (d) Natural Open Space: preserve forested lands, natural features, and rural character that would likely be lost through conventional development approaches.
- (e) Recreational Open Space: to provide for active and passive recreation, included but not limited to, implementation of associated long range Town/County plans.

Reference Article 12: Definitions for subdivision, large lot.

- .2 All zoning districts, except Rural, require Urban Open Space to be incorporated into the design. All open space areas outside of landscape and BMP (stormwater) easements and lots that are not specified as Urban Open Space shall meet one or a combination of the remaining four open space typologies, Agricultural, Common, Natural and Recreational. Article 3 and Article 7.11 shall be referenced for further information.
- .3 Rural Zoning shall incorporate a combination of Agricultural, Common, Natural, or Recreational open space typologies. Article 3.2.1 and Article 7.11 shall be further referenced.
- .4 Below is a table outlining what types of open space options are available to meet zoning district standards.

		Zoning Districts	R	TR	GR	NR, NC, TC, HC, CI, CB, SP, TND-U, TND-R, VS, TOD-R, and TOD-E.	Ordinance Reference
Open Space Type							
<i>Common</i>			◆	◆	◆	◆	7.10.1.c.
<i>Agricultural</i>			◆	◆			7.10.1.b.
<i>Natural</i>			◆	◆			7.10.1.d.
<i>Recreational</i>			◆	◆			7.10.1.e.
<i>Urban - Types</i>							7.11.1.f
	<i>Community Garden</i>			◆		◆	
	<i>Forecourt</i>			◆		◆	
	<i>Green</i>			◆		◆	
	<i>Greenbelt</i>			◆		◆	
	<i>Greenway</i>			◆		◆	
	<i>Park</i>			◆		◆	
	<i>Parkway</i>			◆		◆	
	<i>Pedestrian Passage</i>			◆		◆	
	<i>Plaza</i>			◆		◆	
	<i>Promenade</i>			◆		◆	
	<i>Square</i>			◆		◆	
	<i>Woonerf</i>			◆		◆	

7.11 Urban, Agricultural, Common, Natural and Recreational Open Space

.1 Urban Open Space:

- (a) Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements.
- (b) Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.
- (c) In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within ¼ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large-lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site

or off-site, such open space is located within ½ mile of all building lots, as measured along the rights-of-way of streets providing access between the two.

- (d) Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.
- (e) No more than twenty-five (25) percent of each above ground water quality/quantity treatment system (BMP) within an urban open space area can be used. Any above ground BMPs located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to BMP. To exceed the twenty-five (25) percent limitation a design may be submitted to the Planning Board for review and approval. Such BMP design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds with fountains, and landscape material. Underground BMPs are not limited.
- (f) Urban Open Space types include Community Garden, Forecourt, Green, ~~Greenbelt~~, Greenway, Park, Parkway, Pedestrian Passage, Plaza, Promenade, Square, and Woonerf, and are characterized as described below or to a minor variation of same.

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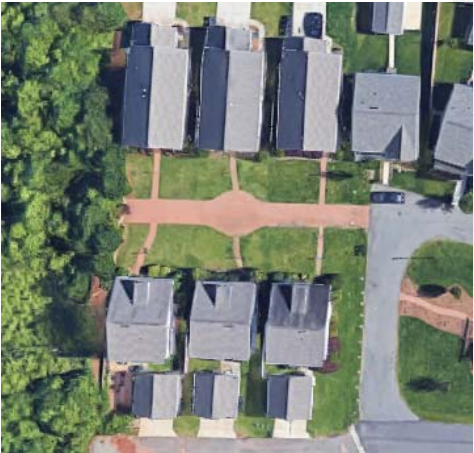
Community Gardens should be centrally located and accessible to residents for participation. Maintenance of the site shall be continued year round, as the intent is for the garden to be all-season. Should the garden become abandoned then the garden area will be required to be seeded with grass and used as a recreational area. Community Gardens shall be a minimum of 500 sq. ft.	
Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW's with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.	

Greenbelts run along the perimeter of a neighborhood or town and serve to buffer from surrounding non-compatible uses such as a highway corridor, industrial district, or from agricultural areas or adjacent towns. Greenbelts are left natural, but may include walking trails or passive recreation.	 
A Green is typically landscaped with trees at the edge and an open expanse of grass in the center that is externally surrounded directly or indirectly by buildings.	

Green continued.

	
Greenways are generally linear in nature and may bisect or border developments. They are designed to incorporate natural settings such as creeks and significant stands of trees with neighborhoods. Recreational uses shall be provided, at a minimum, trails for walking, jogging and/or bicycling. A greenway may be bound by a public street, but not required. Greenways dedicated to Town/County as identified on the adopted greenway plan will be counted toward tree save area, if relevant. Upon completion of the publicly dedicated greenway any trees removed due to construction are not required to be replaced.	

Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 25% of their perimeter, and are encouraged to be enclosed by streets on all sides. Mini Parks, such as, but not limited to dog parks, playgrounds, pocket parks and splash pads can be incorporated throughout a development to meet the ordinance requirements. Where mini parks are not used, the minimum size shall be 1 acre and maximum size 3 acres. Maximum park size may exceed 3 acres, if through design, the park creates a central open space, which services an entire neighborhood or group of neighborhoods; or incorporates physical features, which are an asset to the community (i.e. lake, high ground, significant stand of trees).	 
Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkway may be entirely bounded by streets or pedestrian ROW's within developed areas. Parkway differs from parks and squares in that their detailing is natural (i.e. informally planted). Parkway is used for walking, jogging or bicycling. In addition, small scale recreational features such as playground area or soccer field are appropriate in parkways.	

Parkways continued.	
A Plaza is an open area adjacent to a civic, commercial, or residential building/s. Plazas function as gathering places. Limited parking is also permitted. Plazas are always paved in brick or another type of paver or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 5% grade). The following sizes are recommended but may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings. Plazas may be left unplanted. If planted, trees should form the geometric frame of the plaza space or for the structure the plaza services. Spacing shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center. Minimum size is 2,000 sq. ft. and maximum size is 30,000 sq. ft.	
Pedestrian passageways are relatively narrow public spaces located in dense areas between buildings, allowing pedestrian access to the public front. These passageways can be successful locations for store entries, window displays, café seating or public meeting space. The passageway shall incorporate fixtures such as, but not limited to fountains, benches, landscape materials, sculptures, and other decorative elements.	

Pedestrian passageways continued.	
A Promenade is a large, linear-designed area, usually adjacent to buildings lined with trees and shrubbery, which can be used as a public walk. Typically parking surrounds a promenade.	
Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75% of their perimeter. Minimum size: 500 sq. ft.; Maximum size: 1 acre. Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape. Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged. A close can function as a square.	
A Woonerf is an access way where the primary use is by pedestrian and bicycles with secondary use by vehicles. By removing curbs and any indication of a car travel line, while at the same time adding landscaping and street furniture, the public realm for pedestrians is expanded into what was the street. Parking areas shall be dispersed,	

ARTICLE 7

LANDSCAPING & OPEN SPACE

.2 Agricultural Open Space: shall include areas set aside for agricultural purposes such as livestock, growing fruits, vegetables, grains, forestry, etc. The goals of the agricultural open space are as follows:

- (a) To conserve areas of the town with productive soils for continued agricultural use by preserving large blocks of land large enough to allow for efficient operations.
- (b) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive farmland areas.
- (c) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- (d) To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the town's social and architectural history.

Reference Article 3 and Article 7.12 - 7.14 for further information

.3 Common Open Space: shall include all other areas that are not suitable within the other open space categories. These areas can include, but are not limited to the following:

- (a) Entryway monumentation to include the landscaped area, berm (if applicable)
- (b) Water quality/quantity feature, known as Best Management Practices (BMPS): The required maintenance easement shall be included as common open space. BMPS include, but are not limited to, sandfilters, detention ponds, dry ponds, rain gardens, swales, and level spreaders.

Reference Article 3 and Article 7.12 - 7.14 for further information

.4 Natural Open Space: shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7. The goals of natural open space are as follows:

- (a) To conserve areas of the town with productive soils for forestry use by preserving large blocks of land large enough to allow for efficient operations.
- (b) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- (c) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.
- (d) To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways.
- (e) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.

Reference Article 3 and Article 7.12 - 7.14 for further information

.5 Recreational Open Space: shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft. The goals of recreational open space are as follows:

- (a) To preserve and maintain historic and archaeological site and structures that serve as significant visible reminders of the town's social and architectural history.
- (b) To provide for active and passive recreational needs of town residents, including implementation of associated town long range plans.

Reference Article 3 and Article 7.12 - 7.14 for further information

7.12 Location of Natural, Recreational and Agricultural Open Space

- .1 The location of open space conserved through compact residential development shall be consistent with the policies contained in these provisions and other long-range documents adopted by the Town of Huntersville. All lands within areas required to be maintained as open space shall be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.
- .2 Lands to be preserved as open space should include wetlands; floodways; soils unsuitable for septic systems as identified by onsite analysis or by using the USDA Soil Conservation Survey; mature woodlands; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or local registers or inventories; significant views into and out from the site; and aquifers and their recharge areas.
- .3 General Locational Standards: Subdivisions shall be designed around the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step.
- .4 Open space shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.
- .5 Undivided open space shall be directly accessible to the largest practicable number of lots within the development. To achieve this, the majority of houselots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, non-contiguous parcels, no parcel should have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses, or designed as trail links.
- .6 Interconnected Open Space Network: As these policies are implemented, the protected open space in each new subdivision will eventually adjoin each other, ultimately forming an inter-connected network of open across the town and adjoining communities. To avoid the issue of the "taking of land without compensation", the only elements of this network that would necessarily be open to the public are those lands that have been required to be dedicated for public use.

7.13 Open Space Evaluation Criteria

- .1 In evaluating the layout of lots and open space, the following criteria will be considered by the town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Reference Subdivision Ordinance 6.300. Accordingly, the town shall evaluate proposals to determine whether the proposed subdivision plan:
 - (a) Protects and preserves all floodways, and wetlands.
 - (b) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in "e" and "h" below. The second involves

predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.

- (c) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby roadside verge or hedgerow).
- (d) Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- (e) Designs around existing hedgerows and ~~tree lines~~ between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
- (f) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. For example, in open agrarian landscapes, a deep “no-build, no plant” buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.
- (g) Avoids siting new construction on prominent ridges by taking advantage of lower topographic features.
- (h) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the US Environmental Protection Agency and/or by the North Carolina Department of Environment, Health and Natural Resources.
- (i) Designs around and preserves sites of historic, archaeological or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.
- (j) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, hedgerows, etc.
- (k) Landscapes common areas such as cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs ~~providing high wildlife conservation value listed on the approved tree and shrub list.~~
- (l) Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby houselots.
- (m) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).

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- (n) Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger contiguous and integrated greenway systems.

7.14 Ownership of Open Space

- .1 Open space may be owned or administered by one or a combination of the following methods: fee simple ownership by a unit of government or private non-profit land conservancy; owned by a homeowners association; or by individual private ownership such as a farmer, developer or other private entity that maintains the open space (i.e. farming, equestrian facility, etc.).

ARTICLE 8: GENERAL PROVISIONS

8.0 Applicability

No structure shall be erected nor use established in conflict with:

- the district regulations of Article 3,
- the building and lot regulations of Article 4,
- the street regulations of Article 5,
- the off-street parking regulations of Article 6,
- the landscape and open space regulations of Article 7,
- the general provisions of Article 8, or
- the sign regulations of Article 10.

In accordance with N.C.G.S 160D-702, requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1

Commented [JS1]: As provided by 160D-702

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 30-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, 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

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Retail/Mixed-Use Local Street standards as found in the Engineering Standards and Procedures Manual and sidewalks shall be provided on at least one side of the private drive. See the Campus and Corporate Business Districts.

6. 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.

8.2 One Principal Building on a Lot; Exceptions

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.

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8.3 Lot Size

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the performance standards for spacing of structures, building mass and scale, and street frontage relationships cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

8.4 Yard Designation

- .1 On lots which abut more than one street, building and lot shall generally front upon the more pedestrian oriented street, given the arrangement of existing and proposed streets and drives, and the orientation of buildings on adjoining lots.
- .2 Where multiple buildings are permitted on a single platted lot, each building shall generally front upon a pedestrian oriented street, either external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.
- .3 On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

8.5 Yard Dimensions for Corner Lots

- .1 If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be at least 50 percent of the greater of the two front setbacks, existing or required.
- .2 In any district, where the side lot line of a corner lot is substantially a continuation of the front lot line of the lot to its rear, the required side yard of the corner lot shall (a) be at least 50 percent of the established front setback of the adjacent lot or (b) establish a transition between existing buildings by stepping toward the street or back from the street a distance equal to the lesser building setback + one-half of the difference between the setbacks of the adjoining buildings.
- .3 Buildings on corner lots shall be positioned on the corner abutting the build-to lines on both streets.

8.6 Through Lots

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

8.7 Height Limitation

- .1 The height of habitable buildings and components is controlled by building type (Article 4).
- .2 Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings.

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Further, towers primarily used for manufacturing purposes that may also be occupied may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (Article 4). When adjacent to a lot or lots located in a residential district, any part of a non-civic structure which extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground. In all other instances, any part of a non-civic structure which extends above the height limit must be separated from lot lines by a minimum distance of one foot for every four feet in height measured from the ground.

- .3 The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- .4 Commercial communication towers, where permitted, may exceed the height limit for structures when the standards of Section 9.9 are met.

8.8 Structures and Uses Limited in Yards

- .1 No principal building or structure shall be located within any required setback or yard, forward of the build-to line for a principle structure, within any setback or yard established by a recorded plat, nor in any required buffer or screen.
- .2 Except as otherwise provided in this section, no accessory structure shall be located within an established setback or required side yard, nor within five feet of a side or rear lot line. Where permitted, accessory dwellings may be located no closer than 5 feet to the right-of-way or easement of an abutting mid-block alley, nor closer than 15 feet to an abutting rear property line. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots, which abut a body of water. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of Section 8.9. If the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard and be at least 15 feet from the rear lot line.
- .3 Fences may be located in any yard, established or required, according to the standards of Section 8.11.2.
- .4 Signs may be located in an established front setback or a sideyard abutting a public street as permitted by the provisions of Section 10, Signs.
- .5 Transit shelters may be located in any setback or yard which abuts a street, in accordance with Section 9.39.
- .6 Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in the established front building setback, which shall be landscaped, in any established side yard abutting a street, which shall be landscaped, and in any required buffer or screen. This restriction shall not apply to:
 - a) a driveway which crosses a front yard to provide access from the street to a parking area; or
 - b) an individual driveway, including conventional appurtenances thereto such as basketball goals, designed to also serve as a parking area for a detached or duplex dwelling; or
 - c) plazas associated with civic buildings or campus quadrangles that have been designed and approved for occasional use as secondary parking areas;
 - d) the frontage along a Retail/Mixed-Use Street for which specific streetscape plan and section have been adopted by the Board of Commissioners to include limited parking and access in a series of fronting yards.
 - e) off-street parking lots in established setbacks and yards of golf clubhouses, configured to minimize conflicts between street vehicles and recreational carts, located a minimum of 800 feet from a designated thoroughfare(s), and compliant with all other design standards for parking lots.
 - f) maneuvering areas for loading or delivery activities in the established setbacks and yards of buildings in mixed use zoning districts where the location of buildings that were legally constructed without the provision of these areas preclude them from being located out of

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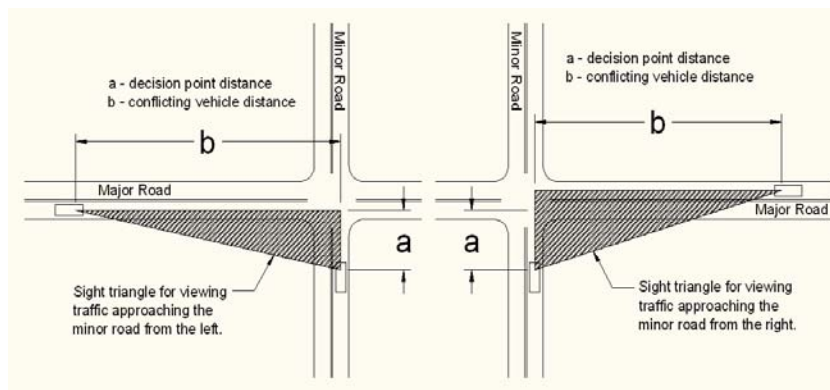
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established setbacks and yards. Maneuvering areas for parking, loading, or delivery activities are prohibited in the public right-of-way in residential and commercial districts.

- .7 No outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.
- .8 Notwithstanding other provisions of this section, architectural features such as cornices, eaves, bays, awnings, steps, gutters, and fire escapes may project up to 3 feet into an established or required yard; additional encroachment is permitted for certain building and lot types established in Article 4.
- .9 Subordinate structures attached to single family homes, such as decks, garages, porches, utility rooms, and similar features may extend into the required rear yard up to 25% of its depth, and may consume up to 20% of its area. Attached garages accessed from rear alleys may extend into the required rear yard to within 3' of the alley right-of-way or easement, and may consume up to 50% of its area. Such extensions may not exceed 50% of the width of the dwelling at the rear building line.
- .10 Above ground backflow preventers and water meters are expressly prohibited in the established front yards of buildings where they can be placed underground or a location outside of the established front yard is technically feasible according to the standards and requirements of the Charlotte-Mecklenburg Utility Department. Where there is no reasonable alternative to locating an above ground backflow preventer or water meter in the established front yard, the structure housing the device shall be covered in a non-reflective material and shall be surrounded, on all sides visible from public streets and abutting properties, by a landscaped opaque screen according to Article 7.6.2.

8.9 Clear Sight Triangle at Street Intersection

- .1 A clear view at each corner of an intersection of public or private streets or driveways shall be maintained by establishing a "sight triangle" that is free of obstructions that may block a driver's view. The extent of the required sight triangle varies according to the posted speed and traffic control device(s) of the streets forming the intersection. Below is a general figure from the American Association of State Highways and Transportation Officials (AASHTO) "*A Policy on Geometric Design of Highways and Streets*" which depicts the required sight triangle area to be free of obstructions at an intersection. Additional information on the required sight triangles can be found in the Town's Engineering Standards and Procedures Manual.



A sight triangle easement may need to be recorded on the property plat if the sight triangle does not fall completely within the recorded right-of-way. Should the sight triangle cross private property, the developer shall secure permanent sight triangle easement or right-of-way from all private property owners within the sight triangle prior to preliminary/construction plan approval.

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- .2 No planting, structure, sign, fence, wall, man-made berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 96 inches above the level of the center of the street intersection.
- .3 The limitations of this section may be modified in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:
 - (a) trees trimmed such that no limbs or foliage extend into the area between 30 and 96 inches above the level of the adjacent intersection. Required street trees in the green zone shall not create a walling effect within the sight triangle;
 - (b) fire hydrants, public utility poles, street markers, government signs, electrical junction boxes (below 30 inches in height), and traffic control devices;
 - (c) buildings located in the Town Center District, the Neighborhood Center District, or the commercial centers of either TND District;
 - (d) the approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, neckdowns, intersection diverters, and curb bulbs.
- .4 Corner easements refer to the Huntersville Engineering Standards and Procedures Manual (ESAPM).

8.10 Building Separation

All detached principal structures in all districts shall preserve a minimum building separation of 10 feet. The requirement of the district to conform to an existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards. All detached accessory structures in all districts shall maintain a minimum building separation of 4 feet, as measured from the overhang.

8.11 Permitted Accessory Uses in All Districts

- .1 Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot.
- .2 Fences and walls.
 - In a residential, mixed use, or commercial district, a fence or wall in the established front yard of a building shall be a minimum of 2 feet in height and a maximum of 5 feet in height. Decorative caps or spires which extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood or vinyl fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. (For example, a 4' high welded wire fence attached to the interior of a decorative split rail fence or board farm fence of equal height or greater would perform to the standards of this section).
 - In a residential or mixed use district, a fence or wall in an established rear or side yard **which abuts a street or alley** may not exceed 6 feet in height unless placed 15 or more feet inside property boundary. Within the first 15 feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 3 feet at installation, or if obscured from view by the screening method(s) set out in the paragraph immediately above.
 - In a residential or mixed use district, a fence or wall in an established rear or side yard **which does not abut a street or alley** may not exceed 8 feet in height.
 - In a commercial district, a fence or wall shall not exceed 8 feet within the first 15 feet of an established side or rear yard abutting a street or alley. Fences of chain link or similar material are permitted in the first 15 feet of an established yard abutting a street or alley only if placed on the interior side of a masonry wall or solid wood fence and planted with a semi-opaque vegetative

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screen between wall or fence and street or alley. Beyond the first 15 feet abutting a street or alley, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2½ feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level.

- In a commercial district, fences of chain link or similar material placed in an established yard which abuts a residential or mixed use district shall provide a semi-opaque vegetative screen on the exterior side of the fence.
- For parking lots as principal or accessory uses, the standards of Article 6 will control.

.3 On-site Land Clearing and Inert Debris (LCID) landfill.

- Any on-site LCID landfill must obtain a permit from and comply with the standards of the Mecklenburg County Environmental Protection Department and the State of North Carolina.
- Any such landfill must be closed in an approved fashion within six months of completion of construction or within 12 months of cessation of construction, if the development project has not been completed.
- The location of any such landfill must be indicated on the preliminary subdivision plan and the final subdivision plat. Further, any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the landfill recorded as part of the deed for the lot or parcel.
- No portion of any such landfill may be located within 75 feet of any property line which constitutes the external boundary of the project. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area.
- Any on-site LCID landfill which is located in a corporate business district is exempted from the 12 month requirement provided that no portion of the landfill is located within 300 feet of any adjoining property zoned for residential or mixed use, and so long as an opaque screen is provided and/or maintained which visually separates the landfill from the residential or mixed use adjoiners.
- A surety bond or irrevocable letter of credit in an amount to be determined by the consulting engineer, must be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time.

.4 Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

.5 Temporary buildings and storage of materials, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.

.6 Swimming pools located on any site, including single family residential sites, shall be:

- Located in a side or rear yard only;
- Located a minimum of ten feet from any property line measured to the water's edge;
- Completely enclosed by a fence or wall no less than four feet but no more than eight feet in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.

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8.12 Standards for Construction; Developer Responsibility

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this document or in the subdivision regulations of the Town of

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Huntersville, town standards shall control. In the absence of a specified town standard, construction shall be in conformance with the then most recent version of the Land Development Standards Manual.

8.13 Regulation of Nuisances

- .1 Noise. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential, research, or office-institutional district, as detected in that district without instruments, that is louder than the noise which could be generally expected from uses permitted in that district.
- .2 Fumes and Odors. No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.
- .3 Vibration. No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line without instruments.

8.14 General Standards for Driveway Permitting

- .1 No driveway or other point of access to a public street shall be constructed, relocated, or altered unless a driveway permit is obtained from the Town of Huntersville or the State of North Carolina, whichever jurisdiction applies. The applicant shall comply with the most restrictive standards.
- .2 For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets. Except for lots in the Conservation Subdivision, no parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area.
- .3 In a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each building permit is issued. Individual driveway permits are not required on a lot-by-lot basis.
- .4 Determination of the location and design of access to the public street system shall be made by professional reviewers based on a contextual examination of the site, surrounding development, potential traffic generated on the site, current and future surface transportation system needs, special policies which might exist for the corridor being accessed, and state of the practice principles for access management as promulgated by the Institute of Transportation Engineers and the Transportation Research Board.

8.15 Special Requirements for Lots along Thoroughfares

- .1 Authorization. Pursuant to North Carolina General Statutes 160A-306 and 153A-326 (which state that cities and counties shall have authority to (1) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic load, and other characteristics relevant to the achievement of the purposes of this section, and (2) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be set back from the right-of-way line or the center line of an existing or proposed street) the following requirements shall apply.
- .2 Minimum Setbacks Along Thoroughfares. The build-to or set back line for any lot which abuts a thoroughfare classified on the Comprehensive Thoroughfare Plan shall be measured from the proposed right-of-way line, if existing right-of-way is of lesser width. The Proposed Right-Of-Way Line established for each classification of thoroughfare is as follows:

Thoroughfare

Feet

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Classification

Freeway or	250-350
Boulevard	200
Other Major Thoroughfare	100-150
Minor Thoroughfare	70
Town Streets (Collector, Local, Alley)	Varies according to the standards of Article 5 of the Huntersville Zoning Ordinance and the Town's Engineering Standards and Procedures Manual

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- .3 Transitional Setback for Lots Along Thoroughfares. A transitional setback or yard shall be established for each lot which abuts a thoroughfare that has an existing right-of-way which is not as wide as the ultimate right-of-way established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for those permanent uses which are prohibited in the established setbacks or yards. The area between the existing right-of-way and the Proposed Right-of-Way Line may not be used to satisfy any minimum open space requirement, any minimum lot size requirement, or any other minimum requirements imposed by this ordinance. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.
- .4 Exceptions. The standards herein prescribing setback from the proposed right-of-way line will not apply to any development for which a preliminary subdivision plan or a conditional district site plan has been approved prior to the effective date of regulations requiring setback from proposed right-of-way lines along thoroughfares. Nor shall they apply to structures in the Town Center District.
- .5 Right To Appeal. An affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of Adjustment for variance or modification as they apply to a particular piece of property. The Board of Adjustment may vary or modify these requirements upon a showing that:
- (a) The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirements, and
 - (b) The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted, and
 - (c) Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.
 - (d) In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interests of neighboring properties. The Board of Adjustment's decision shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with N.C.G.S. 160A-388 (e).

8.16 Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts

- .1 Except as specifically provided in the Rural and Transitional districts, detached house types and two-unit attached house types shall be required to have a lot width greater than 50' feet. Developers shall have the option to provide lots widths 50' feet wide or less when alley access allowing on-site parking is provided for detached house types and two-unit attached house types. Further, developers shall also have the option to apply for a conditional district rezoning to create lot widths of 50 feet wide or less without an alley provided it can demonstrated the development can accommodate on-street parking, meet all the provisions of the Zoning Ordinance including installation of street trees, and demonstrate public services such as trash pick-up can be provided.
- .2 Alley access for on-site parking is strongly encouraged for three-unit or more attached house types.
- .3 For lots 60 feet wide or less, driveways shall be no more than 14 feet wide as measured along the public street right-of-way for a detached house and two-unit attached house type. For lots wider than 60 feet, driveways shall be no more than 20 feet wide as measured along the public street right-of-way for a detached house and two-unit attached house type. For three or more unit attached house types, driveway width shall not occupy more than 50% of the public street front of a lot as measured along the public street right-of-way.
- .4 When front entry garages are used, it is recommended to minimize emphasis on front loaded garages by having a building feature projecting from or flush with the garage, have a column to separate a two-car garage or any other technique as determined by the owner to be appropriate.
- .5 Driveways shall extend at least twenty (20) feet from a public right-of-way and public sidewalk easement to prevent on-site residential parking from encroaching into the public right-of-way or easement for a public sidewalk.
- .6 On-street parking at lot front, when specifically provided, may be counted toward all or part of the parking requirement of a dwelling unit.
- .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.
- .8 Lots in subdivisions approved prior to the effective date of this ordinance, are exempt from the limitations of .1 through .2, above.
- .9 Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking on streets, in driveways, or on private property in residential districts. This shall not be construed as preventing the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods or services.
- .10 Provisions for parking unlicensed vehicles in residentially zoned districts shall be as follows:
 - (a) No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the occupant as the record title of the vehicle.
 - (b) No unlicensed motor vehicle if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle shall be permitted outside of any premises.
 - (c) Vehicles described in paragraphs (a) and (b) are not permitted to be located within any established setback or any established side yards which abut a street or any required side yards contained in these regulations or any street right-of-way. If stored in the rear yard, it must be a minimum of five (5) feet off the rear property line.
 - (d) Vehicles described in paragraphs (a) and (b) are not permitted on vacant or undeveloped parcels.

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8.17 Water Quality

- .1 Purpose. The purpose of this ordinance is to establish storm water management requirements and controls to prevent surface water quality degradation to the extent practicable in the streams and lakes within the Town Limits and Extraterritorial Jurisdiction of Huntersville and to protect and safeguard the general health, safety, and welfare of Huntersville's residents. This ordinance seeks to meet this purpose by fulfilling the following objectives:
- a) Minimize increases in storm water runoff from development or redevelopment in order to reduce flooding, siltation and stream bank erosion, and maintain the integrity of stream channels;
 - b) Minimize increases in non-point source pollution caused by storm water runoff from development or redevelopment that would otherwise degrade local water quality;
 - c) Minimize the total volume of surface water runoff that flows from developed sites in order to replicate pre-development hydrology to the maximum extent practicable;
 - d) Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, to the extent practicable, through storm water management controls, improved site design or best management practices (BMPs) and to ensure that these management controls are properly maintained and pose no threat to public health or safety; and
 - e) Meet the requirements of the National Pollution Discharge Elimination System (NPDES) Storm Water Permit and other requirements as established by the Clean Water Act.

This ordinance and the Huntersville Water Quality Design Manual require the use of Low Impact Development (LID) BMPs that utilize infiltration, evaporation, retention and detention as well as biological and physical processes to more closely replicate pre-development hydrology characteristics and reduce negative water quality impacts.

- .2 Applicability. This ordinance shall apply to all of the land located within the Town Limits and Extraterritorial Jurisdiction of Huntersville. The effective date of this ordinance is June 30, 2007. This ordinance governs the development and use of all land and structures. No building, structure, or land shall be used, occupied or altered, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of this ordinance and all other applicable regulations, except as otherwise provided by this ordinance.
- .3 Exceptions to Applicability.
- a) All properties shall be subject to this ordinance except those properties which, as of the effective date of June 30, 2007, fit into one of the following categories:
 - (1) Have been issued a Certificate of Building Code Compliance;
 - (2) Have a valid building permit;
 - (3) Are included on a valid preliminary subdivision plan and/or a valid sketch plan; or
 - (4) Are included in a complete conditional rezoning application and subdivision sketch plan submitted by May 1, 2007.
 - b) Redevelopment of non-single family homes that disturbs less than 20,000 square feet, does not decrease existing storm water controls, is not part of a larger common plan of development or sale,

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and renovation and/or construction costs do not exceed 100% of the tax value of the property is not subject to the provisions of this ordinance.

- c) Residential development activity that disturbs less than one acre of land and is not part of a larger common plan of development or sale, including new development, redevelopment or expansions, is not subject to the provisions of this ordinance.
- d) Non-residential development activity that disturbs less than ½ acre of land and is not part of a larger common plan of development or sale, including new development, redevelopment or expansions, is not subject to the provisions of this ordinance.

- .4 No Development or Redevelopment Until Compliance and Permit. No development or redevelopment shall occur except in compliance with the provisions of this ordinance or unless exempted. No development for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.
- .5 Map. The provisions of this ordinance shall apply within the areas designated on the map titled “Post-Construction Ordinance Map of the Town of Huntersville, North Carolina” (hereafter referred to as the “Post-Construction Ordinance Map”), which is adopted simultaneously herewith. The Post-Construction Ordinance Map and all explanatory matter contained thereon accompanies and is hereby made a part of this ordinance. The Post-Construction Ordinance Map shall be kept on file by the Storm Water Administrator or designee (hereinafter referred to as the “Storm Water Administrator”) and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all structural BMPs permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land or BMP shall be determined by appeal through the Storm Water Administrator.
- .6 Definitions. For the purposes of this ordinance, the following words and phrases shall be defined as specified below:

Administrative Manual. A manual developed by the Storm Water Administrator and distributed to the public to provide information for the effective administration of this ordinance, including but not limited to application requirements, submission schedule, fee schedule, operation and maintenance agreements, criteria for recordation of documents, inspection report forms, requirements for submittal of bonds, and a copy of this ordinance.

Best Management Practices (BMPs). A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

- Non-structural BMPs - Non-engineering methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
- Structural BMPs - Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from a water body.

Built-Upon Area (BUA). That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck or the water area of a swimming pool. The specific methodology for calculating BUA is contained in the Charlotte-Mecklenburg BMP Design Manual.

Charlotte-Mecklenburg BMP Design Manual. A document that contains designs for BMPs. The Huntersville Water Quality Design Manual and/or this ordinance indicate the designs from the Charlotte-Mecklenburg BMP Design Manual that are approved for use in the Town of Huntersville for compliance with this ordinance. The Charlotte-Mecklenburg BMP Design Manual shall be approved for use in the Town of Huntersville by the North Carolina Department of Environment and Natural Resources and shall be at least as stringent as the storm water design manual approved for use in Phase

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II jurisdictions by the Department for the proper implementation of the requirements of the federal Phase II storm water program. All references herein to the Charlotte-Mecklenburg BMP Design Manual are to the latest published edition or revision.

Conventional BMPs. Storm water treatment devices that are not LID BMPs as defined below in “Definitions.”

Detain. To store and slowly release storm water runoff following precipitation by means of a surface depression or tank and an outlet structure. Detention structures are commonly used for pollutant removal, water storage, and peak flow reduction.

Huntersville Water Quality Design Manual. The document that contains the approved BMP designs and other information necessary for compliance with this ordinance. The Huntersville Water Quality Design Manual shall be approved for use in the Town of Huntersville by the North Carolina Department of Environment and Natural Resources and shall be at least as stringent as the storm water design manual approved for use in Phase II jurisdictions by the Department for the proper implementation of the requirements of the federal Phase II storm water program. All references herein to the Huntersville Water Quality Design Manual are to the latest published edition or revision.

Hydrologic Abstractions. Physical processes of interception of rainfall or overland storm water flow by vegetation, evaporation from land surfaces and upper soil layers, transpiration by plants, infiltration of water into soil surfaces, and storage of water in surface depressions.

Low Impact Development (LID) Approach. A technology-based system for managing urban storm water runoff that combines a hydrologically functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. To be effective, the LID approach must be applied to every phase of site planning, design, development and post-construction control for the purpose of mimicking predevelopment site hydrology by storing, infiltrating, evaporating and detaining storm water runoff. Examples of the LID Approach include reducing impervious surfaces, managing storm water closer to the source and avoiding large centralized management devices, phased grading, and vegetated conveyances instead of storm drain piping.

Low Impact Development (LID) BMPs. Decentralized, structural storm water treatment devices that utilize infiltration, evaporation, retention and detention as well as biological and physical processes to more closely replicate pre-development hydrology characteristics and reduce negative water quality impacts. Examples of LID BMPs include bio retention systems, sand filters, and vegetated filter strips.

Mecklenburg County Land Use and Environmental Services Agency. The department or division of Mecklenburg County government (regardless of the title given to it by Mecklenburg County) which has responsibility for storm water and water quality matters, acting as the agent of the Town of Huntersville for various purposes in connection with the enforcement of this ordinance.

National Pollution Discharge Elimination System (NPDES) Permit. A permit issued pursuant to the federal Clean Water Act for the purpose of controlling discharges of pollutants to surface waters and protecting water quality. In North Carolina, NPDES Permits are issued by the N.C. Department of Environment and Natural Resources.

Non-Point Source (NPS) Pollution. Forms of pollution caused by sediment, nutrients, organic and toxic substances originating from land use activities and carried to lakes and streams by surface runoff.

Retain. To capture and hold storm water runoff following precipitation by means of surface depression allowing the water to infiltrate into the soil, thus reducing the hydrologic and pollution impacts downstream. Retention structures are commonly used for pollutant removal, water storage, and peak flow reduction.

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Storm Water Administrator. The Mecklenburg County Water Quality Program Manager that has been designated by the Town of Huntersville Board of Commissioners to administer and enforce this ordinance.

Storm Water Management Permit. A permit required for all development and redevelopment unless exempt pursuant to this ordinance, which demonstrates compliance with this ordinance.

Total Suspended Solids (TSS). Total suspended matter in water, which is commonly expressed as a concentration in terms of milligrams per liter (mg/l) or parts per million (ppm).

.7 Interpretation.

a) Meaning and Intent

All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in Section 8.17.1, Purpose. If a different or more specific meaning is given for a term defined elsewhere in the Town of Huntersville ordinances, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance

b) Text Controls in Event of Conflict

In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

c) Authority for Interpretation

The Storm Water Administrator has authority to interpret this ordinance. Any person may request an interpretation by submitting a written request to the Storm Water Administrator who shall respond in writing within 30 days. The Storm Water Administrator shall keep on file a record of all written interpretations of this ordinance.

d) References to Statutes, Regulations, and Documents.

Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the Design and Administrative Manuals), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated

e) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town of Huntersville, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town of Huntersville. References to days are calendar days unless otherwise stated.

f) Delegation of Authority

Any act authorized by this ordinance to be carried out by the Storm Water Administrator of the Town of Huntersville may be carried out by his or her designee.

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g) Usage

- (1) **Mandatory and Discretionary Terms.** The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.
- (2) **Conjunctions.** Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions or events apply. The word “or” indicates that one or more of the connected items, conditions, provisions or events apply.
- (3) **Tense, Plurals, and Gender.** Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.
- h) **Measurement and Computation.** Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

.8 Huntersville Water Quality Design Manual.

- a) **Reference to the Huntersville Water Quality Design Manual.** The Storm Water Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the Huntersville Water Quality Design Manual as the basis for decisions about Storm Water Management Permits and about the design, implementation and performance of structural and non-structural storm water BMPs. The Huntersville Water Quality Design Manual includes acceptable BMPs for compliance with ordinance requirements, including the specific design criteria for each BMP. BMPs that are designed and constructed in accordance with these criteria will be presumed to meet the minimum water quality performance standards of this ordinance and the federal Phase II Storm Water Rules. Failure to construct BMPs in accordance with these criteria may subject the violator to a civil penalty as described in this ordinance.
- b) **Relationship of the Huntersville Water Quality Design Manual to Other Laws and Regulations.** If the specifications or guidelines of the Huntersville Water Quality Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Huntersville Water Quality Design Manual.
- c) **Changes to Standards and Specifications.** Standards, specifications, guidelines, policies, criteria, or other information in the Huntersville Water Quality Design Manual in affect at the time of acceptance of a complete application shall control and shall be utilized in reviewing the application and in implementing this ordinance with regard to the application.

Amendments to the Huntersville Water Quality Design Manual. Subject to Huntersville Planning Director approval, the Huntersville Water Quality Design Manual may be updated and expanded from time to time, based on advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience. Prior to amending or updating the Huntersville Water Quality Design Manual, proposed changes shall be generally publicized and made available for review, and an opportunity for comment by interested persons shall be provided.

.9 Relationships to Other Laws, Regulations and Private Agreements.

- a) **Conflict of Laws.** This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the

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requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control.

- b) Private Agreements. This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this ordinance. In no case shall the Town of Huntersville be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

.10 Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

.11 Effective Date and Transitional Provisions.

- a) Effective Date. This ordinance shall take effect on June 30, 2007.
- b) Violations Continue. Any violation of the provisions of this ordinance existing as of the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement unless the use, development, construction, or other activity complies with the provisions of this ordinance.

.12 Performance Criteria. All development and redevelopment to which this ordinance applies shall comply with all the Performance Criteria of this section unless mitigation requirements are satisfied as described in Section 8.17.15 of this ordinance. The Huntersville Water Quality Design Manual contains a list of BMPs approved for meeting these criteria. The specific design criteria for these BMPs are contained in the Huntersville Water Quality Design Manual as well as other State and/or local design manuals as specifically referenced in Huntersville Water Quality Design Manual.

- a) Performance Criteria for Low Density Projects. Any project is considered low density when said project has less than or equal to 12% built upon area as determined by the methodology established in the Charlotte-Mecklenburg BMP Design Manual. Such low density projects shall comply with each of the following standards.
 - (1) Vegetated Conveyances. Storm water runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable
 - (2) Built-Upon Area Setbacks. All built-upon area for development and redevelopment subject to the requirements of this ordinance shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. This built-upon area setback can be located within the water quality buffer area. Surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement shall be granted if one or more of the following is satisfied and documented:
 - (a) Based on an on-site determination by the Storm Water Administrator, surface waters are not present on the site. When a landowner or other affected party believes that the maps

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have inaccurately depicted surface waters, he or she shall consult the Storm Water Administrator. Upon request, the Storm Water Administrator shall make on-site determinations. Surface waters that appear on the maps shall not be subject to this ordinance if this on-site determination shows that they fall into one of the following categories:

- Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access.
- Manmade ponds and lakes located outside natural drainage ways.
- Ephemeral (storm water) streams.

(b) Based on a Variance issued pursuant to Section 11.3 of this ordinance, unnecessary hardships would result from the strict application of this requirement.

(c) Based on a determination by the Storm Water Administrator, a lack of practical alternatives exists for accomplishing the basic purpose of the project in a manner that would avoid or result in less adverse impact to surface waters considering the potential for a reduction in size, configuration, or density and all alternative designs.

(3) Stream Buffers. The S.W.I.M. Stream Buffer requirements as described in Section 8.25 of this ordinance shall apply to low density projects

b) Performance Criteria for High Density Projects. Any project is considered high density when said project has greater than 12% built upon area as determined by the methodology established in the Charlotte-Mecklenburg BMP Design Manual. Such high density projects shall comply with each of the following standards:

(1) Built-Up Area Setbacks. All built-upon area for development and redevelopment subject to the requirements of this ordinance shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. This built-upon area setback can be located within the water quality buffer area. Surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement shall be granted if one or more of the following is satisfied and documented:

(a) Based on an on-site determination by the Storm Water Administrator, surface waters are not present on the site. When a landowner or other affected party believes that the maps have inaccurately depicted surface waters, he or she shall consult the Storm Water Administrator. Upon request, the Storm Water Administrator shall make on-site determinations. Surface waters that appear on the maps shall not be subject to this ordinance if this on-site determination shows that they fall into one of the following categories:

- Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access.
- Manmade ponds and lakes located outside natural drainage ways.
- Ephemeral (storm water) streams.

(b) Based on a Variance issued pursuant to Section 11.3 of this ordinance, unnecessary hardships would result from the strict application of this requirement.

(c) Based on a determination by the Storm Water Administrator, a lack of practical alternatives exists for accomplishing the basic propose of the project in a manner that would avoid or result in less adverse impact to surface waters considering the potential for a reduction in size, configuration, or density and all alternative designs.

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- (2) Stream Buffers. The S.W.I.M. Stream Buffer requirements as described in Section 8.25 of this ordinance shall apply to high density projects.
 - (3) Storm Water Quality Treatment Volume. Storm water quality treatment systems shall treat the runoff generated from the first inch of rainfall.
 - (4) Storm Water Quality Treatment Standard. All BMPs used to meet these Performance Criteria shall be designed to achieve an average annual 85% Total Suspended Solids (TSS) removal for the developed area of the site. LID BMPs or a combination of LID and Conventional BMPs as described in the Huntersville Water Quality Design Manual shall be used to meet these water quality Performance Criteria. If a combination of LID and Conventional BMPs is used, then at a minimum the first 50% of the runoff from the one (1) inch storm event must be treated using LID BMPs. The remaining percentage shall be treated using Conventional BMPs capable of achieving the above described pollutant removal efficiency. No one bio retention BMP shall exceed 5,000 square feet of soil media surface area.
 - (5) Storm Water Treatment System Design. General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Huntersville Water Quality Design Manual.
 - (6) Storm Water Volume Control. LID BMPs or a combination of LID and Conventional BMPs shall be used to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 2-year frequency, 24-hour duration storm event in the Rural and Transitional Zoning Districts. For all other Zoning Districts, LID BMPs or a combination of LID and Conventional BMPs shall be used to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 1-year frequency, 24-hour duration storm event. Where any storm water BMP employs the use of a temporary water quality storage pool as a part of its treatment system, the drawdown time shall be a minimum of 48 hours and a maximum of 120 hours.
 - (7) Storm Water Volume Peak Control. The peak storm water runoff release rates leaving the site during post-construction conditions shall be equal to or less than the pre-development peak storm water runoff release rates for the 2-year frequency, 24-hour duration storm event and 10-year frequency, 24-hour duration storm event. The emergency overflow and outlet works for any pond or wetland constructed as storm water BMP shall be capable of safely passing a discharge with a minimum recurrence frequency of 50 years. For detention basins, the temporary storage capacity shall be restored within 72 hours. Requirements of the Dam Safety Act shall be met when applicable.
- .13 Low Impact Development (LID) Approach. The Low Impact Development (LID) Approach is a technology-based system for managing urban storm water runoff that combines a hydrological functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. To be effective, the LID Approach must be applied to every phase of site planning, design, development and post-construction control for the purpose of mimicking predevelopment site hydrology by storing, infiltrating, evaporating and detaining storm water runoff. Examples of the LID Approach include reducing impervious surfaces, managing storm water closer to the source and avoiding large centralized management devices, phased grading, and vegetated conveyances instead of storm drain piping. The principal goal of the LID Approach is to ensure maximum protection of the ecological integrity of the receiving waters by maintaining the watershed's hydrologic regime. In contrast, the conventional approach to storm water management seeks to alter the watershed's hydrologic regime by conveying runoff into a piping system and centralized storm water management devices to quickly and efficiently remove storm water from the development site. Most development practices follow this conventional approach to storm water management. The use of the LID Approach is not required by this ordinance but is strongly encouraged. One of the post-

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construction components of the LID Approach is the LID BMP, which is a single structural device that utilizes the LID principles of infiltration, evaporation, retention and detention as well as biological and physical processes to treat storm water runoff. The use of LID BMPs is required by this ordinance unless mitigation practices are approved and implemented. The purpose of this Section of the ordinance is to encourage the use of the LID Approach along with LID BMPs, which is most effective and efficient combination for managing storm water runoff and facilitating compliance with the Purpose of this ordinance as described in Section 8.17.1. The LID Approach and LID BMPs are further defined and explained in the Huntersville Water Quality Design Manual.

.14 Standards for Storm Water Control Measures.

- a) Evaluation According to Contents of Huntersville Water Quality Design Manual. All storm water BMPs required under this ordinance shall be evaluated by the Storm Water Administrator according to the policies, criteria, and information, including technical specifications, standards and the specific design criteria for each BMP contained in the Huntersville Water Quality Design Manual. The Storm Water Administrator shall determine whether these measures will be adequate to meet the requirements of this ordinance.
- b) Determination of Adequacy. BMPs that are designed, constructed, and maintained in accordance with the criteria and specifications in the Huntersville Water Quality Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Huntersville Water Quality Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance before it can be approved for use. The Storm Water Administrator may require the applicant to provide such documentation, calculations, and examples as necessary for the Storm Water Administrator to determine whether such an affirmative showing is made.
- c) Submittal of Digital Records. Upon submittal of as-built surveys, the location of storm drainage pipes, inlets and outlets as well as the location of all structural BMPs must be delivered to the Storm Water Administrator in the digital format specified in the Administrative Manual.

.15 LID Mitigation Options.

- a) General Description:
 - (1) Mitigation Allowed. Developments with greater than or equal to 50% built-upon area based on lot size shall be allowed to forgo the use of LID BMPs on the development site for compliance with this ordinance provided:
 - (a) A mitigation option is approved and successfully implemented for the development;
 - (b) Conventional BMPs are designed, constructed, and maintained on the development site to achieve an average annual 85% Total Suspended Solids (TSS) removal for the developed area of the site in accordance with the criteria and specifications in the Huntersville Water Quality Design Manual; and
 - (c) The development site achieves full compliance with the Performance Criteria contained in Section 8.17.12(b) 1, 2, 3, 5, 6, and 7 of this ordinance.
 - (2) LID Mitigation Options. There are two (2) LID mitigation options available to developments greater than or equal to 50% built-upon area, including off-site and buy-down mitigation. Both off-site and buy-down mitigation shall result in the construction of retrofit projects in the same river basin in the Town of Huntersville (Catawba or Yadkin) as the development site.

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b) Criteria for Off-Site Mitigation Option

- (1) Off-Site LID BMP Construction. The owner or designee of the development site shall satisfy the off-site mitigation option by constructing a BMP retrofit project off-site and in the same river basin in the Town of Huntersville (Catawba or Yadkin) as the development site. The project shall be designed and constructed to achieve a net mass removal of pollutants greater than or equal to the pollutant load associated with the difference between the pollutant removal efficiencies for LID versus Conventional BMPs at the development site treating runoff from the first one (1) inch of rainfall. The Huntersville Water Quality Design Manual shall contain the criteria for satisfying this requirement.
- (2) Off-Site Mitigation Application. The Storm Water Administrator shall receive, review, approve, disapprove or approve with conditions an "Application for Off-Site Mitigation." The Storm Water Administrator shall design this application to include all pertinent information. This application shall be submitted with the Concept Plan Application. The Huntersville Water Quality Design Manual shall contain information regarding the proper completion and submittal of this application.
- (3) Criteria for Approval of Off-Site Mitigation. The criteria for approval of off-site mitigation by the Storm Water Administrator are as follows:
 - (a) BMP(s) shall be designed, constructed, and maintained in accordance with the criteria and specifications in the Huntersville Water Quality Design Manual.
 - (b) BMP(s) shall be sized for the corresponding watershed area according to the approved design standards in the Huntersville Water Quality Design Manual.
 - (c) BMP(s) shall be inspected by the Storm Water Administrator and found to be in compliance with all approved plans and specifications prior to the release of occupancy permits for the development site.
 - (d.) All off-site mitigation BMPs shall be subject to the maintenance requirements as well as installation and maintenance performance securities specified in this ordinance and the Administrative Manual.

c) Criteria for Buy-Down Mitigation Option

- (1) Payment of Mitigation Fee. Buy-Down mitigation shall be satisfied by payment to the Town of Huntersville of a fee established by the Storm Water Administrator to cover the cost for installation by the Town or its designee of a mitigation project in the same river basin (Catawba or Yadkin) as the development site. The project shall be designed and constructed to achieve a net mass removal of pollutants greater than or equal to the pollutant load associated with the difference between the pollutant removal efficiencies for LID versus Conventional BMPs at the development site treating runoff from the first one (1) inch of rainfall. The Huntersville Water Quality Design Manual shall contain the criteria for satisfying these requirements.
- (2) Buy-Down Mitigation Application. The Storm Water Administrator shall receive, review, approve, disapprove or approve with conditions an "Application for Buy-Down Mitigation." The Storm Water Administrator shall design this application to include all pertinent information. This application shall be submitted with the Concept Plan Application. The Huntersville Water Quality Design Manual shall contain information regarding the proper completion and submittal of this application.
- (3) Criteria for Approval of Buy-Down Mitigation. The criteria for approval of buy-down mitigation by the Storm Water Administrator are as follows

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- (a) The buy-down option shall not be approved by the Storm Water Administrator unless projects and/or properties are available for mitigation at the time the "Application for Buy-Down Mitigation" is received.
 - (b) There is no time constraint for the Town of Huntersville to spend mitigation money; however, the Town of Huntersville shall strive to spend buy-down monies in a timely and efficient manner such that a net improvement in water quality results.
 - (c) All projects constructed by the Town of Huntersville as part of this mitigation option shall be maintained by the Town of Huntersville or its designee into perpetuity.
- d) Mitigation for Development and Redevelopment on Lots Less Than One Acre. Development and redevelopment on a lot less than one (1) acre in size are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:
 - (1) The lot has been described by metes and bounds in a recorded deed or shown on a recorded plat prior to July 1, 2007;
 - (2) Development and redevelopment on the lot are not part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules;
 - (3) Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance; and
 - (4) Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below.
- e) Mitigation for Redevelopment in the Town Center Zoning District. Redevelopment projects in the Town Center Zoning District for the Town of Huntersville are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:
 - (1) Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance;
 - (2) Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below; and
 - (3) If there is no net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, and there is no decrease in existing storm water controls, then there is no limit on the amount of disturbed area, or
 - (4) If there is a net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, or there is a decrease in existing storm water controls, then the amount of total disturbed area on the site must be less than one (1) acre.
- f) Criteria for Development and Redevelopment Mitigation. One (1) of the following three (3) criteria must be fulfilled to satisfy the mitigation requirement for development and redevelopment projects described in Subsection d) and e) above:
 - (1) Storm Water Quality Treatment requirements are met on site as described in Section 8.17.12(b)(3), (4) and (5) of this ordinance with LID or Conventional BMPs allowed;
 - (2) Storm Water Volume and Peak Control requirements are met on site as described in Section 8.17.12(b)(6) and (7) of this ordinance; or

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- (3) The Town is paid a mitigation fee prorated at \$60,000 per acre for all projects except single-family residential that will be prorated at \$45,000 per acre for the untreated post-project built-upon-area. This fee shall be used to cover the cost for installation by the Town or its designee of a mitigation project(s) capable of achieving a net mass removal of pollutants greater than or equal to the pollutant removal that would have been achieved by BMPs installed at the development site in full compliance with ordinance requirements. The mitigation project(s), as determined by the Town, must be located in the same named lake or stream watershed that is receiving storm water discharge from the development site, including Lake Norman, Mountain Island Lake, McDowell Creek, Gar Creek, Ramah Creek, and Clarke Creek. An exception to the location of the mitigation project can be made if the Storm Water Administrator determines there are no viable mitigation projects in that watershed provided mitigation is done in the Town of Huntersville zoning jurisdiction.

.16 Administration and Procedures.

a) Storm Water Administrator

- (1) Designation. The Mecklenburg County Water Quality Program Manager has been designated as the Storm Water Administrator by the Town of Huntersville for the purpose of administering and enforcing this ordinance. Any act authorized by this ordinance to be carried out by the Storm Water Administrator of the Town of Huntersville may be carried out by his or her designee
- (2) Powers and Duties. In addition to the powers and duties that may be conferred by other provisions of other laws, the Storm Water Administrator shall have the following powers and duties under this ordinance.
- (a) To review and approve or disapprove applications submitted pursuant to this ordinance.
 - (b) To make determinations and render interpretations of this ordinance.
 - (c) To establish application requirements and schedules for submittal and review of applications and appeals.
 - (d) To enforce this ordinance in accordance with its enforcement provisions.
 - (e) To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this ordinance.
 - (f) To provide expertise and technical assistance upon request to the Huntersville Town Board.
 - (g) To designate appropriate other person(s) who shall carry out the powers and duties of the Storm Water Administrator.
 - (h) To provide information and recommendations relative to variances and information as requested by the Town of Huntersville in response to appeals.
 - (i) To take any other action necessary to administer the provisions of this ordinance.

b) Administrative Manual. For applications required under this ordinance, the Storm Water Administrator shall compile into an Administrative Manual the application requirements, submittal checklist, submission schedule, fee schedule, operation and maintenance agreements, a copy of this ordinance, and other information and materials necessary for the effective administration of this ordinance. This Administrative Manual shall be made available to the public.

c) Review Procedures

- (1) Permit Required. A Storm Water Management Permit is required for all development and redevelopment unless exempt pursuant to this ordinance. A permit may only be issued subsequent to a properly submitted, reviewed and approved permit application, pursuant to

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this Section. The content and form of the permit shall be established by the Storm Water Administrator.

- (2) **Effect of Permit.** A Storm Water Management Permit shall govern the design, installation, and construction of storm water management and control practices on the site, including structural BMPs and elements of site design for storm water management other than structural BMPs. The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of storm water for the development or redevelopment site consistent with the requirements of this ordinance. Compliance after project construction is assured by the maintenance provision of this ordinance.
- (3) **Authority to File Applications.** All applications required pursuant to this ordinance shall be submitted to the Storm Water Administrator by the land owner or the land owner's duly authorized agent or anyone having interest in the property by reason of a written contract with the owner.
- (4) **Establishment of Application Requirements, Schedules, and Fees**
 - (a) The Storm Water Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. Two (2) applications are required for submittal, including the Concept Plan Application and Storm Water Management Permit Application.
 - (b) The Storm Water Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.
 - (c) The Town of Huntersville shall establish permit review fees as well as policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.
- (5) **Consultations.** An applicant may request consultation(s) on a Concept Plan Application for the post-construction storm water management system to be utilized in the proposed development project. This consultation meeting(s) should take place at the time of the preliminary plan of the subdivision or other early step in the development process. The purpose of this meeting(s) is to discuss the post-construction storm water management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to storm water management designs before formal site design engineering is commenced.
- (6) **Submittal of Applications**
 - (a) **A Concept Plan.** Application shall be submitted to the Storm Water Administrator for review prior to the submittal of the Storm Water Management Permit Application. This Concept Plan Application shall include the information necessary to evaluate the proposed development site for compliance with Performance Criteria as detailed in the Huntersville Water Quality Design Manual.
 - (b) **A Storm Water Management Permit Application** shall be submitted to the Storm Water Administrator for review following the approval of the Concept Plan Application. This Storm Water Management Permit Application shall detail how post-construction storm water runoff will be controlled and managed and how the proposed project will meet the requirements of this ordinance. The application shall also include the design of all storm water facilities and practices, supporting computations, drawings, soil analyses,

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calculations for each BMP, site hydrology calculations, and other information sufficient to describe the manner, location, and type of measures for managing storm water from the development in compliance with this ordinance. All design plans submitted with the application shall be prepared by a registered North Carolina professional engineer or landscape architect. The engineer or landscape architect shall perform services only in their area of competence, and shall verify that the design of all storm water management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the Huntersville Water Quality Design Manual, and that the designs and plans ensure compliance with this ordinance. The submittal shall include all of the information required in the submittal checklist established by the Storm Water Administrator. Incomplete submittals shall be treated pursuant to Section 8.17.16(c) (7).

- (7) Submittal of Complete Application. Applications shall be submitted to the Storm Water Administrator pursuant to the application submittal schedule in the form established by the Storm Water Administrator, along with the appropriate fee established pursuant to this Section. An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this ordinance, along with the appropriate fee. If the Storm Water Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.
- (8) Application Review. Within 20 working days after a complete application is submitted, the Storm Water Administrator shall review the application and determine whether the application complies with the standards of this ordinance
 - (a) If the Storm Water Administrator finds that the application complies with the standards of this ordinance, the Storm Water Administrator shall approve the application and issue a Storm Water Management Permit to the applicant. The Storm Water Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included in the permit as part of the approval.
 - (b) If the Storm Water Administrator finds that the application fails to comply with the standards of this ordinance, the Storm Water Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.
 - (c) A complete revised application shall be reviewed by the Storm Water Administrator within 15 working days after its re-submittal and shall be approved, approved with conditions or disapproved. If a revised application is not re-submitted within sixty (60) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.
- .17 As-Built Surveys and Final Approval. The applicant shall certify that the completed project is in accordance with the approved plans and designs, and shall submit actual "as-built" surveys for all storm water management facilities or practices after final construction is completed. Failure to provide approved as-built surveys within the time frame specified by the Storm Water Administrator may result in assessment of penalties. At the discretion of the Storm Water Administrator, performance securities or bonds may be required for storm water management facilities or practices until as-built surveys are approved.

As-built surveys shall show the final design specifications for all storm water management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the storm water management measures and plans shall certify,

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under seal, that the as-built storm water measures, controls, and devices are in compliance with the approved plans and designs and with the requirements of this ordinance. The exact boundary of all storm water management measures shall be shown on final plats prepared by a registered surveyor. Further, final plats shall contain the following statement: "This lot contains a storm water management structure that must be maintained in accordance with the recorded Maintenance Covenant as specified in the Huntersville Zoning Ordinance."

Final as-built surveys and a final inspection and approval by the Storm Water Administrator are required before a project is determined to be in compliance with this ordinance and before performance securities shall be released. At the discretion of the Storm Water Administrator, certificates of occupancy may be withheld pending receipt of as-built surveys and the completion of a final inspection and approval of a project.

Upon submittal of as-built surveys, the location of storm drainage pipes, inlets and outlets as well as the location of all BMPs must be delivered to the Storm Water Administrator in the digital format specified in the Administrative Manual

.18 Approvals.

- a) Effect of Approval. Approval authorizes the applicant to go forward with only the specific plans and activity authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities

(1) Time Limit/Expiration

A Storm Water Management Permit and accompanying plan approved under the provisions of this ordinance shall remain valid for a period of three (3) years from the date of approval. If no work on the site in furtherance of the plan has commenced within the three-year period, the permit and plan approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced that involves any utility installations or street improvements except grading, the permit and plan shall remain valid and in force and the project may be completed in accordance with the approved plan

.19 Incentives.

- a) Purpose. The purpose of this Section is to set forth incentives to offset restrictions that LID may have on the development of certain sites.
- b) Setbacks. In order to accommodate water quality BMPs, required setbacks, side yards and rear yards in the Rural and Transitional Zoning Districts may be reduced up to 25%. The reductions may not compromise public safety such as the site distance triangles as defined by this Zoning Ordinance. It also must not compromise buffer widths or the 30-foot setback described in Section 8.17.12 of this ordinance.
- c) Sidewalks. To reduce impervious cover and promote LID, sidewalks on one side of the street may be waived in the Rural Zoning District.
- d) Required Plant Reduction and Substitution. In order to accommodate water quality BMPs, the number of planted trees may be reduced in buffer yards by 10%, 50% of the required trees may be 1.5 inches in caliper, and all shrubs may be 24 inches in height.
- e) Encroachments. Water quality BMPs may encroach into a required buffer yard as long as the encroachment does not disturb existing vegetation. Minor understory may be disturbed in order to accommodate water quality structures. Trees and shrubs shall be placed to maximize screening

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where the encroachment takes place. If the encroachment runs parallel to the buffer, the width of the buffer shall be increased by the amount of the encroachment.

- .20 Appeals and Variances. An appeal to reverse or modify the order, decision, determination, or interpretation of the Storm Water Administrator or any other designated administrative officer as well as a request for variance from any of the requirements contained in this ordinance shall comply with the procedures and standards of [Section 11.3](#) of this ordinance.
- .21 Posting of Financial Security. Approval of a Storm Water Management Permit Application shall be subject to the owner filing a surety bond or letter of credit or making other financial arrangements in favor of Mecklenburg County as agent for the Town of Huntersville acceptable to the Mecklenburg County Land Use and Environmental Services Agency guaranteeing the installation and maintenance of required BMPs until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMP, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof shall be submitted by the owner to the Mecklenburg County Land Use and Environmental Services Agency. The owner shall verify the adequacy of the Maintenance Covenant for the BMPs including the necessary financing to support the proposed maintenance practices. The owner shall also provide professional engineer certification that the BMP is designed and constructed in accordance with approved plans and specifications. The Mecklenburg County Land Use and Environmental Services Agency will inspect the structural BMP and verify the effectiveness of the Maintenance Covenant and, if both are found to be satisfactory, the Mecklenburg County Land Use and Environmental Services Agency will notify the owner in writing within 30 days of the date of notice regarding approval of the BMP. Following the issuance of this written approval, the owner can request the release of the surety bond, letter of credit or other financial arrangements at which time the maintenance responsibilities for the BMPs shall revert to the Homeowners Association, property owner or other party responsible for long term maintenance as specified in the Maintenance Covenant. It shall be expressly stated within the restrictive covenants or Property Owners Association documents that it will be the responsibility of the owner or assigns to maintain BMPs until such time as maintenance responsibilities have been transferred to the Homeowners Association Board of Directors, property owner or other party responsible for long term maintenance of the BMPs. It shall be the sole responsibility of the owner or assigns to correct any deficiencies prior to said transfer of maintenance responsibilities
- .22 Maintenance. The owner of each BMP installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function for controlling storm water quality and quantity at the degree or amount of function for which the BMP was designed. BMPs shall not be constructed on public land, within public rights-of-way, and/or within public easements without written approval from the public body with ownership/jurisdiction of the subject property. The following requirements shall be met for all BMPs that have been constructed on privately-owned property and not within a public easement.
- a) Operation and Maintenance Agreement. Prior to the issuance of an Occupancy Permit for any building within a permitted development served by a BMP, the applicant or owner of the BMP shall establish a formal Operation and Maintenance Agreement approved by the Storm Water Administrator and recorded in the Office of the Register of Deeds in which the owner acknowledges the duty of the owner and all subsequent owners of the property to maintain the BMP in accordance with the terms of the Agreement, including repairing and, if necessary, reconstruction of the BMP. Until the transference of all property, sites, or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the Operation and Maintenance Agreement. A maintenance plan shall be included as part of the Agreement that shall state the terms, conditions, and schedule of maintenance for the structural BMP as well as describe the mechanism for funding maintenance and repairs. The Operation and Maintenance Agreement shall also specify the Property Owners Association or other party responsible for maintenance of the BMP. A Property Owners Association or similar legal entity shall have the power to compel contributions from residents of a

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development to cover their proportionate shares of the costs associated with BMP maintenance. At the discretion of the Storm Water Administrator, certificates of occupancy may be withheld pending receipt of an Operation and Maintenance Agreement.

Standard Operation and Maintenance Agreements for BMPs shall be developed by the Storm Water Administrator and made available in the Administrative Manual. The Operation and Maintenance Agreement must be approved by the Storm Water Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded by the applicant or owner with the Mecklenburg County Register of Deeds upon final plat approval. A copy of the recorded Operation and Maintenance Agreement shall be given to the Storm Water Administrator within fourteen (14) days following its recordation.

- b) **Inspection and Maintenance Requirements.** All BMPs installed pursuant to the requirements of this ordinance shall be inspected by a qualified professional as designated by the Storm Water Administrator at a minimum of annually within 45 days prior to the anniversary date of the approval of the as-built survey. The purpose of these inspections is to identify maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The person responsible for BMP maintenance shall submit to the Storm Water Administrator a completed inspection report. All inspection reports shall be on forms supplied by the Storm Water Administrator and contained in the Administrative Manual. Any identified maintenance and/or repair needs shall be addressed in a timely manner. The inspection and maintenance requirement may be increased as deemed necessary by the Storm Water Administrator to ensure proper functioning of the BMP and compliance with this ordinance.
- c) **Records of Installation and Maintenance Activities.** Parties responsible for the inspection, operation, and maintenance of a BMP shall make records of the installation of all the maintenance and repairs and shall retain the records for at least five (5) years. Those records shall be made available to the Storm Water Administrator upon request and/or as specifically outlined in the Maintenance Covenant
- d) **Failure to Maintain Practices.** It is unlawful for a property owner to fail to meet the requirements of the Operation and Maintenance Agreement. Any person or association that fails to meet the requirements of the Operation and Maintenance Agreement shall be subject to a civil penalty as described in Section 8.17.25.
- e) **Maintenance Easement.** Every structural BMP installed pursuant to this ordinance shall be made accessible for adequate inspection, maintenance, reconstruction and repair by a maintenance easement. The easement shall be recorded with the Mecklenburg County Register of Deeds Office and its terms shall specify who may make use of the easement and for what purposes.

- .23 **Deed Recordation and Indications on Plat.** The approval of the Storm Water Management Permit shall require an enforceable restriction on property usage that runs with the land, such as plat, recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. Stream buffers as described in Section 8.25, including the delineation of each buffer zone, must be specified on all surveys and record plats. The Operations and Maintenance Agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the Mecklenburg County Register of Deeds Office upon final plat approval. If no subdivision plat is recorded for the site, then the Operation and Maintenance Agreement shall be recorded with the Mecklenburg County Register of Deeds Office so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded Operation and Maintenance Agreement shall be provided to the Storm Water Administrator within fourteen (14) days following receipt of the recorded document. A maintenance easement shall be recorded for every structural BMP to allow sufficient access for adequate maintenance. The specific recordation and deed restriction requirements as well as notes to be displayed on final plats and deeds shall be contained in the Administrative Manual

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.24 Inspections of BMPs.

- a) Inspections. As described in Section 8.17.22(b), the owner of a BMP shall inspect said BMP at a minimum of annually within 45 days prior to the anniversary date of the approval of the as-built survey. Additional inspections may be conducted by the Storm Water Administrator on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspections of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual dischargers of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water quality standards or the NPDES Storm Water Permit; and joint inspections with other agencies inspecting under environmental and safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; evaluating the condition of BMPs and other storm water management practices.
- b) Right-of-Entry for Inspection. When any new BMP is installed on private property, the property owner shall grant to the Storm Water Administrator the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the Storm Water Administrator has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance. The Storm Water Administrator shall take reasonable steps to inform the responsible party prior to inspecting the property.

.25 Enforcement and Violations

- a) General
 - (1) Authority to Enforce. The provisions of this ordinance shall be enforced by the Storm Water Administrator, his or her designee, or any authorized agent of the Town Huntersville.
 - (2) Violation Unlawful. Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance
 - (3) Each Day a Separate Offense. Each day that a violation continues shall constitute a separate and distinct violation or offense.
 - (4) Responsible Persons/Entities. For the purposes of this ordinance, responsible person(s) shall include but not be limited to:
 - (a) Person Maintaining Condition Resulting In or Constituting Violation. An architect, engineer, builder, contractor, developer, agency, property owners' association or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists
 - (b) Responsibility For Land or Use of Land. The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for storm water controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

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- b) Remedies and Penalties. The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(1) Remedies

- (a) Withholding of Certificate of Occupancy. The Storm Water Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the storm water practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
 - (b) Disapproval of Subsequent Permits and Development Approvals. As long as a violation of this ordinance continues and remains uncorrected, the Storm Water Administrator or other authorized agent may withhold and the Town of Huntersville may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the zoning, subdivision, and/or building regulations for the land on which the violation occurs.
 - (c) Injunction, Abatements, etc. The Town of Huntersville may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.
 - (d) Correction as Public Health Nuisance, Costs as Lien, etc. If the violation is deemed dangerous or prejudicial to the public health or public safety, the Town of Huntersville may cause the violation to be corrected and the costs to be assessed as a lien against the property.
 - (e) Stop Work Order. The Storm Water Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to correct such violation(s).
- (2) Civil Penalties. Violation of this ordinance may subject the violator to a civil penalty up to the full amount of penalty to which the Town of Huntersville is subject for violations of its Phase II Storm Water Permit. If the violator does not pay the penalty within 30 days after notice of the violation is issued by the Storm Water Administrator, the violation shall be recovered in a civil action in the nature of a debt.
- (3) Criminal Penalties Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

c) Procedures

- (1) Initiation/Complaint. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Storm Water Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Storm Water Administrator.

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- (2) Inspection. The Storm Water Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.
- (3) Notice of Violation and Order to Correct. When the Storm Water Administrator finds that any building, structure, or land is in violation of this ordinance, the Storm Water Administrator shall notify, in writing, the property owner or other person violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Storm Water Administrator may deliver the notice of violation and correction order personally, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure. If a violation is not corrected within a reasonable period of time, as provided in the notification, the Storm Water Administrator may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

- (4) Emergency Enforcement. If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Storm Water Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Storm Water Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this ordinance.

8.18 Flags

- .1 Flag shall mean a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of any nation, state, city, or any fraternal, religious, or civic organization.
- a) All flags shall be displayed on flagpoles, which may be vertical or mast-arm flagpoles.
- b) In non-residential districts, vertical flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 54 feet, whichever is less.
- c) In residential districts, vertical flagpoles shall not exceed 25 feet in height, or the height of the primary structure on the parcel, whichever is less.
- d) The hoist side of the flag shall not exceed 20% of the height of a vertical flagpole or the length of a mast-arm flagpole. Mast-arm flagpoles shall not exceed 25 feet in length and therefore would have a maximum hoist of 5 feet.
- e) Vertical flagpoles are subject to the following limitations:
- | <u>Vertical Pole Height</u> | <u>Maximum Flag Size (total square feet)</u> |
|-----------------------------|--|
| 15 to 24 feet | 20 square feet |
| 25 to 34 feet | 50 square feet |
| 35 to 44 feet | 100 square feet |
| 45 to 54 feet | 160 square feet |
- (g) Each parcel shall be allowed a maximum of three flagpoles unless a variance is obtained.

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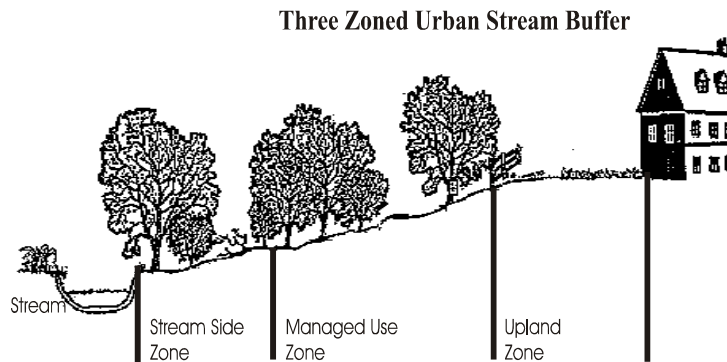
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- (h) A maximum of 2 flags shall be allowed per flagpole.
- (i) Flags displaying a logo, message, statement, or expression relating to commercial interests and banners not meeting the definition of a flag contained herein shall conform to all applicable ordinances pertaining to signs.
- (j) A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
- (k) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags that are torn or frayed shall not be displayed.
- (l) On officially designated county, state, or federal holidays, there shall be no maximum flag size, number, or other limitations on display.
- (m) This section shall not be construed to restrict the right to display eligible flags as banners or signage as provided elsewhere in the ordinance.

8.19 - 8.24 Reserved

8.25 S.W.I.M. (Surface Water Improvement and Management) Stream Buffers

- .1 Purpose. The purpose of a stream buffer network is to filter pollutants, store floodwaters, provide habitat, and contribute to the “green infrastructure”. Stream systems are comprised of each stream and its respective drainage basin.
 - Streams have the primary natural functions of conveying storm and ground water, storing floodwater, and supporting aquatic life.
 - Vegetated lands adjacent to the stream channel in the drainage basin serve as “buffers” to protect the stream’s ability to fulfill its natural functions. Buffers have the primary natural functions of protecting water quality by filtering pollutants, providing intermittent storage for floodwaters, allowing channels to meander naturally, and providing suitable habitat for wildlife.
- .2 Definitions. For the purposes of this section, the following words and phrases shall be defined as specified below:
 - Best Management Practices (BMPs). A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.
 - Buffer. A vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.
 - Buffer Zones. Buffer widths are measured in three (3) zones as shown below. The buffer width is measured horizontally and must be surveyed by a licensed land surveyor on a line parallel to the surface water, landward from the top of the bank on each side of the stream.



Drainage Basin. The area of land that drains to a given point on a body of water.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the allowable surcharge (currently one foot).

Flood Fringe. The land area located between the limits of the floodway and the maximum elevation subject to inundation by the base (1% chance) flood.

Floodplain. The low, periodically flooded lands adjacent to rivers and lakes. For land use planning purposes, the regulatory floodplain is usually viewed as all land alongside a watercourse that would be inundated by the base (1% chance) flood; the floodway plus the flood fringe.

Mitigation. Actions taken on-site and/or off-site to offset the effects of temporary or permanent loss of a buffer.

Top of Bank. The landward edge of the stream channel during high water, bankfull conditions at the point where water begins to overflow onto the floodplain.

.3 Applicability.

- a) All properties shall comply with the buffer requirements of this Section except those which, as of the effective date of October 19, 1999, have previously secured a right to proceed by one of the following methods, and have received written authorization to disturb the buffer from the Town's Planning Staff:
- Having been issued a Certificate of Building Code Compliance;
 - Being subject to an approved major subdivision preliminary plan and/or recorded final plat;
 - Being subject to a minor subdivision plat, exempt plat listed under the definition of subdivision in the Subdivision Ordinance, or described by metes and bounds in a recorded deed which:
 - If to be used for residential purposes, are one (1) acre or less in size.

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- If to be used for nonresidential purposes or mixed use purposes, are four (4) acres or less in size if located on a non-FEMA regulated floodway, or are seven (7) acres or less in size if located on a FEMA regulated floodway.
 - Being subject to a site specific development plan defined under Section 2.2.2 of these zoning regulations; or
 - Having otherwise secured a vested property right under state law.
- b) Redevelopment or expansion of uses and structures included in a), above, shall comply with the buffer requirements of this Section, however uses and structures previously approved and constructed in a buffer may remain.
- c) A site specific development plan amended by action of the Board of Commissioners subsequent to adoption of this Section shall comply, in its amended form, with the S.W.I.M. buffer requirements, however uses and structures previously approved for construction in a buffer may remain.
- d) Where stream buffers are also required as part of the Lake Norman or Mountain Island Lake Watershed Overlay Districts, the more stringent of the stream buffer requirements shall apply.
- .4 Buffer Delineation.
S.W.I.M. Stream Buffers, throughout the jurisdiction of the Town of Huntersville shall be delineated by Mecklenburg County through its geographic information system (GIS) using the most current digital elevation model (DEM) of no greater than 10-foot cells. This stream buffer delineation including buffer widths shall be periodically updated as new data becomes available. The most recent delineation shall be provided for public use through Mecklenburg County's website.
- .5 Minimum Buffer Widths.
All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual. All perennial and intermittent streams draining greater than or equal to 50 acres and less than 300 acres shall have a 35-foot buffer with two (2) zones, including a 20-foot stream side and 15-foot upland zone. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including a 20-foot stream side, 20-foot managed use and 10-foot upland zone. Buffers for streams draining greater than or equal to 640 acres shall be 100 feet in width or include the entire floodplain, whichever is greater. This buffer shall consist of a 30-foot stream side, 45-foot managed use and 25-foot upland zone or the entire FEMA floodplain, whichever is greater. All buffers shall be measured from the top of the bank on both sides of the stream. A summary of minimum buffer widths is provided in the table below.

Table of Minimum Buffer Widths by Basin Size and Buffer Zone

Area Designation	Stream Side Zone	Managed Use Zone	Upland Zone	Total Buffer Width each side of Stream	Notes
< 50 acres	N/A	N/A	30 feet	30 feet	(1), (2)
> 50 acres	20 feet	None	15 feet	35 feet	(2)
> 300 acres	20 feet	20 feet	10 feet	50 feet	(2)
> 640 acres	30 feet	45 feet	25 feet or balance of floodplain, whichever is greater	100 feet or entire floodplain, whichever is greater	(2), (3)

Notes:

(1) All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone

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adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual.

(2) Buffer widths are surveyed horizontally on a line parallel to the surface water, landward from the top of the bank on each side of the stream.

(3) Floodplain and buffer calculations will be based upon the FEMA flood fringe and floodway encroachment lines, as locally adopted and as may be amended from time to time.

.6 Buffer Description.

Buffer function, vegetation and use vary according to the different buffer zones and are described in the following table.

Table of Buffer Treatment by Buffer Zone

	Stream Side Zone	Managed Use Zone	Upland Zone	Notes
Function	Protect the integrity of the ecosystems	Provide natural filter; provide distance between upland development and the stream side zone	Prevent encroachment and filter runoff	
Vegetative Requirements	<u>Undisturbed (no cutting, clearing or grading).</u> If existing tree density is inadequate, reforestation is required.	<u>Limited clearing (no grading).</u> Existing tree density must be retained to a minimum of 8 healthy trees of a minimum 6 inch caliper per 1000 square feet. If existing tree density is inadequate, reforestation is encouraged.	<u>Herbaceous ground cover,</u> including grass, is allowed; maintenance of existing forest or reforestation is encouraged.	(1)
Uses	<u>Very restricted.</u> Permitted uses limited to flood control structures and bank stabilization (where permitted) as well as installation of parallel or near perpendicular ($\geq 75^\circ$) water and sewer utilities and near perpendicular road crossings ($\geq 75^\circ$) with stabilization of disturbed areas as specified in Section 8.25.10.	<u>Restricted.</u> Permitted uses limited to those allowed in the Stream Side Zone, as well as bike paths and greenway trails up to 10 feet in width.	<u>Restricted.</u> Permitted uses limited to those allowed in Stream Side and Managed Use Zones, as well as gazebos, non-commercial storage buildings less than 150 square feet, limited grading that does not change the functionality or extent of the floodplain, and storm water structural best management practices (BMPs) if approved in accordance with Section 8.25.11 b), as a condition of a buffer width variance or if they are located a minimum distance of 100 feet from the stream bank.	(2), (3), (4)

Note:

- (1) When reforestation of disturbed buffers is required, tree planting shall be as specified in the Charlotte-Mecklenburg SWIM Stream Buffer Implementation Guidelines.
- (2) Fill material **cannot** be brought into any required buffer. In the Upland Zone only, limited grading that does not change the extent or functional characteristics of the floodplain is permitted. Uses permitted in the buffer zones should be coordinated to ensure minimal disturbance of the

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buffer system. For example, if it is necessary to install utilities within the buffer, then if Greenway Trails are built they should follow these cleared areas instead of necessitating additional clearing.

(3) Notwithstanding the uses and structures permitted in the “Upland Zone”, the stricter standards of floodway regulations, if applicable, shall apply.

(4) Greenway Trails referenced in this table refer exclusively to those approved by and dedicated to the Town of Huntersville or Mecklenburg County Parks and Recreation Departments. Other paths or trails in the buffer shall be in accordance with the Charlotte-Mecklenburg SWIM Stream Buffer Implementation Guidelines.

.7 Diffuse Flow Requirement. Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow through the use of level spreaders or other such devices to create sheet flow and by reestablishing vegetation. Techniques for providing diffuse flow are specified in the Charlotte-Mecklenburg BMP Design Manual.

- Maximum drainage area size shall be no greater than 10 acres for all outfalls discharging directly into a stream buffer.
- When practical, a drop structure should be installed prior to the last section of outfall pipe discharging to a buffer. A short length of outfall pipe should be laid flat (0% Slope Energy Dissipater), prior to the riprap apron or other energy dissipater.
- Concentrated runoff from ditches or other manmade conveyances shall be diverted to diffuse flow before the runoff enters the buffer.
- Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to impede the formation of erosion gullies.

.8 Ponds that intersect the stream channel shall have the same buffers as the original stream. Buffer requirements do not apply to wet ponds used as structural BMPs.

.9 Buffer Delineation. The following buffer delineations are required:

- a) Buffer boundaries including all buffer zones must be clearly delineated on all site-specific plans for Board of Commissioner approval, on all construction plans, including grading and clearing plans, erosion and sediment control plans, and site plans.
- b) The surveyed outside buffer boundary, including all buffer zones, must be clearly marked on-site with orange “tree-protection” or “high-hazard” fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this ordinance. Where existing trees are to be preserved in a buffer zone, the limits of grading shall equal the drip line of those trees plus an additional five (5) feet on the upland side of the buffer. All Specimen and Heritage trees require a tree survey prior to land-disturbing activity and shall be saved in all buffer zones.
- c) The surveyed outside boundary of the buffer must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line on each parcel following the completion of land disturbing activities and prior to occupancy. Properties greater than 200’ in width shall be marked at a maximum of 100’ intervals.
- d) Separate buffer zones must be permanently marked at highway stream crossings.
- e) Buffer boundaries including all buffer zones as well as all buffer requirements must be specified on the record plat, on individual deeds, and in property association documents for lands held in common.

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- .10 Buffer Impacts Permitted under Section 8.25, S.W.I.M. The following buffer impacts are permitted, but design and construction shall comply with the specifications provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines for stabilization of disturbed areas to minimize negative effects on the quality of surface waters.
- Near perpendicular (75° or greater) road crossings for connectivity or transportation links where the Town of Huntersville has granted site plan approval.
 - Near perpendicular (75° or greater) utility crossings as approved by Charlotte-Mecklenburg Utilities.
 - Parallel water and sewer utility installation as approved by Charlotte-Mecklenburg Utilities, where a logical and appropriate basis for the impact is demonstrated, where disturbance of the Stream Side Zone is minimized to the maximum extent practicable, and where guidelines for restoring vegetation within buffers disturbed as a result of parallel utility installation are met. These guidelines are specified in the Charlotte-Mecklenburg Buffer Implementation Guidelines.
 - Public paths and trails parallel to the creek outside the Stream side Zone and near perpendicular stream crossings in any zone. Pathways must use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. To the extent possible, pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate storm water.
 - Incidental drainage improvements/repairs for maintenance.
 - Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.
 - New domesticated animal trails (farming) where existing trails are lost as a result of action beyond the farmer's control. Stream crossings should be constructed to minimize impacts to the Stream Side Zone and be maintained with fencing perpendicular to and through the buffer to direct animal movement.
 - Mitigation approved by a state or federal agency acting pursuant to Sections 401 or 404 of the federal Clean Water Act.
- .11 Appeals and Variances.
- a) An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of [Section 11.3](#) of these ordinances.
 - b) Special Variance Provisions/Mitigation Techniques.
 - When “unnecessary hardships”, as defined in Section 11.3.2 e, would result from strict adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the Huntersville Board of Adjustment in compliance with the procedures and standards of [Section 11.3](#).
 - Site specific mitigation plans using the mitigation techniques set out below and approved by the designated agency shall be construed by the Board of Adjustment to be evidence responsive to Section 11.3.2 e),– 4 consistency with adopted plans and protection of public safety and welfare. Specifications for these mitigation techniques are provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines (for Structural BMPs). The

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techniques below are not construed to offset the requirement of Section 8.25.6 for diffuse flow.

- (1) Installation of Structural BMPs. The installation of an on-site structural BMP designed to achieve specified pollutant removal targets will allow for all proposed stream buffer impact on the specific site. The BMP must remain outside of the Stream Side Zone and Manage Use Zone. A detailed BMP design plan must be submitted to the Mecklenburg County Land Use and Environmental Services Agency for approval based on specifications contained in the Charlotte-Mecklenburg BMP Design Manual. This plan must also include a long-term maintenance strategy for the BMP, complete with the establishment of adequate financing to support the proposed maintenance practices.
- (2) Stream Restoration. The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by the Mecklenburg County Land Use and Environmental Services Agency on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Stream Side and Managed Use Zone re-vegetation, in accordance with the Charlotte-Mecklenburg Buffer Implementation Guidelines, and receive approval from the Mecklenburg County Land Use and Environmental Services Agency.
- (3) Stream Preservation. The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the Town of Huntersville, Mecklenburg County, or conservation trust, with a plan approved by the Mecklenburg County Land Use and Environmental Services.
- (4) Wetlands Restoration. On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area), the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area. Restoration plan must be approved by the Mecklenburg County Land Use and Environmental Services.
- (5) Bottom Land Hardwood Preservation. On a 2:1 acreage basis for impacted stream and buffer area 2 acres of bottomland hardwood for each acre of disturbed area), the owner may provide a combination of the preservation of existing bottom land hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area. Plan to be approved by Mecklenburg County Land Use and Environmental Services Agency.
- (6) Controlled Impervious Cover for Disturbance Landward of Stream Side Zone. The owner may commit to, and provide, a specific site development plan for the parcel with requested buffer disturbance. The plan shall limit overall site impervious cover to less than or equal to 24%. Preservation of the Stream Side Zone is still required. Plan to be approved by Mecklenburg County Land Use and Environmental Services Agency.
- (7) Open Space Development. The submission of a site-specific development plan that preserves 50% of the total land area as undisturbed open space. Plan to be approved by Mecklenburg County Land Use and Environmental Services Agency.
- (8) Mitigation Credits: The purchase of mitigation credits through the Stream Restoration Program on a 1:1 basis, utilizing linear feet of stream impacted and the prevailing rate of purchase as established by the Charlotte-Mecklenburg Buffer Implementation Guidelines. Mitigation credits purchased under any other program (i.e., U.S. Army Corp

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of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to the appropriate local government agency.

- (9) Alternative mitigation. The list of mitigation techniques shall not prevent the creative development of alternative mitigation plans that achieve the purposes of this section.
- .12 Posting of financial security required. When structural BMPs (wet detention ponds and other BMPs) are approved for mitigation of a buffer disturbance, the approval will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the Mecklenburg County Land Use and Environmental Services Agency, in a form which is satisfactory to the County Attorney, guaranteeing the installation and maintenance of the required structural BMPs until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMPs, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be submitted by the owner to the Mecklenburg County Land Use and Environmental Services Agency. The owner must also verify the adequacy of the maintenance plan for the BMPs including the necessary financing to support the proposed maintenance practices. The Mecklenburg County Land Use and Environmental Services Agency will inspect the structural BMPs and verify the effectiveness of the maintenance plan; if both are found to be satisfactory, the department will notify the owner in writing within 30 days of the date of notice.
- .13 Maintenance responsibilities for structural BMPs – Civil Penalties. Maintenance of all structural BMPs will be the responsibility of the property owner or his designee. Any person who fails to maintain the required BMPs in accordance with the approved maintenance plan will be subject to a civil penalty of not more than \$5000. Each day that the violation continues shall constitute a separate violation. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action.
- .14 Request for Determination of Buffer Requirements. When a landowner or other affected party believes that the S.W.I.M stream buffer delineation maps described in Section 8.25.4 inaccurately depict buffer requirements, he or she shall request a determination from the Storm Water Administrator. Such determinations shall be made by the Storm Water Administrator based on an on-site evaluation using the U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology for stream delineation as well as information from databases maintained for stream delineation by Mecklenburg County. Such determinations can also be made at the discretion of the Storm Water Administrator in the absence of a request from a landowner or other concerned party. The buffer requirements of this ordinance shall apply based on determinations made by the Storm Water Administrator. Surface waters that appear on the maps shall not be subject to this ordinance if an on-site determination by the Storm Water Administrator shows that they fall into one of the following categories.
 - (1) Ditches and manmade conveyances other than modified natural streams.
 - (2) Manmade ponds and lakes that are not intersected by a buffered stream segment and that are located outside natural drainage ways.
 - (3) Ephemeral (storm water) streams.

8.26 Site Lighting

The purpose of the site lighting regulations is to ensure public safety and welfare and to protect the night sky. External lighting shall meet the following standards unless otherwise permitted or restricted by this ordinance.

- .1 General Requirements:

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- a. At a minimum, all lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
- b. Including the base/mounting fixture, the maximum height for lighting (pole mounted and wall mounted) shall be 40 feet except for sports complex lighting as addressed in sections 9.21 and 9.35 of this ordinance.
- c. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cut-off. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on fixtures. No source of glare shall be visible from any adjacent property or street.
- d. Light trespass shall be prevented by employing lighting shields, hoods, walls, or fences which control light projection. In no case shall the spillover light level from site lighting onto adjacent property or a public road exceed 1.0 foot-candle measured at the property line.
- e. Security lighting (floodlights, where permitted, wall packs, and etc.) shall be shielded and directed at a downward angle no higher than 45 degrees above straight down (half-way between straight down and straight to the side) measured perpendicular from the pole or mounting wall.
- f. Unless otherwise specified by this ordinance, uniformity ratios shall not exceed 4:1. Uniformity shall be based on average illuminance. Uniformity ratios shall only be measured for developed areas of the site for parcels greater than one acre.
- g. Parking lot lighting shall not exceed an initial maximum output of ten foot-candles as measured at ground level from any orientation of the measuring device.
- h. Unless provided elsewhere, canopy lighting shall not exceed an initial maximum output of fifteen footcandles as measured at ground level from any point underneath the canopy and from any orientation of the measuring device.
- i. An isolux lighting plan shall be required for all non-residential projects as part of the site plan approval process. Such plan shall indicate lighting levels expressed as footcandles at grade by contour diagram or grid points over the entire site and shall be sealed by a registered engineer. The zoning administrator may waive this requirement for projects located on less than one acre where specific lighting fixtures to be used are indicated on the site plan.
- j. An as-built/installed lighting certification sealed by a registered engineer stating that all site lighting is installed according to an approved site plan shall be required prior to issuance of a certificate of occupancy for all non-residential projects.
- k. Decorative lighting shall:
 - (1) Be focused toward the ground,
 - (2) Be designed and installed to prevent light trespass and unnecessary glare, and
 - (3) Only be used to highlight significant architectural or natural features.
- l. Outdoor lighting not necessary for security purposes shall be turned off during non-operating hours.
- m. Lighting for an outdoor amusement facility within the Special Purpose (SP) Zoning District that cannot conform to all the standards of this section may be approved with the issuance of a Special Use Permit (as outlined in Article 11.4.10), contingent on the following conditions:

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- (1) Ensure the Special Use Permit (SUP) conforms to the standards of this article regarding safety, downward lighting, glare, offsite light trespass, uniformity ratio, and obtrusive/flashing lighting, etc., to the extent practicable.
- (2) All Special Use Permit applications shall be accompanied by a photometric lighting plan, graphics of all exterior lighting fixtures proposed for the facility and any other evidence of conformance with the standards of the article.
- (3) Upon review of the proposed lighting plan and the specific context of the associated development, the Town Board may add specific conditions to the permit related to the application to ensure that the principles of this article are followed to the extent practicable.
- (4) No Special Use Permit (SUP) may permit lighting levels to exceed 30 foot-candles.

.2 Light Level Standards

The following levels shall be met unless otherwise specified:

USES	MAX. FOOTCANDLE
Automotive Sales	30
Banks: ATM's,	30
Parking Areas	10
Civic and Institutional	10

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Convenience Stores, Gas Station	10
• Parking Area	10
• Canopy	35
Office Uses	10
Industrial	15
Retail, Commercial Uses	10
Shopping Centers	10
All other uses not listed	4

.3 Prohibited Lighting and Fixtures

- a. Drop lenses and similar lighting fixtures are prohibited.
- b. Floodlights are not permitted for illumination in non-residential districts except in loading areas of light and heavy manufacturing uses. Floodlights, when permitted in loading areas, shall:
 - (1) be fully shielded;
 - (2) be aimed at no higher than a 45 degree angle (halfway between the horizontal plane and straight down) unless a sight line graphic is submitted demonstrating that no off site glare will be created from any portion of the lighting fixture due to screening by existing topography, accessory buildings, landscaping, etc.
 - (3) be focused toward the primary building or the loading area only;
 - (4) not be aimed toward an adjoining residential zone or conforming residential land use;
 - (5) not emit glare or light trespass onto adjacent streets or properties.

In all applications, lighting shall be directed downward. Floodlights in residential districts shall not shine directly onto an adjacent property or public rights-of-way.

- c. Canopies and awnings used for building accents shall not be internally illuminated.
- d. Flashing, colored or obtrusive lighting is prohibited.
- e. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- f. The operation of searchlights for advertising purposes is prohibited.
- g. Black lights and neon lights (including argon and similar rare gas fixtures), except for signage, are prohibited.

.4 Exemptions to these requirements.

The following shall be exempt from the lighting requirements of this ordinance:

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- a. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt for as long as the emergency exists.
 - b. Underwater lighting used for the illumination of swimming pools and fountains.
 - c. Lighting used for nighttime street construction and repair.
 - d. The lighting of official governmental flags and public civic monuments shall not be subject to these lighting standards. Such lighting shall utilize a narrow cone beam of light of no more than 150 watts.
 - e. Seasonal decorations.
- .5 Maintenance requirements.
- a. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as required.
 - b. Anything other than routine servicing and same-type lamp replacement of any exterior lighting shall require town approval prior to installation.
 - c. Any damaged, broken or malfunctioning light fixture or pole which results in failure to meet any part of this ordinance shall be repaired or replaced immediately.

8.27 Street Lighting

The purpose of street lighting is to ensure public safety and welfare and to protect the night sky. Street lighting shall meet the following standards unless otherwise permitted or restricted by this ordinance.

- .1 Street lights shall in all cases use fully shielded fixtures except that decorative street light fixtures shall be designed with caps so that light does not shine upward at more than a 135-degree angle measured above straight down (three-quarters of the way between straight down and straight to the top) from the pole or mounting wall.
- .2 Fixtures with minimal across-road and "house side" waste shall be used, especially in residential areas, taking into consideration the details of roadway geometry and width.
- .3 Low pressure sodium lights are strongly encouraged.
- .4 A street lighting plan must be approved by the Town prior to Preliminary Plan or Commercial Site Plan approval.

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ARTICLE 9: CONDITIONS FOR CERTAIN USES**9.1 Accessory Dwelling**

- .1 An accessory dwelling may be attached, within, or separate from the principal dwelling.
- .2 The principal use of the lot shall be a detached or attached single-family dwelling, built to the standards of the North Carolina Housing Code.
- .3 No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
- .4 The accessory dwelling shall be owned by the same person as the principal dwelling.
- .5 The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- .6 A detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint) or 50% of the first floor area of the principal dwelling, whichever is greater; the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.
- .7 A detached accessory dwelling shall be located in the established rear yard and meet the standards for the applicable building and lot type, Article 4, and the limitations on rear yard use of Section 8.8.
- .8 An accessory dwelling must be registered with the Planning Director at the time a certificate of occupancy is obtained.

9.2 Adult Establishments

Studies have shown that adult establishments tend to have serious deleterious effects upon nearby residential areas and uses where juveniles congregate, specifically schools, religious institutions, child care centers, parks and playgrounds. Further, studies have shown that lowered property values and increased crime tend to accompany geographic concentrations of adult establishments. It is the intent of this section to establish regulations to prevent the concentration of adult establishments and to separate adult establishments from residential areas, schools, religious institutions, child care centers, parks, and playgrounds.

- .1 Adult establishments are permitted in the HC District subject to the requirements below:
 - (a) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 1,000 feet from any residential or mixed-use zoning district and from the following principal or accessory uses, defined as protected uses for purposes of this section: dwelling units, elementary and secondary schools, religious institutions, child care centers, parks and playgrounds.
 - (b) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 1,000 feet from any other adult establishment.
 - (c) The distance of separation from residential and mixed use zoning districts and from the protected uses listed in a), above, shall be measured from the closest point of the lot occupied by an adult establishment to the nearest residential or mixed-use zoning district or the property line of a protected use. The distance of separation between adult establishments shall be measured from the closest points of the lots occupied by adult establishments.
 - (d) No more than one adult establishment may be located within the same structure or on the same lot.
 - (e) In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.

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9.3 Agricultural Industry in the Rural and Transitional District

Agricultural Industry, limited to the production of commercial poultry or small livestock in enclosed buildings, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the production of commercial poultry or small livestock in enclosed buildings in the Rural and Transitional District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- .1 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- .2 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
- .3 That no part of the proposed use will be located or operated so as to emit dust, noise, fumes, or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties; and
- .4 That there will be a separation of no less than 250 feet between structures housing the agricultural industry and any property located in a residential district or developed for residential or mixed-use purposes; and
- .5 That the proposed use shall be located on a lot of no less than ten acres.

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9.4 Airports

Airports are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP 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, nor substantially reduce the value of nearby property; and
- .2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- .3 That the proposed use will not constitute a nuisance to properties located in residential or mixed-use districts or developed for residential purposes with respect to noise, dust, fumes, light, vibration, or traffic; and
- .4 That the proposed use will comply with all applicable Federal Aviation Administration regulations.

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9.5 Amusement Facilities (Outdoor)

- .1 Outdoor amusement facilities will be separated by an opaque screen from any abutting property located in a residential or mixed use district;
- .2 No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of any abutting property located in a residential district;
- .3 Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight.

9.6 Car Wash

The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking, Article 6.

9.7 Cemeteries

1. Tombstones, crypts, monuments, and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property.
2. Buildings for maintenance, management, rent and /or sale of cemetery lots must conform to a building type permitted in the zoning district.

9.8 Religious institutions

The scale and activity level of religious institutions is a function of size and the range of accessory uses associated with the institution; very high activity levels have the potential to be disruptive to residential and small scale mixed-use areas. To diminish disruptive impacts by ensuring appropriate locational and design standards, the development and expansion of religious institutions and accessory uses in residential, town center, and neighborhood center districts shall meet the following standards:

1. Religious institutions shall meet the standards for civic building and lot type, Article 4.
2. Development Standards.
 - (a) Exterior lighting shall be [in accordance with Section 8.26, Site Lighting](#).
 - (b) Accessory dwelling units for persons associated with or employed by the religious institution may be provided at a ratio of 1 unit for each 3 acres of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.
3. Accessory uses such as religious institution offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, cemeteries and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever religious institutions are permitted and shall meet the civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such. Tombstones, crypts, monuments, and mausoleums in accessory cemeteries shall be located at least 25 feet from any street right-of-way line or abutting property.
4. Religious institution accessory uses which are **not** permitted as principal uses in a district shall adhere to the following restrictions:
 - (a) no merchandise or merchandise display shall be visible from outside the building;
 - (b) no business or identification sign pertaining to the accessory uses shall be visible from outside the building;
5. Except as noted in .3, above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
6. Application for a building permit shall include a comprehensive site plan which addresses the required standards and conditions for the main site and all abutting [holdings](#).

9.9 Commercial Communication Tower

A Commercial Communication tower shall meet the following standards:

1. To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas, and must file a letter of intent with the town to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another. To encourage co-location of commercial communication antenna and facilities and to reduce the need for new commercial communication towers, co-location of such antennae and facilities shall be permitted on any commercial

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Commented [JS1]: .7 below was removed because it is not recommended that religious institutions go through a Special Use Permit while other uses do not.

Deleted: 7. In a Corporate Business zoning district, religious institutions shall only be allowed with the issuance of a special use permit subject to the following.¶
 <#>Religious institutions shall only be allowed on existing lots and in existing buildings as of August 5, 2013, no greater than 50,000 sq. ft. Additions to buildings intended for church use will be limited to 10% of the existing floor area of the building. ¶
 <#>Religious institutions shall be limited to a temporary use. The length of time allowed for the religious institution to operate will be determined by the Town Board during the special use permit process; not to exceed three (3) years from the occupancy of the temporary building. If the religious institution does not occupy the building within one (1) year of the special use permit approval, the permit will become null and void. A religious institution may apply for another Special Use Permit allowing an additional two (2) years in the CB district with the approval of the Town Board. At no time shall an individual religious institution be located in the CB district at the same location for more than a total of five (5) years.¶
 <#>The maximum number of members shall be set in accordance with the fire code.¶
 <#>Parking shall be internal to the site. Unless the adjacent public street is specifically designed to accommodate on-street parking, no on-street parking is allowed. ¶

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communication tower or tower for radio communication for business or governmental purposes of which the tower was in existence on July 20, 2009, regardless of when it was constructed, the underlying zoning district, or any condition of approval for the existing tower other than a condition which was imposed or accepted by the Board of Commissioners. To the extent practical as determined by the Planning Director, all standards of this Section 9.9 shall be applicable.

- .2 No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.
- .3 The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.
- .4 Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.
- .5 All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.
- .6 ~~Equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.~~
- .7 Towers shall not be artificially lighted except to ensure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.
- .8 An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent possible.
- .9 No more than one communication tower shall be constructed on a single tract of land.
- .10 If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed-use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).
- .11 To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside religious institution steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Department for approval. The affirmative decision of the Planning Department shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public; or if placed upon a utility transmission line tower, that the additional equipment would not further diminish the quality of the view from surrounding properties and public streets, nor would additional light(s) intrude upon the private interior or exterior living areas of existing dwellings.
- .12 Commercial Communication Towers, in addition to meeting criteria 9.9.1-~~9.9.10~~, may be allowed in the Rural (R) district only if they meet the following criteria and are subject to a Special Use Permit, according to the procedures of Section 11.4.10:
 - a. The height of the commercial communication tower may not exceed 199 feet above ground level;
 - b. The commercial communication tower may only be placed on properties in eight and a half (8.5) acres on a tract that existed as an eight and a half (8.5) acre tract or greater on February 6, 2012;
 - c. The commercial communication tower must be set back a distance of at least 500 feet from any public right-of-way and 200 feet from any property line;
 - d. The commercial communication tower may only be placed on a property where it will not require artificial illumination;
 - e. The commercial communication tower must provide technically-suitable space for at least four (4) users;
 - f. The commercial communication tower must be set back a distance of at least the tower's fall zone, as certified by a North Carolina Professional Engineer, from any occupied structure.
 - g. All commercial communication towers in the Rural district shall be constructed using a monopole design.

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- h. A new communication tower cannot be placed within a ~~one-mile~~ radius of an existing tower.

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9.10 Commercial Outdoor Kennel

The outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed-use district.

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9.11 Day Care Centers and Small Day Care Homes

1. Child Day Care Center.
 - a. A center must meet a permitted building and lot type for the district in which it is to be located.
 - b. Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.
 - c. Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.
 - d. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
2. Adult Day Care Center.
 - a. A center must meet a permitted building and lot type for the district in which it is to be located.
 - b. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.
 - c. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
3. Child Day care home, small, accessory.
 - a. The day care operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.
 - b. A Child Day Care home shall meet the following standards:
 - i. Child Day Care Homes must be licensed by the North Carolina Department of Health and Human Services.
 - ii. Play space must be provided in accordance with the regulations of the North Carolina Department of Health and Human Services.
 - iii. Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; ~~Outdoor play space~~ is prohibited in any established building setback from a street.
 - iv. Chain link and similar fencing materials shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation, ~~or be obscured by a~~ comparable screening treatment.
 - v. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
 - vi. There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play shall be permitted after ~~sundown~~.
4. Adult Day Care Home, small.
 - a. An Adult Day Care home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than 6 adults who do not reside in the dwelling.
 - b. An Adult Day Care home shall meet the following standards:

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- i. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
- ii. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

9.12 Drive Through Windows as an Accessory Use

1. Drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street;
2. Drive-through service windows, stacking lanes, and circulation are treated as components of on-site parking for the purposes of screening ~~as described in Article 6 of this ordinance;~~
3. The length of on-site stacking lane(s), taken together, shall be a minimum of 200 feet if window access is provided directly from a major or minor thoroughfare; a minimum of 100 feet if window access is provided directly from a street of lesser capacity.
4. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provided for passage around and escape from the outermost drive-through service lane.
5. Screening is not required for walk-up service accessories such as depositories and ATM's.

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9.13 Duplex on Corner Lot

Duplexes are permitted on corner lots in any residential or ~~mixed-use~~ district according to the following standards:

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1. The entrances to each unit in the structure will face different streets;
2. The dwelling must meet the minimum front yard setback from both streets upon which a unit faces;
3. The lot has at least 1.5 times the minimum lot area, if any, for the district.
4. Duplexes which meet the standard for the attached house or apartment building, are permitted without corner lot restrictions in those districts which permit attached housing and apartment building types.

9.14 Essential Services 1 and 2

1. Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, should be installed underground, unless subsurface conditions make underground installation not possible or practical.
2. Facilities used for the operation of essential services should, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
3. Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall be provided an opaque screen to shield the view from all public rights-of-way and from abutting properties.

9.15 Essential Services 3

Essential Services, Class 3, are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10. The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

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1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

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2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. That the proposed use will not constitute a nuisance to properties located in residential districts or developed for residential or institutional purposes with respect to noise, dust, odors, light, vibration, or traffic; and
4. That area of active use will be enclosed by a fence, not easily climbable, at least six feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines; and
5. That a minimum separation of 100 feet, fully vegetated, will be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
6. That the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

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9.16 Facilities for the Intake and Transfer Off-site of Inorganic Household Waste and Residential Recyclables; and the Intake and Processing of Yard Waste

1. Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.
2. The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
3. A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
4. The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

9.17 Hazardous or infectious material incineration, handling, or storage

Hazardous or infectious materials, storage and treatment facilities are permitted in the Special Purpose (SP) District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

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

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1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. That the use complies with the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6901 et seq) and the North Carolina Solid Waste Management Act, as amended, (Article 9, G.S. 130A-290 et seq) for design, siting, and monitoring, and for materials to be stored or treated; and
4. That all storage, treatment, and loading facilities handling hazardous or infectious materials will be located at least 200 feet from any exterior property line and at least 2,000 feet from any lot zoned or used for residential, institutional, or office purposes; and
5. That the use will be entirely fenced with fencing material to a height of at least 7 feet; and the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the

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exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence; ~~and~~

6. That vehicular access to the operation will be provided only by way of a designated thoroughfare; and
7. That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous materials; and
8. That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous or infectious materials; and
9. That no structures or operations of any kind on the site shall be located within 200 feet of any adjacent lot.

9.18 Helistop as an Accessory Use

A helistop shall be permitted as an accessory use in the CL, CB and the SP District provided it complies with all applicable Federal Aviation Administration regulations and guidelines.

9.19 Home Occupation

A home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

1. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
2. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
3. The use shall employ no more than one person who is not a resident of the dwelling.
4. A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
5. There shall be no visible outside display of stock in trade which is sold on the premises.
6. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
7. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
8. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
9. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
10. Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis.
11. Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.
12. No business identification or advertising signs are permitted.

9.20 Junk Yards

1. The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.

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2. A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
3. The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid wooden fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is used, it shall be placed on the interior side of the vegetation and wall or fence.

9.21 Neighborhood and Outdoor Recreation

1. Buildings constructed in association with neighborhood recreation or outdoor recreation shall meet one of the building types permitted in the zoning district.
2. Permanent parking lots shall meet the standards of Article 6, Off-Street Parking.
3. Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
4. Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation.
5. Outdoor lighting associated with outdoor recreational facilities shall be designed as follows:
 - a. Facilities shall use fully shielded lighting fixtures except where luminaries are:
 - (1) Provided with internal and/or external glare control louvers and installed so as to minimize up light and offsite light trespass, and;
 - (2) Installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.
 - b. Lighting plans shall limit light trespass to the maximum extent possible. A maximum of .5 foot-candles at any location on any non-residential property, and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device, shall be met.
 - c. Lighting shall be extinguished after 11:00 p.m. Illumination of the sports facility shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
6. Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:00 p.m.

9.22 Neighborhood and Highway Commercial Gasoline Stations

1. Neighborhood Gasoline Stations, by definition, permit retail sale of gasoline and convenience products and the minor service and repair of motor vehicles; they have no more than two gasoline service islands. Highway Commercial gasoline stations permit major service and repair of motor vehicles and are unlimited as to gasoline service islands.
2. Buildings shall meet the requirements of Article 4, Building and Lot Types.
3. Gasoline pumps, canopies, and associated service areas are prohibited in any established yard abutting a street.

9.23 Off-Site Land Clearing and Inert Debris (LCID) and Construction & Demolition (C&D) Landfills

Off-Site LCID and C&D Landfills are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10. The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes the conditions below.

1. That the Site will operate in compliance with the rules according to the NCDENR for C&D and LCID landfills, as amended.

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2. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
3. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
4. That the comprehensive site plan addresses each of the environmental and development standards below:
 - a. A landfill which would be larger than 10 acres shall be accessed from a major or minor thoroughfare or from a street built to Industrial Collector Street standards that connects directly to a major or minor thoroughfare. Landfills 10 acres or less must directly connect to a major or minor thoroughfare, or to an Industrial Collector Street or Industrial Local Street where available. However, if such thoroughfares or streets are not reasonable available, the Board may nevertheless issue a special use permit upon finding that the use for which the permit is granted would not likely cause any injurious effect on the property adjacent to the access.
 - b. That the proposed or existing use will be in compliance with the rules and regulations as established by Traffic Impact Analysis (TIA) Article 14.
 - c. Neither clearing, grading, land disturbing activities nor any portion of a C&D or LCID landfill may be located within 100 feet of any exterior property line. Further, the buffer requirements for the site are required per the state permitting criteria. The requirements stated below take precedence over any and all modifications made by the state unless the state standards become more restrictive.
 - 500-foot buffer from existing residential water supply wells to fill area.
 - 200-foot buffer from adjacent property to fill area.
 - No fill in designated wetlands or the FEMA and/or Community Special Flood Hazard Areas.
 - 50-foot buffer from delineated streams.
 - 50-foot buffer from road right-of-way to fill area (non state requirement)
 - d. Driveway access to the facility must be paved for a distance of at least 100' from the public street.
 - e. Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours when filling activities are not under way. A non-climbable fence, at least 6' high, shall be installed around the landfill and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening/buffering devices.
 - f. All driveways which serve the site must be wide enough to accommodate two-way traffic for a distance of at least 100 feet from the public street so that no traffic waiting to enter the site will be backed up on any public right-of-way.
5. That the landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.
6. That use of the site for any purpose shall be limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.
7. That a timetable has been submitted with the application indicating the development phases and the projected life expectancy of the landfill.
8. That a reclamation plan is provided that shows how the site will be reclaimed upon the closing of the landfill. The reclamation plan shall state the proposed method of conservatorship and perpetual maintenance or use. It shall demonstrate that the site, when closed, will pose no threat to public safety; that the finished contours and groundcover will reestablish a compatible appearance with surrounding lands and buildings; and that the method of maintenance or use will cause no future environmental degradation.

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9. An existing LCID landfill shall not be required to be brought into compliance with the provisions of this ordinance provided:
 - a. The landfill has been continuously operating since 1990 and was not within the zoning jurisdiction of the Town of Huntersville in 1991;
 - b. The landfill has a valid LCID or demolition landfill permit and/or obtains any renewals of the LCID or demolition landfill permit required by the State of North Carolina and/or Mecklenburg County;
 - c. The landfill has a closure plan approved by the State of North Carolina and/or Mecklenburg County; and
 - d. In no event shall the landfill operate under a demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.
 - e. In no event shall a landfill operate under an LCID landfill permit later than March 3, 2028 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town. Recycling from an LCID landfill shall be considered an LCID activity and shall not be considered an expansion for purposes of determining nonconformance.
 - f. A landfill operating under an LCID landfill permit as described in e) shall meet the following requirements to the extent reasonably practicable without violating County, State, or Federal regulations:
 - (1) In the event that, after September 5, 2017, a driveway is permitted to replace an existing permitted driveway for the facility, the new driveway shall be paved for a distance of 100 feet from the public right of way, or, if the Planning Director determines that 100 feet of pavement is not reasonable due to topographic conditions, for such lesser distance as is determined by the Planning Director;
 - (2) Landscaping along street frontages to the extent commercially reasonable; and
 - (3) The landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis, or more as needed.
10. Any existing C&D landfill shall be permitted to continue operation in the zone in which it is located provided the landfill has an unexpired special use permit. Any expansion beyond the property boundary of an existing C&D landfill as approved on November 11, 2005 must be located in the SP district with a special use permit in accordance with the provisions of this Section.

9.24 Environmentally Sensitive Uses not Expressly Permitted

Uses not expressly named in this ordinance, but which may constitute a greater than average impact on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances, are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the subject facility in the SP 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, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

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3. That a comprehensive site plan addresses the development standards below:
 - a. Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;
 - b. Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with non-climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;
 - c. Vehicular access to the proposed use will be provided by way of a road sufficiently sized to accommodate the generated trips and the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood nor from a Residential Local street.

9.25 Outdoor Display of Vehicles and Boats for Sale, Lease, and Cleaning

The following requirements shall apply to the outdoor display of vehicles and boats associated with sales, rental, cleaning, mechanical repair, body repair, and similar services.

1. Vehicles and boats for sale shall not be displayed in an established front yard or in an established side yard abutting a street.
2. Vehicles and boats for sale may be displayed in a side yard which does not abut directly on a street, so long as:
 - a. the display is placed behind the established front setback line of the building, extended to the side lot lines;
 - b. the display area meets the standards for a parking lot as described in Article 6 of this ordinance;
 - c. the display area is screened from abutting properties by an opaque screen as described in Section 7.6 of this ordinance;
3. Nothing in this section shall prohibit a break in a planted screen or wall for the crossing of a driveway which provides access to on-site parking from the fronting street or a rear alley, or access between the parking lots of abutting businesses.

9.26 Outdoor Storage

1. Outdoor storage defined:
 - a. includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot, (to be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day);
 - b. includes up to two storage trailers placed on a single lot or in conjunction with a single principal use;
 - c. includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
 - d. includes vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
 - e. does not include construction equipment; where permitted, outdoor storage of construction equipment is regulated by Section 9.27.
2. Outdoor storage, where expressly permitted, may be established on a lot according to the following standards:
 - a. where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;

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- b. where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
- c. all areas established for outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen ~~as described in Section 7.6 of this ordinance;~~ wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

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9.27 Outdoor Storage of Construction Equipment

Outdoor storage of construction equipment, where expressly permitted, may be established on a lot according to the following standards:

1. where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
2. where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
3. the area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen ~~as described in Section 7.6 of this ordinance;~~ wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

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9.28 Parking Lot as Principle Use

Parking lots not associated with a building shall adhere to the standards of Article 6, Off-Street Parking, except that parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing established setback applies for both the fronting street and any abutting side street.

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9.29 Parks (including greenways)

1. Buildings constructed in association with a park or greenway shall meet one of the building types permitted in the zoning district.
2. Permanent parking lots associated with parks and greenways shall meet the standards of Article 6, Off-Street Parking.
3. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas, if maintained in a natural condition, need not conform with Article 6.
4. Service areas shall be separated by an opaque screen from view from any street and from abutting properties ~~as described in Section 7.6 of this ordinance;~~
5. Outdoor lighting associated with active outdoor recreation shall not shine directly into yards associated with a residential use nor into the windows of a residential structure.
6. Hours of operation of outdoor recreation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

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9.30 Petroleum Storage Facilities

1. The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association;
2. All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;
3. Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare.

9.31 Quarries

Quarries are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP 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, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. That the quarry and all its buildings, pits, and processing equipment will be separated by a 100-foot buffer from the street and from any adjacent property that is located in a residential district or developed for residential or institutional use; and
4. That the quarry and all its buildings, pits, and processing equipment will be provided with an opaque screen to shield the view from the public street and from all abutting properties, regardless of use; and
5. That a non-climbable fence, at least 6 feet high, will be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening and/or buffering devices; and
6. Vehicle access to the quarry shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare; and,
7. That any crushing of rock or processing of material must be done in such a way as to minimize the amount of air-borne dust created; and
8. That the minimum distances of quarry **operations** from adjacent properties shall be:
 - a. for any quarry building 100 feet
 - b. for any crushing of rock, processing of stone, gravel or other material 300 feet
 - c. for any blasting 500 feet
9. And that upon termination of quarrying operation, the site must be reclaimed in accordance with NC General Statutes.

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9.32 Raceways and Drag Strips

Raceways and Drag strips are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP 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, nor substantially reduce the value of nearby property; and
2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
3. That the use will be located on a lot of at least 50 acres; and
4. That vehicular access to the use will be provided only by way of a major or minor thoroughfare; and
5. That no direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district; and
6. That a minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
7. That the site shall be screened from the street(s) by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence; and

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.8 That hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

9.33 Riding Academies and Commercial Stables

Riding academies are permitted in the Rural and Transitional District if the following standards are met.

- .1 All buildings and structures related to the care of animals and to the conduct of the academy must be located at least 100 feet from property boundaries.
- .2 Maximum number of horses is 2 per acre.
- .3 Off-street parking, service areas, and buildings which are not used for residential purposes, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from abutting properties.
- .4 Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial 50 feet of the driveway from the public roadway connection shall be paved with concrete or asphalt.

9.34 Sanitary Landfill

Sanitary Landfills are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP 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, nor substantially reduce the value of nearby property; and
- .2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- .3 That the comprehensive site plan addresses each of the development standards below:
 - (a) The use shall be located on a lot of at least 50 acres;
 - (b) All land filling operations and off-street parking and service areas will be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from the view from a public street;
 - (c) No structure or land filling operation will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential or mixed use;
 - (d) Vehicle access to the proposed use shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare; and
- .4 That the plan for development and operation of the site addresses the environmental standards below:
 - (a) The siting and design of the facility will comply with the "Siting and Design Requirements for Disposal Sites" of the North Carolina Solid Waste Management Rules (Title 15A, NCAC Chapter 13B) in effect at the time of review of the application;
 - (b) Monitoring of surface water and groundwater will be conducted in accordance with the State of North Carolina permit and monitoring documents developed pursuant to the State of North Carolina Solid Waste Management Rules;
 - (c) The facility complies with the Mecklenburg County Department of Environmental Protection's policy concerning Actual and Suspected Contaminants of Mecklenburg County Surface and Groundwater; and
- .5 That there is a general timetable indicating the development phases and projected life expectancy of the landfill; and
- .6 That there is a detailed plan for the re-use of the property, after landfill operations cease, that is not in conflict with the objectives of the most detailed plan approved for the area; and

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- .7 That the plan for close-out of the landfill includes the creation of an escrowed fund to finance close-out, with contributions to the fund escrowed annually, beginning at the time facility development begins.

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9.35 Schools

- .1 Schools shall conform principal buildings to the standards of Civic Buildings and lots, Article 4. Accessory and incidental buildings may be placed within a street fronting yard if they conform to a building and lot type permitted in the zoning district. Buildings which do not so conform shall be placed within established rear and side yards which do not abut a street.
- .2 Permanent parking lots associated with schools shall meet the standards of Article 6, Off-Street Parking. However, areas designated for temporary bus parking that also serves as a recreational area shall not be subject to interior parking lot landscaping requirements.
- .3 Notwithstanding .1 and .2, above, where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as streets abutting parking and circulation areas are, to the extent practicable, detailed as plazas. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way. Stacking on Town streets may be allowed if all of the following are met:
 - (a) Site is zoned TND-R, TND-U or TND-Overlay;
 - (b) Maximum enrollment shall not exceed 360 kindergarten to 8th grade students;
 - (c) Two-way traffic maintained on Town streets along the entire pick up/drop-off zone;
 - (d) Pick-up/drop-off zone shall have a minimum width of eight (8) feet exclusive of the two-way traffic lanes.
 - (e) The school shall provide at a minimum a 11.5-foot-wide hardscaped area behind the back of curb. Street trees with grates are allowable, but bushes/shrubs in the area are not allowed.
 - (f) A traffic impact analysis, including a mandatory circulation plan and queuing analysis must be approved by the Town of Huntersville Engineering & Public Works Department prior to plan approval. Should conditions in the field vary from the analysis, the Town Engineer has the ability to modify the circulation plan.
- .4 Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Article 6 if they are maintained in a natural condition (for example, as a grassed field).
- .5 Service areas shall be separated by an opaque screen from the view from any street and from abutting properties as described in Section 7.6 of this ordinance.
- .6 Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
- .7 Outdoor lighting associated with active outdoor recreational facilities shall be designed as follows:
 - (a) Facilities shall use fully shielded lighting fixtures except where luminaries are:
 - (1) Provided with internal and/or external glare control louvers and installed so as to minimize up-light and offsite light trespass; and
 - (2) Installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.
 - (b) Lighting plans shall limit light trespass to the maximum extent possible. A maximum of .5 foot-candles at any location on any non-residential property, and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device, shall be met.

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- (c) Lighting shall be extinguished after 11:00 p.m. Illumination of the sports facility shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
- .8 Elementary and Junior High Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s)
- .9 Senior high schools shall be on a lot which abuts a minor or major thoroughfare; primary vehicular access shall be provided from the thoroughfare.
- .10 When permitting temporary classroom units, the entire site shall be reviewed for compliance with applicable codes (i.e. sidewalks, landscaping, turn-lanes). Applicants are encouraged to bring the site into compliance where deficiencies are identified relative to the intensification of use proposed.
- .11 Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
- .12 In a Corporate Business zoning district, schools shall only be allowed with the issuance of a special use permit subject to the following:
 - a. Schools shall only be allowed on existing lots and in existing buildings as of December 20, 2010 no greater than 50,000 sq. ft. Additions to buildings intended for school use will be limited to 10% of the existing floor area of the building.
 - b. Schools shall be limited to a temporary use. The length of time allowed for the school to operate will be determined by the Town Board during the special use permit process; not to exceed three (3) years from the occupancy of the temporary building. If the school does not occupy the building within one (1) year of the special use permit approval, the permit will become null and void. A school may apply for another Special Use Permit allowing an additional two (2) years in the CB district with the approval of the Town Board. At no time shall an individual school be located in the CB district at the same location for more than a total of five (5) years.
 - c. The maximum number of students shall be 300.
 - d. In a CB zoning district, the school site shall be designed, located, and accessed such that primary passenger vehicles routes avoid those that will be heavily used by truck/industrial traffic.

9.36 Solid Waste Incineration

Solid Waste Incineration, materials that are neither hazardous nor infectious, is permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the subject facility in the SP 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, nor substantially reduce the value of nearby property; and
- .2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- .3 That the incineration units(s) will be constructed and operated in compliance with environmental regulations, both current and future, as annotated in the United States Code of Federal Regulations, particularly 40 CFR § 63.988, which deals with environmental regulations, as amended by the State of North Carolina and Mecklenburg County Department of Environmental Protection; and
- .4 That all storage, handling, incineration, and loading facilities will be located at least 200 feet from any exterior property line and at least 1,250 feet from any lot located in a residential or mixed use district or developed for residential, institutional, or mixed use; and
- .5 That structures, off-street parking and service areas will be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from the view from all public streets; and
- .6 That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer; and
- .7 That vehicular access to the operation will be provided only by way of a designated thoroughfare; and

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- .8 That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the potential for contamination; and
- .9 That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the potential for contamination.

9.37 Temporary Uses and Structures, Including Seasonal Markets

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- .1 The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months per site and calendar year upon the issuance of a temporary use permit by the Zoning Administrator. The following conditions apply.
 - (a) Storage of goods in or sale of goods from trailer(s) on the site is prohibited.
 - (b) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
 - (c) The use shall be conducted behind the prevailing established setback line for structures within 300' in either direction on the same side of the street.
 - (d) Off-street parking may be provided behind or to the side of the established use, but not forward of the prevailing established setback line, defined in (c), above.
 - (e) On-site parking may be provided on a dust-free, pervious surface area and need not comply with Article 6.
 - (f) Signs on the premises of a temporary use shall meet the same standards as the correlative building and lot type permitted in the district.
- .2 The establishment of temporary mobile food sales are permitted as an accessory use upon issuance of a temporary use permit by the Zoning Administrator. The following conditions apply.
 - (a) Trailers, carts and related storage shall be removed by the close of each business day.
 - (b) The use may only be located on a lot occupied by a non-residential use.
 - (c) The use shall be located a minimum of 15' behind existing road right-of-way, shall not impede the flow of pedestrian traffic, nor shall be located in any required parking space, loading space, or vehicle maneuvering area.
 - (d) Off-street parking may be provided in existing parking spaces, as long as they are not part of the required number of spaces for the principal use.
 - (e) No signage shall be permitted, except signs that are painted on or applied directly to the mobile food unit.
 - (f) All applicable local and state regulations, including, but not limited to, Health Department, Environmental Health, and Environmental Protection, shall be met.
 - (g) All discharge, waste and trash shall be properly disposed of in accordance with the applicable regulations by the close of each day.
 - (h) A temporary use permit shall be required and is valid for one year and may be renewed annually. Prior to the issuance of a temporary use permit all appropriate approvals, as provided in the Mecklenburg County Environmental Health Department's Mobile Food Unit and ~~Pushcart~~ Flow Chart, shall be provided to the Planning Department.
 - (i) At the issuance and renewal of a temporary use permit, the applicant shall supply the Zoning Administrator with a schedule of the days of operation of the business along with permission from the property owner to locate on the property.
 - (j) The use shall not create any additional non-conformities on the existing site.
- .3 Temporary accessory structures, including but not limited to, school mobile classrooms and temporary offices placed on development sites during construction and sale of buildings, are permitted for up to a maximum of two years, renewable thereafter in one year increments, upon the issuance of a temporary

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use permit by the Zoning Administrator. Such structures shall meet the standards for building and lot type to the extent practicable, given the location of existing buildings and improvements on the site and location of permitted of construction areas. Temporary structures associated with construction projects shall be removed upon completion of construction.

- .4 Temporary Storage Containers are permitted as temporary accessory use for residences, when not associated with new construction, subject to the following:
(construction addressed in Section 9.37.3)
 - (a) Temporary storage containers shall be removed within thirty days of being placed on a lot and shall not be replaced for six months from the date of removal. Temporary storage containers may be placed on a property twice during a twelve-month period.
 - (b) The temporary storage container cannot be located in a street right of way.
 - (c) The temporary storage container shall not be placed in required parking spaces.

9.38 Transfer Station for Organic and Inorganic Waste Products

Transfer Stations are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP 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, nor substantially reduce the value of nearby the property; and
- .2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- .3 That the comprehensive site plan addresses the development standards below:
 - (a) The active use areas of the site shall be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from all public streets; and
 - (b) That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen; and
 - (c) No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use; and
 - (d) Vehicular access to the proposed use shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare.

9.39 Transit Shelter

- .1 Transit shelters may be located within any street right-of-way or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle (Section 8.9).
- .2 Only governmental signs are permitted in association with a transit shelter.
- .3 If constructed by other than the Town of Huntersville, a schematic plan must be submitted and approved by the Board of Commissioners. The plan must include the following:
 - (a) the location of the proposed shelter relative to street, property lines, and established building yards; and
 - (b) the size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers.
- .4 A building permit shall be issued only after approval by the Board of Commissioners of the proposed schematic plan in .3, above.

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- .5 A transit shelter located within a street right-of-way or an established yard may be removed by the Town of Huntersville if the Town Board determines that it no longer serves the best interest of the public.

9.40. Trucking Terminals

Trucking Terminals are permitted in the SP District provided:

- .1 The area designated for truck parking shall be located no closer than 40 feet from an abutting street right-of-way. Truck parking areas are not classified as parking lots. ~~Therefore~~, they are exempt from the standards of Article 6, but subject to the alternative standard in .2, below.
- .2 The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
- .3 The use shall be located on or directly accessible to a major thoroughfare, or Industrial Streets; truck terminals shall not be sited such that residential or town streets are regularly traversed to access the larger capacity road.

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9.41. Correctional Facilities

Correctional Facilities are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

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

- .1 That the proposed use will comply with all standards which this ordinance applies to uses in the SP Districts; and
- .2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- .3 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
- .4 That the principal structure and any accessory use or structure (excluding property boundary fencing) will be located at least 500 feet from any property located in a residential district or mixed-use district; and
- .5 That property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials where abutting property located in a residential district or mixed-use district; and
- .6 That security fencing will be provided an opaque screen on the exterior of fencing wherever it is adjacent to a street or property in a residential or mixed-use district; and
- .7 That all lighting for the facility will be oriented so that direct beams of light shine away from all abutting properties and into the correctional facility property; and
- .8 That the use will be located on a lot of at least 10 acres if the facility has beds for more than 100 inmates; and
- .9 That the use will be located on a lot of at least five acres if the facility has beds for 100 or fewer inmates.

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9.42. Marinas (accessory to residential use)

A marina is permitted as an accessory use to residential development in the R, TR, GR, NR, NC, both TND districts, and in the MH-O District provided:

- .1 No sale of goods or services or other commercial activities shall occur at the marina.
- .2 The number of boat slips shall not exceed 110 percent of the number of dwelling units in the residential development which the marina serves.

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- .3 Areas for parking and service shall meet all applicable screening and landscape requirements of this ordinance.
- .4 Dry boat storage (indoor or outdoor) is not permitted at marinas accessory to residential developments.
- .5 Any accessory marina serving more than 50 dwelling units shall have a boat launching facility for use by residents only.
- .6 Accessory marinas shall adhere to pier and water facilities development standards in Section 9.43.

9.43 Special Requirements for Facilities Located on or Adjacent to the Catawba River and its impoundments (Lake Norman and Mountain Island Lake)

The purpose of this Section is to provide supplemental restrictions to protect and enhance water quality, safety, and public recreational opportunities on the Catawba River and its impoundments (Lake Norman and Mountain Island Lake). These requirements shall apply to the surface waters of the Catawba River and its impoundments and all land areas within 1,000 feet of their shorelines. In the case of Lake Norman, the regulatory boundary shall be measured as 1,000 feet horizontally and upland of the designated full pond level of 760 feet contour elevation. This contour elevation shall also serve as the standard from which all related measurements will be taken. In the case of the Catawba River and its impoundments, the shoreline shall be the mean high water mark. The restrictions of this section shall be supplemental to any other standards established in these regulations.

1. All water-related structures shall be approved by Duke Energy Lake Services prior to any construction. After the issuance of a zoning compliance for a building permit, the applicant must obtain and submit the required authorization from Duke Energy Lake Services or any other pertinent outside agency.
2. Individual Private Facilities (residential piers) are permitted on lots currently in single-family residential use.
3. Piers and other shoreline projections must be located and constructed within the area described by and in accordance with the standards below:
 - (a) A projection over the water may be established at each of the two property corners. Each projection shall bisect the angle between two points where a ~~10-foot~~ radius from a common property corner intersects the property lines defining the shoreline, as illustrated in Figure 9.43(a). If there is no common property corner, the center of the radius shall be the point on the side property line closest to the water, as illustrated in Figure 9.43(b). A line is then drawn from the new center of the radius parallel to the property line defining the shoreline for the adjacent property and the projection is created from that center of radius as illustrated in Figure 9.43(c).

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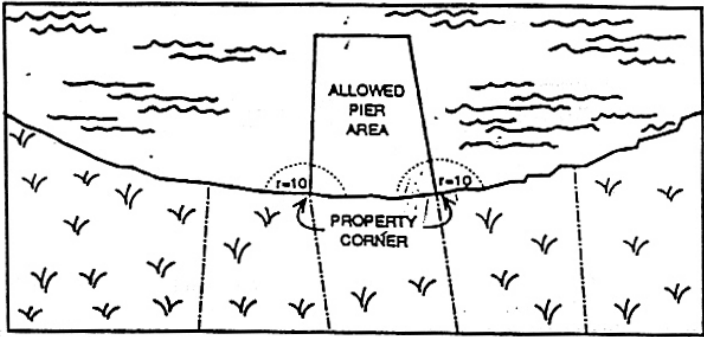


Figure 9.43 (a)

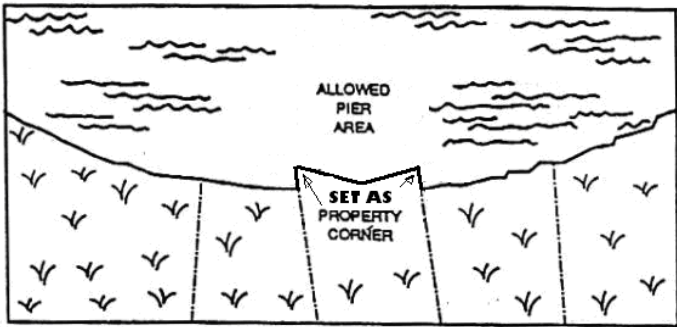


Figure 9.43 (b)

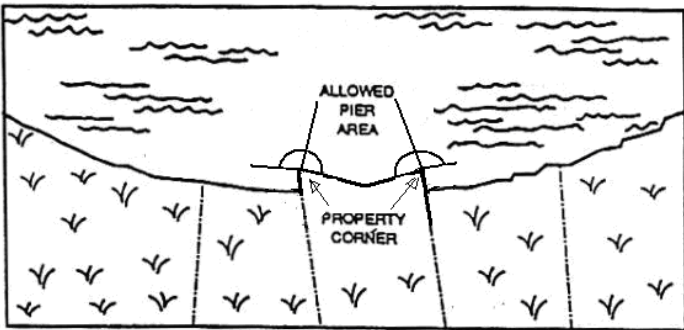


Figure 9.43 (c)

9.44 Beneficial Landfills

- .1 Prior to commencement of fill activity, a change of use permit accompanied by a site plan shall be issued to ensure compliance with the standards found herein.
- .2 Any such site may not be operated for more than 12 months, after which time it must be closed in an approved fashion according to Mecklenburg County Department of Environmental Protection standards.
- .3 The site may be operated only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
- .4 Final fill elevations must match or compliment adjacent surrounding topography. The final contours and drainage patterns of the fill area may not adversely affect adjacent properties.
- .5 No fill which includes used asphalt may be placed in any portion of a regulatory flood plain, including both the floodway and floodway fringe area.
- .6 No portion of any such site may be located within 30 feet of any exterior property lines. This includes structures, equipment storage, parking areas and fill areas. When required by other sections of this ordinance, buffer yards shall be used as required.
- .7 Any beneficial landfill must obtain disposal site approval from the Mecklenburg County Environmental Protection Department and comply with the standards of the State of North Carolina.
- .8 At the time of permitting the location of any such site must be indicated on any required final subdivision plat. Further, any parcel or lot which contains any part of any such site must have notification of the existence and extent of the site recorded at the time of permitting as part of the deed for the lot or parcel, even if no subdivision plan is required for the development of the property.
- .9 Fill activity is not exempt from and must comply with, all other applicable Federal, State, and local laws, ordinances, rules and regulations, including, but not limited to, other zoning restrictions, flood plain restrictions, watershed regulations, wetland restrictions, mining regulations, sedimentation and erosion control regulations.
- .10 The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis or more frequently if needed. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.
- .11 The individual operating the landfill and the property owner, if other, shall provide their name(s), mailing address, and phone number at the time of permitting.
- .12 All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way. The first 50 feet of any driveway access to the facility must be paved and must directly connect to a major or minor thoroughfare or to an Industrial or Retail/Mixed-Use Collector or Local Street. Driveway permits from the appropriate agency must be issued.
- .13 The actual fill area must be located at least 300 feet from any existing residential structure.
- .14 Vehicular access to the site must be controlled; and must be closed and secured during hours when filling activities are not under way.

Beneficial fill sites less than one-fourth acre do not require a zoning permit or site approval and are exempt from this section, except for conditions (2), (3), (4), (5), (8), (9), and (10) above. In addition (7) is required, if it contains material such as concrete, concrete block, brick or used asphalt.

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9.45 Hotels and Motels

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

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9.46 Plant Nurseries

Plant nurseries as defined in Section 12.2.1 are permitted in any R and TR district according to the following standards:

- .1 No part of the proposed use will be located or operated so as to emit dust, noise, fumes or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties.
- .2 There shall be a separation of no less than 250 feet between structures located on the tract and any property located in a residential district or developed for residential or mixed-use purposes. The total square footage of all structures located on the tract shall not be greater than five percent (5%) of the total area within the tract. No structures on the tract shall be predominantly metal. Greenhouses are permitted but each greenhouse structure shall not be greater than 36 feet wide, 200 feet long or 14 feet high.
- .3 The proposed use shall be located on a tract of not less than 30 acres. Up to 50% of the tract may be impervious with gravel and up to 12% may be impervious with structures and paved areas.
- .4 Any nonorganic goods or materials available for sale which are positioned in such a way as to be visible from any public right-of-way shall either be returned to an enclosed building each night or screened from view from all public rights-of-way using a semi-opaque screen as defined in Section 7.6 of this ordinance.
- .5 The proposed use shall be accessed by a major thoroughfare. The number of ingress and egress points shall be limited to the total road frontage for the tract divided by 300. Each point of ingress and egress shall be paved for the first 40 feet from the thoroughfare right-of-way.
- .6 The proposed use shall be open to the public only between the hours of 7:00 a.m. and 9:00 p.m.

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9.47 Special Uses in TOD-R Districts

Uses permitted in the TOD-R district that exceed maximum first floor area or exceed the maximum limit for non-residential uses are permitted subject to approval of a Special Use Permit. The procedures of Section 11.4.10 shall be followed.

The Town Board shall issue a Special Use Permit for the subject use(s) and building(s) if, but not unless, the evidence presented at the Special Use Permit hearing establishes each of the following:

- .1 That along any street providing primary pedestrian access to a transit station:
 - a. Street level building edge(s) shall line at least one-half of the approved block length; and
 - b. distance between pedestrian entries at street level shall not exceed 100 feet; and
 - c. at least thirty percent (30%) of the area of the street level façade shall be composed of windows and doors; and
 - d. standards above are met by either the principal building, or by the construction of liner buildings along street level.
- .2 That the proposed buildings and uses shall not substantially increase the demand for automobile access to the transit-oriented development.
- .3 That the proposed buildings and uses meet the Intent statement for the district.

9.48 Special Uses in TOD-E Districts

Uses permitted in the TOD-E district that have the potential for reducing employment intensity are permitted subject to approval of a Special Use Permit. The procedures of Section 11.4.10 shall be followed.

The Town Board shall issue a Special Use Permit for the subject use(s) and building(s) if, but not unless, the evidence presented at the Special Use Permit hearing establishes each of the following:

- .1 That the use is in the area between the ¼ mile and the ½ mile walk from the station site.
- .2 That, for buildings along any street in the district that provides primary pedestrian access to a transit station:
 - a. Street level building edge(s) shall line at least one-half of the approved block length; and
 - b. distance between pedestrian entries at street level shall not exceed 100 feet; and
 - c. at least thirty percent (30%) of the area of the street level façade shall be composed of windows and doors; and
 - d. standards above are met by either the principal building, or by the construction of liner buildings along street level.
- .3 That the proposed buildings and uses shall not substantially increase the demand for truck and automobile access through the pedestrian-oriented street system of the TOD.
- .4 That the proposed buildings and uses meet the Intent statement for the district.

9.49 Transit-Oriented Parking Lots as a Principal Use

Transit-oriented parking lot as a principal use shall be permitted in any zoning district subject to the following standards:

- .1 Transit-oriented parking lots shall adhere to the standards of Article 6, Off-Street Parking, except that in the NR district parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing setback applies

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for both the fronting street and any abutting streets. In all other zoning districts, transit-oriented parking lots may be constructed up to 10 feet from street right-of-way.

- .2 Buildings associated with transit-oriented parking lots shall meet the standards of Article 9.39, Transit Shelters.
- .3 Transit-oriented parking lots in the Corporate Business (CB), Campus Institutional (CI), or Special Purpose (SP) Districts shall be exempt from the 80' buffer yard requirement along public streets. All other buffer yard standards of Article 7.6 apply.
- .4 Up to 50% of a transit-oriented parking lot may be unpaved.

9.50 Retirement Communities are permitted in the Neighborhood Residential (NR) District subject to the conditions below:

- .1 Community must meet the requirements concerning massing and scaling in Article 3.2.4 d-1.
- .2 A minimum of eighty percent (80%) of residents must be fifty-five (55) years of age or older.

9.51 Commercial Use in a Detached House Building Type

- .1 All outdoor display of goods shall be located immediately adjacent to the storefront on the front porch during the hours of operation only; display goods shall not block building access. No other outdoor display is permitted.
- .2 The hours of operation shall be compatible with the residential area. The hours of operation shall be between 8AM and 9PM. The following activities are prohibited outside of business hours: loading and unloading of materials, exterior maintenance, refuse removal, and other activities that create a nuisance.
- .3 Site lighting shall meet the requirements of Article 8.26 Site Lighting.

9.52 Country Inn Development in the Transitional Residential Zoning District

Country Inn Developments are permitted in the Transitional Residential Zoning District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

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

1. That the use will be located on a lot of at least twenty (20) acres in size; and
2. That the total dwelling rooms do not exceed twenty-four (24) rooms for rental and/or owner/staff occupancy in a maximum of ten buildings (two (2) main inns and up to eight (8) residential cottages); and
3. That the owner/management shall reside onsite.
4. That the use may utilize the Residential Local Street design standards of Article 5; and
5. That the use may utilize a paved private drive. If a private drive is used it shall be constructed on a recorded easement not less than twenty (20) feet in width serving the Country Inn exclusively with the following restrictions:
 - a. The recorded easement shall have at least thirty (30) feet of frontage on a public street.
 - b. The private paved road must be at least eighteen (18) feet wide and constructed in accordance with the Land Development Standards Manual as it applies to Huntersville. Private drive right of way or easement shall be of such width to accommodate drainage/water quality treatment.
 - c. The plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future; and

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6. That special events shall be allowed for the public such as wedding receptions, rehearsal dinners, afternoon tea, parties, business meetings/retreats and similar events with the following restrictions:
 - a. That hours of operation, including set-up and break-down, for special events will be no earlier than 9:00 a.m. and no later than 11:00 p.m.
 - b. That special events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance; and
7. That there will be a separation of no less than:
 - a. Parking areas shall be located one-hundred (100) feet from arterial roads and thoroughfares, thirty-five (35) feet from internal public streets and driveways and one hundred (100) feet from adjacent properties except when their uses are adjacent to dedicated open spaces, either by deed or easement, in which case, the setback shall be thirty-five (35) feet. Parking areas will be visually buffered from the arterial roads and thoroughfares.
 - b. Special event areas shall be located one hundred (100) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes except when their uses are adjacent to the dedicated open spaces either by deed or easement, in which case the setback shall be thirty-five (35) feet. A thirty (30) foot vegetated buffer along the property line is required for special event areas except when the adjacent property uses are dedicated open spaces either by deed or easement. Additional buffers may be required as part of d) of this section.
 - c. All newly constructed accessory structures such as: Barns, Green Houses, Vertical Gardens, Agriculture or Farm related structures shall be located one hundred (100) feet from any property located in a residential district or developed for residential or mixed-use purposes except when their uses are adjacent to the dedicated open spaces either by deed or easement in which case the setback shall be thirty-five (35) feet.
 - d. As each property is unique, the Town Board may modify the buffers for a Country Inn Development based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for special event areas and/or reduction in buffer area may be appropriate for farming or pasture areas within the Country Inn project.
8. The Country Inn Development shall be rural in nature and considered a single lot development and shall not be required to provide connector roads to or through other residential developments.

9.53 Wind Energy Facilities

1. No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed unless a Special Use Permit has been issued to the facility owner or operator approving construction of the facility under this Ordinance.
2. Any physical modification to an existing and permitted wind energy facility that materially alters the size and/or type of wind turbines or other equipment shall require a Special Use Permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.
3. Permit Requirements: In addition to Special Use Permit Requirements found in Article 11.4.10, the permit application shall contain the following:
 - (a) A narrative describing the proposed wind energy facility, including an overview of the project;
 - (b) The proposed number, representative types and height or range of heights of wind turbines to be constructed, dimensions and a description of ancillary facilities;
 - (c) Identification and location of the properties on which the proposed wind energy facility will be located;
 - (d) A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, building(s), and transmission and distribution lines. The site plan must also include the location of all structures and properties, demonstrating compliance of the setbacks;

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- (e) Other relevant information as may be reasonably requested by the Town of Huntersville to ensure compliance with the requirements of this Ordinance.
- (f) Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored;
- (g) Signature of the Landowner and Applicant.
- (h) Certification of compliance with applicable local, state, and federal regulations, such as [Federal Aviation Administration](#) and [Federal Communications Commission](#) regulations.
 - (1) The applicant shall avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
- (i) All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.

4. General Requirements

- (a) Setbacks: The following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:

Wind Energy Facility Type	Minimum Setback Requirements ¹				Maximum Height from Grade	Minimum Turbine Blade Clearance
	Occupied Structures (Subject Property)	Occupied Structures (Adjacent Property)	Property Lines	Street Right-of-Way		
Minor	0.0 ²	2.5	2.0	2.0	75ft.	20ft.
Major	1.0	2.5	2.0	2.0	150ft.	20ft.

- 1 The setback is calculated by multiplying the minimum setback requirement number by the wind turbine height and measured from the center of the wind turbine base to the property line, public street, or nearest point on the foundation of an occupied structure.
- 2 Minor wind facilities attached to the roof of a structure are prohibited.

- (b) Minimum Lot Size Requirements:
 - (1) The minimum lot size required for a minor wind facility shall be 10 acres.
 - (2) The minimum lot size required for a major wind energy facility shall be 30 acres.
- (c) Maximum number of turbines:
 - (1) There shall be no more ~~than~~ one wind turbine that serves as a minor wind energy facility on a single property.
 - (2) Any property with more than one wind turbine shall be considered a major wind facility.

5. Installation and Design

- (a) The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
- (b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.
- (c) Any on-site collector system shall, to the maximum extent possible, be placed underground.
- (d) The visual appearance of Wind Energy Facilities shall at a minimum:
 - (1) Turbine(s) shall be of a coloration that will blend with the surroundings (example: brown, green, gray, off-white or white).
 - (2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and,

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- (3) Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.
 - (4) The base of the turbine(s) shall be a monopole construction rather than a guyed pole or lattice construction.
- (e) Noise:
 - (1) Audible sound from a Major or Minor Wind Energy Facility shall not exceed fifty-five (55) dBA as measured from any adjacent property line of any Non-Participating Landowner.
6. Decommissioning
 - (a) The Wind Energy Facility Owner shall have 6 months to complete decommissioning of the Facility if no electricity is generated for a continuous period of 12 months.
 - (b) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, and any other associated structures required by staff.
 - (c) Disturbed earth shall be graded and re-seeded.

9.54 Solar Energy Facilities

Any major or minor solar energy facility shall require approval from all applicable state and federal agencies as well as the affected energy provider.

1. Minor Solar Energy Facilities:

- a. Residential Property (refer to illustration): Minor solar facilities shall be allowed in accordance with the provisions below. However, these conditions will be waived if they prevent reasonable use of solar collectors as provided in GS 160D-914.

Minor Solar Facility on Residential Property	
Street or Common Access	
Street/common access or yard	Front Yard Prohibited (1)
	Front Façade SUP (2)
	Side Yard (4) Roof (3) SUP (5) (5) Side Yard (4)
	Rear Yard (4)

- (1) Front yard placement is prohibited.
- (2) Front façade placement (if facing street or common access) requires a Special Use Permit (SUP).
- (3) Front roof slope placement requires a Special Use Permit (SUP).
- (4) Side & rear yard placement permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
- (5) Side & rear roof slope placement permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.

b. Non-Residential Property:

- (1) Minor free-standing solar facilities on non-residential property shall require a Special Use Permit (SUP).
- (2) Minor rooftop solar facilities on non-residential property: Facilities on flat roofs, facilities on roof slopes not facing a street and building integrated solar panels on roof slopes facing the street that are not noticeable are permitted by right in any zoning district. All other roof mounted solar panels facing street shall require a Special Use Permit (SUP).

c. Minor free-standing facilities must comply with accessory structure setbacks and spacing.

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- d. Minor free-standing facilities shall be a maximum of 5 feet in height as measured from the grade at the base of the structure to the apex of the structure.
 - e. Minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.
2. Major Solar Energy Facilities
- a. Shall require the issuance of a Special Use Permit and in addition to the Special Use Permit requirements found in Article 11.4.10 shall include the following:
 - (1) An existing features plan as described in the Subdivision Ordinance Article 6.300.1.14 is required. Placement of solar panels shall be based on preserving existing features to the extent practical.
 - (2) Major solar energy facilities are exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.
 - (3) Setbacks
 - i. Shall meet the minimum required setbacks for the underlying zoning district for installations in the R & TR zoning districts.
 - ii. Shall be a minimum of 20 feet from any property line in the SP zoning district.
 - (4) Height:
 - i. Free standing major solar facilities shall be a maximum of 8 feet in height as measured from the grade at the base of the structure to the apex of the structure.
 - (5) The minimum lot size requirement for major solar facilities is 10 acres.
 - b. Town of Huntersville to be given copies of any lease agreement and plan for removal of facility/equipment.
 - c. Glare resistant solar panels shall be used if the solar facility is adjacent to any airport.
 - d. Rooftop major solar energy facilities should not be considered as rooftop equipment on any building type and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.

9.55 Halfway Houses

Halfway houses are permitted in the Special Purpose (SP), Highway Commercial (HC) and Campus Institutional (CI) zoning districts subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for a halfway house in the SP, HC, or CI district if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- 1. The following shall be prohibited:
 - a. Persons dangerous to others
 - b. Sex offenders
 - c. Active (but not recovering) substance abusers
- 2. A Halfway house must meet a permitted building and lot type for the district in which it is to be located.
- 3. No Halfway house may be located within a one-half (1/2) mile radius of any other halfway house or any schools (public or private), parks, playgrounds, day care centers, public and private youth centers.
 - a. Applicant must include in their submittal an area plan showing zoning classifications and land uses of all properties within a one-half mile radius of the site of the proposed halfway house.
 - b. This minimum separation requirement may be waived in situations where its purpose can be otherwise met.
- 4. Applicant must provide:
 - a. Copy of arrest/release records for all occupants.
 - b. Copy of any contracts or policies for the operation of the facility.
 - c. Copy of the rules for the residents of the halfway house.

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- d. Documentation stating that a supervisor will be on duty at all times. ▼

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9.56 Crematoriums, accessory

Crematoriums are permitted in the HC district subject to a Special Use Permit, according to the procedures of [Section 11.4.10](#).

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

1. Are accessory to an established Funeral Home.
2. That the proposed use will not endanger the public health and safety, substantially reduce the value of nearby property, nor emit noticeable odors; and
3. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
4. That the proposed use will be constructed and operated in compliance with all applicable environmental regulations; and
5. That all storage, handling, incineration, and loading facilities will be located at least 50 feet from any exterior property line; and
6. The number of cremations shall be below that requiring an air quality permit by Mecklenburg County per current calendar year.
7. That active use portions of the site will be entirely enclosed in the principal structure.

9.57 Automotive Country Club

An Automotive Country Club is a retreat destination and storage facility for rare, collectible, high-end, vintage, and exotic vehicles for club members. Such facilities are permitted in the Corporate Business District if the conditions below are met.

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1. The club shall only be permitted within a gated and private development (all buildings will front upon and be accessed by privately designed and maintained paved parking and maneuvering areas which shall have adequate widths and turning radii for emergency service access to all individual Units).
2. The club may be comprised of both for sale and rental spaces that accommodate Vehicles to be stored, displayed, and for minor repair and maintenance by club members and occupants, but excluding retail repair operations.
3. The club shall be established on a site not less than 15 acres in size with frontage upon a public street.
4. The club shall include a clubhouse facility and may include a management or sales office.
5. The club shall permit garage/storage units ("Units") to be individually sold or leased. Each building may be comprised of varying Unit sizes separated by demising walls.
6. The club shall limit the total number of overnight stays by occupants to a maximum of thirty (30) per year.
7. The club may permit up to 24 memorabilia or charity auctions, fundraisers, rallies, car shows, or similar events per calendar year.
8. The Automotive Country Club use shall include the definition of a "Vehicle" as any motorized device considered to be rare, collectible, high-end, vintage or exotic.
9. The club shall prohibit outdoor storage.

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10. The club shall prohibit automotive wholesale and retail sales of Vehicles.
11. No part of the automotive country club use will be located or operated so as to emit noise in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby or adjacent properties.

9.58 Internet Sweepstakes

Internet Sweepstakes are permitted in the Highway Commercial (HC) and Special Purpose (SP) Zoning Districts, subject to the following standards:

- .1 Internet Sweepstakes are not permitted as an accessory use;
- .2 Any structure in which an Internet Sweepstakes is the principal use shall be separated by a distance of at least 400 feet from any residential or mixed use zoning district and from the following principal or accessory uses, defined as protected uses for purposes of this section: dwelling units, elementary and secondary schools, religious institutions, child care centers, parks and playgrounds;
- .3 Any structure in which an Internet Sweepstakes is the principal use shall be separated by a distance of at least 400 feet from any other Internet Sweepstakes;
- .4 The distance of separation from residential and mixed use zoning districts and from the protected uses listed in .2, above, shall be measured from the closest point of the lot occupied by an Internet Sweepstakes to the nearest residential or mixed use zoning district or the property line of a protected use. The distance of separation between Internet Sweepstakes shall be measured from the closest points of the lots occupied by Internet Sweepstakes;
- .5 No alcohol may be sold or consumed on the premises;
- .6 Operations must be visible and open to the front of the store. Tinted glass with a minimum visual transmittance factor of 35 is permitted.
- .7 Patrons must be 18 years of age or older.

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9.59 Banquet Facility

Banquet Facilities are permitted in the Rural Zoning District subject to a Special Use Permit, according to the procedures of Article 11.4.10. Events shall be allowed at Banquet Facilities for the public such as weddings, catered receptions, rehearsal dinners, business meetings/retreats.

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

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1. That the hours of operation, including set-up and break-down, for events will be no earlier than 8:00 am and no later than midnight (12:00 am).
2. That events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance whether or not the property is located within the Town's corporate limits; and
3. That events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance or Mecklenburg County Noise Ordinance, whichever is applicable; and
4. That the use will be located on a lot of at least 10 acres in size with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
5. One residence (single-family detached house) may be located on the site.
6. New buildings shall maintain a rural character and be compatible with surrounding area.
7. Events may take place inside a building, tent, or outdoors. Catered activities and receptions may take place in tents or buildings.

Commented [ES3]: Mecklenburg County has a noise ordinance <https://www.mecknc.gov/CountyManagersOffice/BOCC/Ordinances/Noise.pdf>

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8. Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial 50 feet of driveway from the public roadway connection shall be paved with concrete or asphalt.
9. That there will be a separation of no less than:
 - a. Parking areas shall be located one hundred (100) feet from arterial roads and thoroughfares, and fifty (50) feet from adjacent properties. Parking areas will be visually buffered from arterial roads, thoroughfares and adjoining properties.
 - b. Event areas shall be visually buffered and located sixty (60) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes.
 - c. Any newly constructed accessory structure such as barns, gazebos and Agriculture or Farm related structures shall be located at a minimum of sixty (60) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes.
 - d. As each property is unique, the Town Board may modify the buffers for a Banquet Facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for event areas and/or reduction in buffer area may be appropriate for farming or pasture areas.
10. Applicant shall have adequate off-street parking to accommodate the maximum number of attendees.
11. The method for providing potable water and a system of sanitary sewage collection and disposal for the maximum number of attendees shall be provided.
11. Mobile food/beverage vehicles are allowed on the premises with the following conditions:
 - a. The mobile food/beverage vehicles must cater to the guests of invitation only events, for a time period limited to the event, and are not open to public use.
 - b. The mobile food/beverage vehicles must park in a designated spot, indicated on the special use plan. This area will be screened from public view and adjacent land owners, by an opaque screen.
 - c. No more than three mobile food/beverage vehicles allowed at one time.
 - d. No trucks will be stored overnight on the property.

9.60 Off-site Catering Services in an Agritourism Catering Facility

Off-site catering services in an Agritourism Catering Facility are permitted in the Rural Zoning District subject to a Special Use Permit according to the procedures of Article 11.4.10. [Any Agritourism Catering Facility classified as a bona fide farm pursuant to G.S. 160D-903 shall be exempt from the Special Use Permit requirement.](#)

1. The facility shall be located on a lot of at least twenty (20) acres in size.
2. A principal residence shall be located on site.
3. There shall be no more than twelve (12) employees' present and performing activities for the off-site catering services at any time, excluding on-site resident family members of the facility owner employed in the catering operation. As used in this section 9.60, employees who are present and performing activities for both on-site and off-site catering services shall count towards the twelve (12) employee limit. The permit shall specify the number of employees permitted at the facility at the same time.
4. That facility shall have adequate off-street parking for the permitted number of employees and for the vehicles used for off-site catering services. In order to accommodate employees, off-site catering vehicles and visiting clients of the catering operation, there shall be a minimum

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of 1.5 spaces for each permitted employee and off-site catering service vehicle. As used in this section 9.60, vehicles used for both on-site and off-site catering services are included and subject to these regulations. Such parking shall have a visually opaque buffer at least thirty-five feet in width along the adjacent boundary or a structural screen such as a fence that is augmented with vegetation.

5. There shall be no outside storage or evidence of personal property, materials and equipment used for off-site catering services visible from adjoining residences or streets. As used in this section 9.60, personal property, materials and equipment used for both on-site and off-site catering services are included and subject to these regulations.
6. If any portion of the facility utilized by the off-site catering services is located within the on-site principal residence, such portion shall occupy no more than twenty-five percent (25%) of the total finished square footage of such principal residence. The total square footage of the facility used for off-site catering services may not exceed fifty (50%) of the total finished square footage of such principal residence. As used in this section 9.60, portions of the facility used for both on-site and off-site catering services are included and subject to these regulations.
7. The lot containing the facility shall have (i) a minimum of thirty feet (30') of frontage on a public road, (ii) a thirty foot (30') wide exclusive easement to a public road or (iii) a shared exclusive easement, of a minimum of 40' in width, for use by no more than three adjoining properties at the time of the issuance of a permit.
8. Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well-maintained and kept free of potholes, weeds, etc. The initial fifty feet (50') of driveway from the public roadway connection shall be paved with concrete or asphalt.

9.61 Par 3 and / 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 foot-candles 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 foot-candles at any location on any non-residential property and .1 foot-candles 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.
 - f. Upon review of the photometric plan, the Town Board may modify the above lighting standards provided the spirit of the ordinance, reducing glare and off-site light trespass is maintained.
3. Vehicular access to the use will be provided only by way of a Boulevard or Major Thoroughfare.
4. A par 3 golf course or driving range must be located on a property at least 20 acres in size.

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ARTICLE 9

CONDITIONS FOR CERTAIN USES

5. No multi-level buildings or tee boxes are permitted.
6. Hours of operation shall be no earlier than 6 am and no later than 11 pm.
7. Existing vegetation within 50 feet of the fronting thoroughfare and residential property lines shall remain undisturbed. If no vegetation exists along the property line, an opaque buffer shall be planted per Article 7.6. If there is no existing vegetation along the street, the required second row of street trees will be planted using large maturing evergreen trees to maintain an intermittent screen.
 - a. As each property is unique, the Town Board may modify the buffers for a golf facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for active commercial areas, while a reduction in buffer area may be appropriate for open natural areas.
8. At no time shall golf balls be permitted to cross on to adjacent property or onto the public street. If course or tee orientation makes it possible for balls to leave the site through standard operating use, netting, buffers, screening or other barrier shall be installed to prohibit off site encroachment. If netting is required, it shall be located behind a vegetative buffer, screening if from any property line.
9. Only accessory retail and commercial uses meant to serve patrons of the golf facility are permitted, such as snack shops and pro shops. No principle use restaurants or retail establishments meant to serve the general public are permitted.

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Article 10: Signs

10.1 Purpose

The purpose of this section is:

- .1 To maintain public safety and traffic safety by ensuring that signs are properly designed, constructed, installed, and maintained;
- .2 To minimize the distractions and obstruction of view that contribute to traffic hazards and endanger public safety;
- .3 To protect existing development and promote high standards of quality in new development by encouraging appropriately designed, placed, and sized signage;
- .4 To provide an effective guide for communicating identification through signage while preventing signs from dominating the visual appearance of the areas in which they are located.

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10.2 Applicability

Except as otherwise provided in this ordinance, it shall be unlawful to construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Mecklenburg County Building Standards Department or designated permitting agency. In addition, a certificate of occupancy for the change in the use of property shall require compliance with Article 10, Signs.

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Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance. A legal non-conforming off-premise advertising sign that changes from utilizing external illumination to internal illumination or self-luminous or from a static copy to changeable message copy shall be considered a change of nature and is in violation of this ordinance.

10.3 General Provisions

The following provisions shall apply to all signs.

- .1 Construction Standards. All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
- .2 Electrical Standards. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be powered by an underground electrical source.
 - a) Sign lighting must comply with Article 8.26.3 (e-g).
- .3 Maintenance of Signs. All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance.
- .4 Content. Content of message, commercial or non-commercial, is not regulated by this ordinance.
- .5 No sign shall be placed so as to obstruct the clear sight triangle at a street intersection (Section 8.9).

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10.4 District Classification

For purposes of this Article, zoning districts are classified as follows:

Rural District (R)	Residential
Transitional Residential (TR)	Residential
General Residential (GR)	Residential
Neighborhood Residential (NR)	Residential
Manufactured Home Overlay (MH-O)	Residential
Rural Traditional Neighborhood Development District (TND-R)	Mixed Use
Urban Traditional Neighborhood Development District (TND-U)	Mixed Use
Neighborhood Center (NC)	Mixed Use
Town Center (TC)	Mixed Use
Campus Institutional (CI)	Mixed Use
Highway Commercial (HC)	Commercial
Vehicle Sales (VS)	Commercial
Corporate Business (CB)	Commercial
Special Purpose (SP)	Commercial

10.5 Sign Types

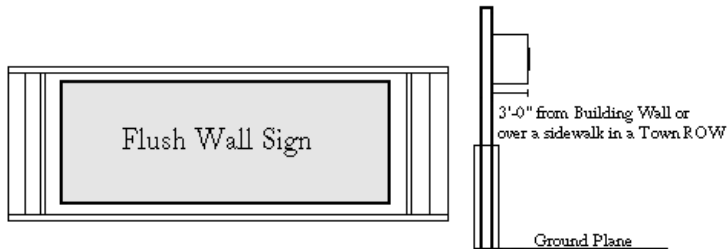
Sign types are defined as follows:

.1 Attached Wall Mounted Signs

One or a combination of the wall sign types in this Section 10.5.1 may be used on a building. Wall sign area is the total of the square footage of all signs from this Section 10.5.1 associated with a business or structure. All attached wall mounted signs in all districts must be located below the parapet, and in no instance may a sign extend above the parapet. Any attached wall mounted sign that project more than 18" shall have a ground clearance of 8'.

All signage from this Section 10.5.1 (wall, hanging/blade, awning/canopy, and/or marquee signs) and each of the sign faces that is directed or oriented towards a single elevation will be accumulated and counted towards that elevation (i.e. if the text of the signs are seen and directed towards the front of the building, then that signage will be counted towards the total amount allowed (per district) for that individual front). In no instance shall the accumulated amount of signage exceed the maximum allowable square footage per that district as indicated in section 10.7.1, except as permitted in Section 10.11.

- a) A flush wall sign is mounted or applied directly to the building wall, generally on the fascia. A flush wall sign may project no more than 3 feet from the building wall or over a sidewalk in a Town-
maintained right-of-way.



- b) A hanging sign or blade sign is a wall sign. A hanging sign is suspended from a simple bracket attached to a building wall and must have at least 8 or more feet of vertical clearance from the ground. It is most appropriately used along pedestrian-oriented streets to identify attached or closely spaced shops, restaurants, and service businesses. Only one hanging or blade sign is permitted per building or business bay (in a multi-tenant building). The sign face area does not include the area of the bracket. A hanging or blade sign may project no more than 4 feet from the building wall. It may project up to 3 feet over a sidewalk in a Town-maintained right-of-way. The overall area of a hanging or blade sign can be no more than 8 square feet.

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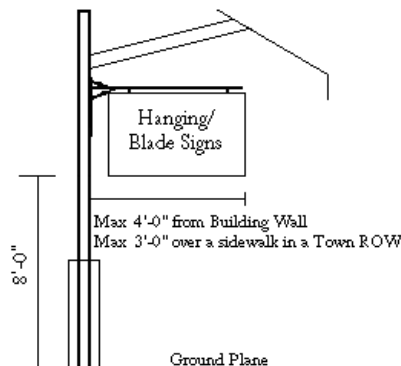
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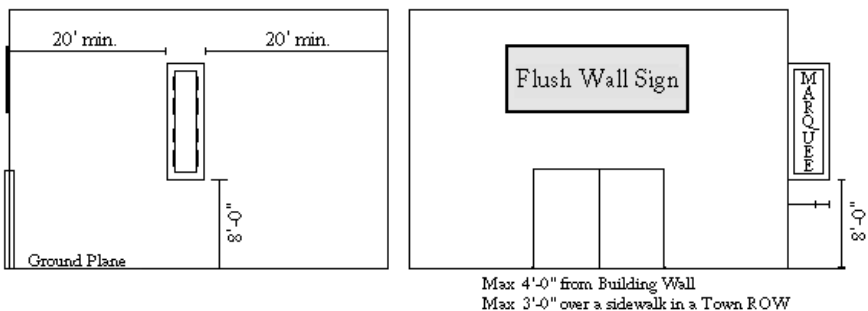
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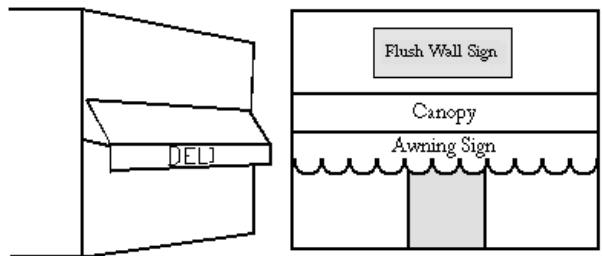
- c) A marquee sign is a wall sign. A marquee sign is only allowed in the commercial districts and when the size of the building is at least 15,000 square feet. The marquee sign may project no more than 4 feet from the building wall. It may project up to 3 feet over a sidewalk in a town-maintained right-of-way. Only one hanging/blade or marquee sign is permitted per street front. A marquee sign must be located a minimum 20' from any corner of a building, and requires 8 or more feet of vertical clearance from the ground and/or sidewalk. The overall area of a marquee sign can be no more than 32 square feet.

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- d) A canopy or awning sign is a wall sign. A canopy or awning sign is a sign copy applied directly onto a canopy or awning and shall comply with Section 8.26. All canopy or awning area that is internally lit shall be counted as sign face area. External wall packs and floodlights shall not be used to light canopies or awnings.

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.2 Detached Ground Mounted Signs

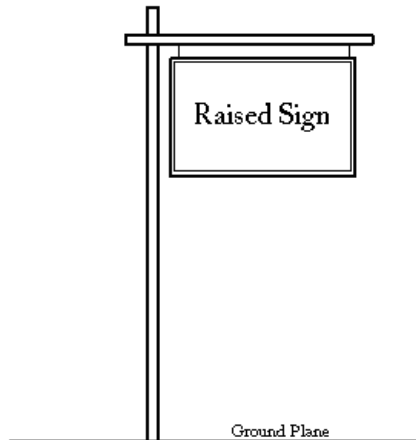
Ground mounted signs are defined as follows:

- a) A monument sign is mounted generally flush with the ground plane. It may not be mounted on a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements (including bases) may not exceed three feet in height and are included in measurement of sign height. Supporting elements (including bases) shall be constructed with materials that are architecturally compatible with the principle structure.



- b) A raised sign may hang from a pole and beam frame as illustrated below, or be placed within a frame mounted on up to two supporting poles.

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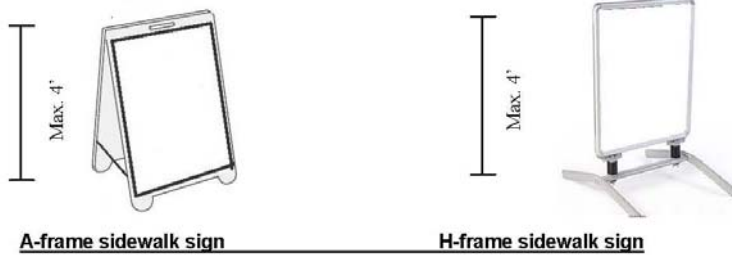


- c) All ground-mounted signs shall be a minimum of 5' behind the existing and future public right of way and meet any additional setback required to maintain a clear sight triangle at street or driveway intersections. Extreme site conditions may be considered by the administrator in determining setbacks for future right-of-ways.

3. Sidewalk Signs

Sidewalk signs are double-sided, portable signs that are not secured to the ground, used as a temporary marketing tool for attracting passersby to a commercial establishment. Sidewalk Signs, including any base, may not exceed four feet in height per below illustration. Further, sidewalk signs shall not be placed in a way that violates the Americans with Disabilities Act (ADA).

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10.6 Sign Measurement

- .1 Sign Face Area: the area within a single, continuous perimeter enclosing the characters, lettering, logos, illustrations, and ornamentation, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.
- .2 Sign Height: the distance from the ground plane beneath the sign to the highest point of the sign's frame. Ornamentation atop signs, such as small caps and spires, are not included in the height measurement.

10.7 Permanent Signs Requiring a Permit

10.7.1 On-Premise Signs are allowed, as indicated in the chart below

CIVIC BUILDINGS IN ANY DISTRICT Wall Mounted Sign 10% of any wall face area fronting a street <u>or approved alternate frontage</u>, up to a maximum of 128 square feet Ground Mounted Sign Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings Changeable copy¹ shall not exceed 50% of the allowable sign face area for either wall or ground mounted signs	ANY BUILDING TYPE IN A MIXED-USE DISTRICT EXCEPT A DETACHED HOUSE (NC, TC, CI, TND-U, TND-R) Wall Mounted Sign 10% of any wall face area fronting a street <u>or approved alternate frontage</u>, up to a maximum of 128 square feet Ground Mounted Sign Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings Changeable copy¹ shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs
ANY BUILDING TYPE IN A COMMERCIAL DISTRICT EXCEPT DETACHED HOUSE (HC, CB, SP, VS) Wall Mounted Sign 10% of any wall face area fronting a street <u>or approved alternate frontage</u>, up to a maximum of 128 square feet. <u>However, in the CB and SP zone, any building over 100,000 sq. ft. may have wall sign(s) not to exceed 384 square feet.</u> In addition, one Secondary Business Identification Sign (defined in Article 12) is permitted for each secondary business, up to a maximum combined area of 64 square feet for all secondary business identification signs. Notwithstanding the above, the total area of all wall-mounted signs shall not exceed 10% of the applicable wall face area. Ground Mounted Sign Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings Changeable copy¹ shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs	MIXED USE BUILDINGS WHERE PERMITTED IN RESIDENTIAL DISTRICTS (NR) Wall Mounted Sign 1 sign per business bay², up to a maximum of 12 square feet per bay; the sign area for any mixed-use structure shall not exceed 5% of any wall face area fronting a street <u>or approved alternate frontage</u> Ground Mounted Sign Maximum Number: 1 per building street front Maximum Area: 12 square feet Maximum Height: 6 feet Type permitted: pole and beam or framed only, as identified in 10.5.2 b). Illumination permitted: Down lighting or indirect lighting (no internal illumination) Changeable copy shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs
DIRECTORY SIGN Maximum Number: 1 per street front; maximum 3 signs; 1000-foot separation. Maximum Area: 96 square feet per sign Maximum Height of ground mounted signs: 12' (includes shopping centers, office complexes, schools, large-scale religious institutions, institutional or business campuses, and similar large complexes which have a variety of tenants or uses) No individual tenant ground mounted signs are permitted	PLANNED DEVELOPMENT ENTRANCE SIGN Maximum Number: 1 per street front; 2 sign faces may be used with a wall, fence, or other architectural entrance feature Total Maximum Area: 24 square feet Maximum Height: 8 feet (permitted for all-residential, mixed use, and non-residential projects of 10 acres or more) Limited to name and/or logo

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For buildings in all-residential, mixed use and non-residential projects, 25% of the allowable wall mounted signage of one street fronting or approved alternate frontage wall face per individually constructed tenant space (up to 32 sq. ft.) may be transferred to one wall face that does not front a public street, but which fronts a parking area and contains pedestrian entry.

¹ Changeable copy that is internally illuminated or self-luminous shall meet the following standards:

ARTICLE 10 [\(3/4/21\)](#)

SIGNS

- (a) Maximum brightness shall be 5,000 nits during daylight hours (dawn to dusk) and 150 nits during nighttime hours. The applicant or sign manufacturer must provide either written certification from the manufacturer that the light intensity has been factory-programmed not to exceed above listed light levels or provide an isolux lighting plan certified by an electrical engineer.
- (b) Message may change a maximum of twenty-four (24) times per 24-hour period. ~~Change of message shall not occur within any thirty (30) minutes timespan from the last change of message.~~

² A business bay in a mixed-use building is the width of the first floor which is used for any single business, extended from the front of the building to the back of the building.

10.7.2 Permanent Off-Premise Signs Limited to Non-Commercial Public Service Directional Signs

For the purpose of directing the public-at-large to non-commercial community facilities of general interest, permanent off-premise directional signs may be erected in addition to signs otherwise permitted in [this Article](#).

.1 Non-Commercial Public Service Directional Signs are permitted subject to the following standards:

- The community facility is open to the general public and operated by a non-commercial civic, charitable, religious, community, or similar organization.
- No more than 2 directional signs shall be erected for each facility.
- Signs may not exceed 4 square feet in area or 5 feet in height. However, signs for public parks without access on a major or minor thoroughfare are permitted a sign up to 32 square feet with up to 50% changeable copy.
- Signs may be placed ~~no~~ no more than one mile from the subject property.
- Along state roads, such signs shall be located outside of the right-of-way or farther than 11 feet from the edge of any public street, whichever distance from edge of pavement is greater; signs shall not violate the sight distance triangle requirements of this ~~Chapter~~.
- Along ~~town-maintained~~ roads, such signs shall be located at least 11 feet from the edge of pavement and ~~shall not violate~~ the sight distance triangle ~~requirements of Article 8~~.
- No sign shall be placed on private property without the written consent of the property owner on the permit application.
- Every Non-Commercial Public Service Directional Sign shall be separated by a distance of 400 feet from any other such sign on the same side of the street, and by a distance of 200 feet from any other such sign on the opposite side of a street.

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10.8 Temporary Signs Requiring a Permit

The following temporary signs shall ~~require a permit,~~ subject to the standards below, in lieu of on-site real estate or construction signs.

.1 Temporary Planned Development Signs, provided:

- a) Only one primary sign and two secondary signs shall be allowed per street front of development.
- b) The maximum sign face area of a primary sign shall not exceed 32 square feet; height of ground-mounted signs shall not exceed 6 feet.
- c) The maximum sign face area of secondary signs shall not exceed 12 square feet; height of ground-mounted signs shall not exceed 6 feet.
- d) Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or ~~for a period of one year,~~ whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the Building Standards Department. If a project is not completed in ~~one year,~~ a new permit must be obtained. However, in no instance shall more than 5 permits be issued for a development. Additional permits shall not allow secondary signs. All secondary signs shall be removed when the first permit issued expires.
- e) Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development, shall be permitted so long as such signs do not exceed 12 square feet in sign area, 6 feet in height, and are removed upon completion of the portion of the project to which the signs are giving direction.

10.9 Temporary Off-Premise Signs Requiring Approval

The following temporary off-premise signs are permitted, ~~pending Town approval,~~ subject to the standards below.

- .1 Temporary off-premise signs or banners for special community events, open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations, provided:
 - a) At least five working days before signs are to be posted, the designated representative of the sponsoring group shall provide a sign installation and removal plan for review by the Planning Director, who shall grant written permission for signs to be posted if the standards below are met.
 - b) Signs or banners shall be located outside of the public right-of-way or farther than 11 feet from the edge of any public street, whichever distance from edge of pavement is greater; ~~signs shall not violate the sight distance triangle requirements of this Chapter,~~
 - c) Signs or banners may be posted up to 14 days before the event and must be removed within 7 days following the event.
 - d) Every temporary off-premise sign or banner shall be separated by a distance of 400 feet from any other such temporary off-premise sign on the same side of a street, and by a distance of 200 feet from any other sign on the opposite side of a street.
 - e) Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.
- .2 Temporary cross-street banners for community events as may be approved by the Town Manager and installed by town personnel, according to policies established by the Town Board.

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160D-403(c)- Unless a different period is specified by this Chapter or other specific applicable law, including for a development agreement, a development approval issued pursuant to this Chapter expires one year after the date of issuance if the work authorized by the development approval has not been substantially commenced. Local development regulations may provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar development. Local development regulations may also provide for development approvals of longer duration for specified types of development approvals

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10.10 Signs Permitted without a Permit

The following types of signs are exempt from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of this ordinance.

- .1 Memorial signs, plaques, or grave markers.
- .2 Public interest signs.
- .3 Public information kiosks on public or private property, subject to design approval by the Board of Commissioners and written permission of the owner of property upon which the kiosk is to be placed. The text shall not be visible from adjacent properties and/or public streets.
- .4 On premise directional and instructional signs not exceeding 6 square feet in area, unless such sign is a monument sign, in which case it may not exceed 9 square feet. Maximum height: 4 feet.
- .5 Identification signs not exceeding 1 1/2 square feet in area, which indicates the name and/or address of the occupant. Maximum height: 4 feet.
- .6 Window signs with a total copy area not exceeding 50 percent of the window or glass door on which the sign(s) are located.
- .7 Incidental signs.
- .8 Flags. A flag that meets the criteria of a sign shall mean a piece of durable fabric no greater than 24 feet in height and 20 square feet in area, and no more than one (1) per lot, on which is displayed the logo of a corporation, election or campaign (subject to 10.10.9 below), association, or other entity. Corporate logo flags for large regional corporations or headquarters may be allowed additional height and area through a Master Signage Program. (For non-commercial flags see Article 8.18).
- .9 Campaign or Election signs provided that:
 - a) Individual signs shall not exceed 16 square feet in area or 6 feet in height if located on private property, and 6 square feet in area and 3 1/2 feet in height if located in a right-of-way.
 - b) No signs shall be permitted in the right-of-way of a fully controlled access highway.
 - c) Signs shall be no closer than 3 feet from the edge of pavement of the road and shall not obscure motorists' visibility at an intersection.
 - d) Permission shall be obtained from any property owner fronting the right-of-way where a sign is erected.
 - e) If erected in the right-of-way, signs may be erected no earlier than 30 days prior to the beginning date of "one-stop" early voting (or the third Thursday prior to the election date) and shall be removed within 10 days after the election or primary for which they were made. Any political sign that remains in a right-of-way of streets located within the corporate limits of the Town and maintained by the Town more than 30 days after the end of the period prescribed herein is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.
 - f) If erected on the owner's private property, signs may be erected no earlier than 90 days prior to the beginning date of "one-stop" early voting and shall be removed within 10 days after the election or primary for which they were made.
- .10 Real estate signs, other than the temporary signs described in Section 10.8.
 - a) Signs advertising a single-family home or lot, a duplex, triplex, or quadraplex, or an individual unit within an attached housing development shall not exceed 6 square feet, with a maximum height of 4 feet. Rider signs not exceeding a total of 2 square feet in sign face area shall be permitted in addition to the 6 square feet.

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All signs shall be

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(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. Any such ordinance shall provide that any political sign that remains in a right-of-way of streets located within the corporate limits of a municipality and maintained by the municipality more than 30 days after the end of the period prescribed in the ordinance is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.

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- b) Signs advertising all other uses shall not exceed one square foot for every 5 linear feet of frontage of the advertised property, up to a maximum sign face area of 32 square feet and maximum height of 6 feet.
 - c) Only one sign per street front of the advertised property shall be erected.
 - d) Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property.
 - e) Signs shall not be illuminated.
 - f) Signs shall be removed within 7 days after the sale is closed or rent or lease transaction is finalized.
- .11 Holiday decorations without a commercial message provided:
- a) Such displays do not extend into the public right-of-way.
 - b) Decorations shall be installed no more than ~~ninety (90)~~ days before the event and removed no more than ~~ten (10)~~ days after the event.
- .12 Construction signs, other than Temporary Planned Development Signs ~~described in~~ Section 10.8, provided:
- a) Signs located on single-family lots or duplex, triplex, or quadraplex lots shall not exceed 6 square feet in area ~~with a maximum height of 4 feet~~. Rider signs not exceeding 2 square feet in area shall be permitted in addition to the 6 square feet.
 - b) Signs for all other uses shall not exceed one square foot for every 5 linear feet of frontage of property under construction, up to a maximum sign face area of 32 square feet and a maximum height of 6 feet.
 - c) Signs are confined to the site of construction.
 - d) Only one sign per street front of the property under construction shall be erected.
 - e) Signs shall not be illuminated.
 - f) Signs shall be removed within 7 days after the completion of a project.
- .13 Temporary farm products signs provided:
- a) Signs are located on the premises where the products are sold in conjunction with a bona fide farm use.
 - b) Signs shall not exceed 32 square feet in area or 6 feet in height.
 - c) Only one sign shall be erected.
 - d) Signs shall be removed within 7 days of the termination of sale activities.
- .14 Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, provided:
- a) No more than one sign per street front shall be permitted per event.
 - b) Signs shall be located on the property on which the event will occur.
 - c) Signs shall not exceed 32 square feet in area or 6 feet in height.
 - d) Signs shall be erected no sooner than 14 days before and removed 7 days after the event.
- .15 Temporary banners in commercial and ~~mixed-use~~ districts, provided:
- a) Only one banner per establishment shall be allowed at a time.
 - b) All banners shall be attached in total to a building wall or permanent canopy extending from a building.
 - c) No paper banners shall be allowed.
 - d) Banners shall be erected for a period not to exceed 2 weeks.
 - e) No more than 6 such signs per establishment shall be erected within a calendar year.
 - f) No banner shall extend above the second occupiable floor level of a building.

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g) In addition to the banners above, Grand Openings and Going Out-of-Business banners are allowed provided that:

- i. Banners shall be erected for a period not to exceed 30 calendar days.
- ii. Total number of banners shall not exceed two (2) per property.
- iii. Banners shall be subject to b, c & f above.
- iv. One additional temporary ground-mounted sign shall be erected for a Grand-Opening for a period not to exceed 10 calendar days.
- v. Temporary ground-mounted sign shall be a maximum 6 feet in height and 24 sq. ft. in area.
- vi. Temporary ground-mounted sign shall be located outside of the right-of-way and sight triangle.
- vii. Temporary ground-mounted sign shall be exempt from Article 10.12.3.

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.16 Public service and advertising signs in association with athletic fields.

Signs may be attached to the interior face of any fence that encloses or partially encloses an athletic playing field upon the property of a school or public park subject to the following conditions:

- a) No sign face area shall be visible from any public street nor from any abutting property in a residential or mixed-use district.
- b) No sign shall extend above the top of the enclosing fence.
- c) The property owner or an authorized representative shall provide the town with a signed statement granting permission for signs to be displayed and assuming responsibility for management of the signs as well as the appropriate removal and disposal of damaged or obsolete signs.

.17 Temporary Special Occasion Flag.

Flag of durable fabric, unrestricted as to size, on which is displayed the emblem of a nation, state, city, or fraternal, religious, or civic organization, provided:

- a) Flag shall be displayed only on the property on which the event is held or the occasion is celebrated.
- b) Flag shall be flown, mounted or displayed no sooner than 7 days prior to the event or occasion, and shall be removed within 7 days following the conclusion of the event or occasion.

.18 Sidewalk Signs.

Sidewalk signs such as easel or A-frame signs located near the main entrance to a non-residential use are allowed subject to the following:

- a) One sidewalk sign per tenant is allowed provided it is located within 5 feet of the public entry to the building.
- b) The sign location shall not interfere with pedestrian or vehicular circulation or obstruct the clear sight triangle at a street intersection (Section 8.9). There shall be a minimum sidewalk clearance of 5 feet.
- c) The sign shall not exceed 8 square feet in area and 4 feet in height.
- d) The sign may have changeable copy such as chalkboard, whiteboard, and cork.

.19 Fence Wraps.

Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from this Chapter until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. No fence wrap affixed pursuant to this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

Commented [JG7]: 160D-908 includes this language. Because our ordinance says that any signs not expressly permitted are prohibited, I think we need to add this as an exception to comply with 160D-908.

10.11 Master Signage Programs

Master signage programs establish two alternatives in providing latitude to develop appropriate signage designs for new or existing areas with special unifying features. The alternatives are the Special Sign Districts and the Planned Development Flexibility option. Special Sign Districts require approval by the Board of Commissioners following review and recommendation by the Huntersville Planning Board.

10.11.1 Special Sign Districts

For the purpose of establishing, enhancing, preserving, and developing the character, quality, and property values of areas of unique character and special development potential, districts in which signs are regulated by special provisions may be established subject to the following conditions:

- .1 As a prerequisite to the establishment of such a special sign district, it must be determined that the modified rules established for said district shall:
 - a) Preserve and enhance the special character of the particular area; and
 - b) Not contravene the intent of this ordinance; and
 - c) Cause no disturbance to neighboring property lying outside the proposed district.
- .2 Without changing the basic structure of this ordinance, the modified rules for a special sign district may impose sign regulations which provide greater latitude or more stringent limitations than those provided elsewhere in this ordinance.
- .3 The special sign district constitutes an overlay district and shall conform to the procedures of Article 11 for purposes of adoption and administration. Districts for which special sign regulations may be imposed include, but shall not be limited to the Town Center District, the Neighborhood Center District, the TND-U and TND-R districts, ~~and any future Historic District Overlay(s).~~

Deleted: , and any future Historic District Overlay(s).

10.11.2 Planned Development Flexibility Option

For the purpose of providing flexibility and incentives for coordinated, well-designed sign systems for large-scale development, special provisions varying the standards of this ordinance may be approved by the Zoning Administrator, subject to the following:

- .1 The development is: a planned residential, nonresidential, or mixed-use development, 10 acres or greater in size; a hospital or other large-scale institutional complex; a large-scale cultural, civic or recreational facility; or a similar large-scale development.
- .2 A Master Sign Program that includes the following information in booklet form is submitted:
 - a) Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
 - b) Proposed number and location of signs.
 - c) Sign Illumination Plans.
 - d) Plans for landscaping or architectural features to be used in conjunction with such plans.
- .3 The proposed signs meet the following criteria:
 - a) All signs are coordinated in terms of design features.
 - b) The maximum amount of allowable wall mounted signage per individually constructed tenant space of one non-street fronting wall shall not exceed 25% of the area of the street fronting sign, up to a maximum of 32 square feet. This 25% increase may only be used on one non-street fronting wall.
 - c) Marquee and Hanging/Blade Signs may be increased by 25%, however they may project no more than 4 feet from the building wall, and no more than 3 feet over a sidewalk in a town-maintained right-of-way.
 - d) The maximum size of detached signs is not increased by more than 25%.
 - e) The number of detached signs along a street frontage does not exceed 3.
 - f) The maximum height of a detached sign does not exceed 12 feet.

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- g) Multi-information directional signs are no greater than 16 square feet and are located in the interior of a development.

10.12 Prohibited Signs

The following signs are prohibited in all zoning districts:

- .1 Signs extending into the public right-of-way other than those permanent signs approved by the Town Manager of Huntersville along town-maintained streets and the North Carolina Department of Transportation along State System Streets.
- .2 Roof signs.
- .3 Portable signs (with the exception of sidewalk signs in accordance with Article 10.10.18).
- .4 Flashing, fluttering, swinging, or rotating signs with the exception of time and/or temperature signs.
- .5 Signs that are similar in color, design, and appearance to traffic control signs.
- .6 Vehicular signs as defined in Article 12 of the Zoning Ordinance.
- .7 Off-premise signs, including Outdoor Advertising Signs. No internally illuminated or self-luminous off-premise sign is permitted. See Sections 10.7.2 and 10.9 for special exceptions for certain non-commercial signs.
- .8 Obsolete signs: signs that do not comply with the provisions of this ordinance and identify or advertise a use or operation of which has ceased for one year or more.
- .9 Other signs not expressly allowed by this ordinance.
- .10 Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of controlled routes and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of a motor vehicle are prohibited.
- .11 Signs advertising or otherwise promoting the existence of a temporary health care structure.
- .12 Nothing in this subsection should be interpreted to conflict with N.C.G.S. § 136-131.2.

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Deleted: See Sections 10.7.2 and 10.9, special exceptions for certain non-commercial signs. No internally illuminated or self-

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Commented [JG8]: From 160D-915(g): No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

10.13 Application and Issuance of Sign Permits

10.13.1 Application.

Applications for permits shall contain or have attached the following information:

- .1 The street name and street number of the building, structure or lot on which a sign is to be placed.
- .2 Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign.
- .3 If the applicant is not the owner or lessee of the lot on which the sign will be located, written permission from the property owner or a designated representative stating agreement that the sign may be erected on the parcel for which the permit has been applied shall be required.
- .4 A site or plat plan of the property involved, showing accurate placement of the proposed sign, intended use(s) of the property, and zoning district designation.
- .5 Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and size of existing wall signs shall also be included.
- .6 Locations of addresses. No permit for a sign shall be issued unless a street address has been assigned according to the requirements of the Town of Huntersville or the Mecklenburg County Street Address Ordinance, whichever is applicable.
- .7 Other information as the Zoning Administrator may require to determine full compliance with this and other applicable codes.

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10.13.2 Issuance of Permit.

Upon the filing of an application for a sign permit, the Zoning Administrator shall examine the plans and specifications, and, as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this ordinance and other applicable codes, a permit will be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly commenced within 6 months of the date of issuance, or if the work authorized by the permit is suspended or abandoned for one year.

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10.13.3 Fees.

To obtain a sign permit, all fees, in accordance with the requirements of the permitting agency, shall be paid.

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10.13.4 Construction Inspection.

The permit holder shall notify the Building Standards Department upon completion of construction and installation of any sign for which a permit is required.

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10.14 Enforcement

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10.14.1 Inspections and Investigations

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- .1 The Zoning Administrator or other agents of the Town of Huntersville will periodically inspect signs in order to determine whether there are violations of this ordinance.
- .2 The Town of Huntersville or the Zoning Administrator, acting on behalf of the town, shall have the power to conduct such investigations as may reasonably be deemed necessary to carry out enforcement duties prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of the town or of the Zoning Administrator who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- .3 The Zoning Administrator or other authorized agent of the town may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

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10.14.2 Enforcement Methods

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A violation of this article is a violation of the Zoning Ordinance and is subject to the enforcement procedures and penalties of Section 11.2 of these regulations.

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10.14.3 Removal and Disposal of Signs in the Right-Of-Way

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Subject to N.C.G.S. § 136-131.1, the Zoning Administrator or other agents of the Town of Huntersville may remove any illegal sign placed on public property or within any right-of-way of any public or private street.

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ARTICLE 11: ADMINISTRATION

11.1 -Zoning Administration

.1 -Zoning Administrator

Primary responsibility for administering and enforcing this ~~o~~Ordinance may be assigned to one (1) or more individuals by the Town Manager. The person or persons to whom these functions are assigned shall be referred to in this ~~o~~Ordinance as the "Zoning Administrator". The term "staff" or "Planning staff" is sometimes used interchangeably with the term "Zoning Administrator." Any function or responsibility assigned by this ~~o~~Ordinance to the Administrator may be delegated by such person to another employee or agent acting under the Administrator's control or at his direction, unless such delegation is prohibited by the Town Manager.

No staff member, including the Zoning Administrator, shall make a final decision on an administrative decision pursuant to this ordinance where the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If a staff member has a conflict of interest under this section, the administrative decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by Zoning Administrator.

.2 -Intent and Applicability

The Zoning Administrator shall enforce, conduct reviews, ensure zoning compliance, and manage the development approval procedures set forth in this article for the Town of Huntersville.

- a) A building permit and a certificate of occupancy are required for uses permitted by right, under prescribed conditions, or subject to an approved conditional ~~zoning~~ district or special use permit, and all uses and structures accessory thereto.
- b) A certificate of occupancy is required for changes in the use of property.

Zoning compliance, under these regulations, is required for the issuance of building permits, certificates of occupancy, sign permits, and zoning use permits.

.3 Building Permit

No development shall occur except pursuant to a building permit, when one is required. A building permit is generally required for the activities below. Other building activities may also require a permit.

- a) The addition, repair, or replacement of load bearing structures.
- b) The installation, extension, or general repair of any plumbing system or a ~~An~~ addition or change in the design of plumbing.
- c) The addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment.
- d) The addition of roofing.
- e) Commercial work of any value.
- f) Work on single-family residential or farm buildings exceeding \$5,000.
- g) The following work, even if not in excess of \$5,000:

Commented [ES1]: Edit suggested pursuant to 160D-1110(a)(2):

(a) person shall commence or proceed with any of the following without first securing all permits required by the State Building Code and any other State or local laws applicable to any of the following activities:

(2) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit is not required for the connection of a water heater that is being replaced if (i) the work is performed by a person licensed under G.S. 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and (ii) the energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code

Commented [ES2]: No edit required because of the qualifier "generally required" being included in the ordinance language.

However, be aware of the exception in 160D-1110(a)(4):

The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced if all of the following requirements are met:

- a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
- b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.
- c. The work is performed by a person licensed under G.S. 87-43.
- d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

- construction of deck, fireplace, pier, or storage building;
- installation or replacement of insulation, wood stove, or hot water heater;
- moving a building;
- demolition of a building.

4. Certificate of Occupancy

A certificate of occupancy must be issued prior to the occupation, ~~or use, or change in use~~ of any land, building, or structure, ~~and prior to a change in the use of any land, building, or structure,~~ except for land used for agricultural purposes.

11.2 Enforcement

1. Administration and Enforcement Procedures

If an application for a ~~b~~Building ~~p~~Permit, ~~or c~~Certificate of ~~o~~Occupancy, ~~or any other development approval subject to an administrative determination~~ is denied because of non-compliance with these regulations, the Zoning Administrator shall provide ~~written~~ notification of the denial and of the reasons ~~for the denial~~therefore. The term “administrative determination” may be used interchangeably with the term “administrative decision.”

Planning staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and according to the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

When any work or activity has been undertaken in violation of this ordinance, any State law delegated to the local government for enforcement, or the terms of a development approval, the Zoning Administrator may cause a written Notice of Violation to be issued. The Notice of Violation shall be delivered to the holder of the development approval and the landowner of the property involved (if the landowner is not the holder of the development approval). Delivery shall be accomplished by personal delivery, electronic delivery, or first-class mail.

The Zoning Administrator may also issue a Stop Work Order and/or revoke any permit issued by the Zoning Administrator pursuant to Section 11.2.3.

3.2. Right to Appeal Administrative Decisions

If a request for a zoning compliance permit is disapproved or if a ruling of the Zoning Administrator is questioned, ~~a~~Any person who has standing or the local government (used interchangeably with the “Town”) aggrieved party may appeal such ruling ~~an~~ administrative decision to the Huntersville Board of Adjustment (the “Board of Adjustment”) as provided in Section 11.3.2. ~~Appeals of administrative decisions made to the Board of Adjustment must be filed within 30 days from receipt of the written notice of the determination. In the absence of evidence to the contrary, written notice of the determination sent by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. An appeal to the Board of Adjustment, lawfully and completely filed within 30 working days of the date of the decision, shall stay enforcement action and penalties until a hearing has been held and a decision rendered by the Board of Adjustment.~~

Commented [ES3]: Builds in catchall for other administrative decisions as described below.

Commented [ES4]: Add definition of administrative decision to definition section consistent with 160D-102(1):

Commented [ES5]: 160D-403(e).

Commented [ES6]: 160D-404(a). We reference notice of violation in several of the enforcement remedies below. It is important to align our notice process with that of the statute. NOV's are administrative and can be appealed in the manner provided for in 11.2.2 below/160D-405

Commented [ES7]: 160D-405(b). You must have standing to appeal an administrative decision.

Commented [ES8]: The time for appealing an administrative decision in the current ordinance language is incorrect. See 160D-405(d).

Need to update Notice of Appeal form to reflect 30 days from receipt. Not 30 days from issuance:
<https://huntersville.org/DocumentCenter/View/2925/Notice-of-Appeal-Application-PDF>

Need to update appeal brochure found here to reflect 30 days from receipt, not 30 days from issuance.
<https://huntersville.org/DocumentCenter/View/844/Appeals-Process-Brochure-PDF>

11.3 addresses receipt by party with standing vs. receipt by other person and constructive notice.

Commented [ES9]: Removed language in this section on stays as they are addressed more fully and accurately in the edits to 11.3.2. Avoids duplication and contradiction.

5.3. Enforcement Remedies and Penalties for Violation

~~In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance, an action for injunction, mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by [the Zoning Administrator or other enforcement agent(s) authority designated by the Board of Commissioners as enforcement agent(s) for this ordinance may enforce any development regulation set forth by this ordinance using any one, all, or a combination of the following enforcement remedies: Penalties and remedies are as follows:~~

(a) **Criminal.** Any person, firm, or corporation convicted of violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500) and/or imprisoned for a period not to exceed ~~thirty (30)- twenty (20) days~~. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after notice of said violation is given.

(b) **Equitable Remedy.** The Zoning Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Zoning Administrator's application for equitable relief that there are other remedies provided under general law or this ordinance.

(c) **Injunction.** Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

(d) **Order of Abatement.** In addition to an injunction, the Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

- Buildings or other structures on the property be closed, demolished, or removed;
- Fixtures, furniture or other moveable property be moved or removed entirely;
- Improvements, alterations, modifications, or repairs be made; or
- Any other action be taken that is necessary to bring the property into compliance with this ordinance.

(e) **Execution of Court Decisions.** If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic or materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

(f) Stop Work Order Issuance and Revocation of Development ApprovalsPermits.

- i. **Stop Work Order.** Whenever ~~any work or activity subject to regulation pursuant to this ordinance or any State law delegated to the Town for enforcement purposes, is undertaken in substantial violation any state or local law or in a manner that endangers life or propertybuilding, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Zoning Administrator may order the specific part of the work that is in violation; (or would be when the work is completed) or that presents such a hazard;~~ to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work ~~or activity,~~

Commented [ES10]: "[A]ny development regulation" adopted pursuant to 160D can be enforced by the enumerated remedies in 160A-175.

In "*addition to other remedies*," 160D-404(c)(1) further allows appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises.

However, the way the ordinance is currently written, it reads as if the enumerated remedies in the ordinance at subsection 11.3 are only available when "a structure is erected, constructed, reconstructed, altered, repaired converted, or maintained in violation of the ordinance."

Therefore, I have removed that language and aligned it with the statute. Better not to try to list out specific activities in case one is missed.

Commented [ES11]: I believe the limit for a class three misdemeanor is now 20 days pursuant to 15A-1340.23.

and shall state the specific work or activity to be stopped, the specific reasons for cessation, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. Violation of a stop work order shall constitute a Class 1 misdemeanor action(s) necessary to lawfully resume work.

Commented [ES12]: I aligned the wording for Stop Work Orders (SWOs) with 160D-404(b). It broadens the language for which a SWO can be issued to "any work or activity" subject to regulation vs. the items specifically listed by current ordinance language. I prefer aligning with the statutory language rather than listing specific actions as something may be left out. It also more accurately states the specific triggering requirements for a SWO to be issued ("substantial violation" or "endangers life or property").

i.ii. **Revocation of Development Approvals.** The Zoning Administrator may revoke any permit development approval (e.g., building permit, certificate of occupancy, etc.) by providing written notification to the permit holder stating the reason(s) for the revocation when violations of this ordinance have occurred. Development approvals issued by the governing board may be revoked in the same manner in which they were approved, including any notice and hearing. Development approvals may be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of this ordinance or any State law delegated to the local government for enforcement purposes; or for false statements or representations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this ordinance, or a permit has been mistakenly issued in violation of this ordinance.

Commented [ES13]: I aligned this section with 160D-403(f). It is important to use the term "development approval" vs. listing out specific approvals in case one is missed. We aligned the ordinance with that term in Article 2 and will add a definition in the definition section. Moreover, it is important to indicate that all development approvals issued by the local government unit (not just those issued by the zoning administrator/staff) can be revoked, but must be revoked in the same manner in which they were approved.

(f)(g) Civil Penalty. In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to NC General Statute 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator. Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a warning citations situation) after it has been issued unless the offender has sought an appeal to the decision of the Zoning Administrator through the Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

The following penalties are hereby established:

Warning Citation	Correct Violation Within 10 Days
First Citation	\$50.00
Second Citation for Same Offense	\$100.00
Third and Subsequent Citations for Same Offense	\$500.00

If the offender fails to pay the civil penalties within three (3) ten (10) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

Commented [ES14]: Three days may be too short. Consider expanding to 7-10. 10 is used in Article 7.

11.3 Appeals and Variances**.1 Board of Adjustment**

a) Establishment.

The Board of Adjustment of the Town of Huntersville (the “Board of Adjustment”) shall consist of seven regular members and three alternate members. The regular membership shall consist of six members who reside within the corporate limits, appointed by the Town Board, plus one extraterritorial member. ~~(The number of regular members appointed who reside in the extraterritorial zoning jurisdiction shall at a minimum meet the requirements of N.C.G.S. 160DA-30762 for proportional representation, but shall in no instance be less than one).~~ The alternate membership shall consist of at least two members who reside within the corporate limits, with the remaining alternate member residing in either the corporate limits or the extraterritorial jurisdiction of Huntersville.

b) Members ~~f~~From Within the Town Limits.

Each member and alternate shall be appointed by the Town Board for a term of three years. The terms of membership shall be staggered; therefore, in appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Board may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The expiration date for each term shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July. If the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment, it being the intent of this proviso that original members shall serve terms of one, two, or three years plus a period of time between their initial appointments and June 30th of the year of their initial appointments. For purposes of this section, original appointments refer to members and alternates appointed upon first establishment of the Board of Adjustment, and ~~also~~ to members and alternates appointed to newly created seats upon any expansion of the Board of Adjustment.

c) Extraterritorial Members.

In addition to the members and alternates herein above provided for, members of the Board of Adjustment shall be appointed from the area within the extraterritorial jurisdiction of the Town of Huntersville, pursuant to the appointment process prescribed in N.C.G.S. 160DA-30762. Members so appointed shall have all of the obligations and duties of the other members of the Board of Adjustment, including rights to vote on all matters coming before the Board. Each extraterritorial member shall be appointed for a period of three years. Expiration dates for each term, initially and thereafter, shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July; provided further that if the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30 of the year of their appointment. ~~-~~Eligibility for reappointment shall be determined by the procedures and policies established by the appointing body.

d) Term Limits and Service Limits

Members and alternates shall be limited to serving two (2) consecutive terms; however, a member or alternate may be reappointed to the Board of Adjustment after remaining off of the Board for at least one (1) year. Time spent as an alternate member shall not count in determining whether an alternate is eligible for appointment as a regular member. Additionally, appointment to a vacant position as an alternate or regular member to fill an unexpired term shall not be counted in determining eligibility for appointment or reappointment. ~~-~~No person shall be eligible for appointment as a regular or alternate member if such person is serving on any other board or

ARTICLE 11 [\(3-9-2021\)](#)

ADMINISTRATION

commission appointed by the Board of Commissioners, unless such other service is in an ex officio capacity. These terms limits and service limits shall apply to both members and alternates residing in the corporate limits and within the extraterritorial jurisdiction of the Town of Huntersville. ~~Notwithstanding the foregoing, the Board of Commissioners shall have the discretion to waive these term limits and service limits for a particular position on the Board of Adjustment when there are no other members of the public willing to serve in the position, or in other appropriate circumstances as determined by the Board of Commissioners.~~

e) Proceedings

1) Meetings. All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact. Final disposition of appeals or variances shall be recorded in the minutes, indicating the reasons of the Board therefore, all of which shall become a part of the public record.

2) Quorum Required. No final action shall be taken on any matter unless a quorum is present. A quorum is the ~~greater of the~~ majority of the members of the Board or, for ~~appeal and~~ variance actions (which require the concurring vote of 4/5ths of the Board), 4/5ths of the membership.

f) Powers and Duties. The Board of Adjustment shall have the following powers and duties:

1) Administrative Review. To hear and decide appeals according to the procedures of this section, where it is alleged there is an error in any order, decision, determination, or interpretation made by the Zoning Administrator or designated administrative official ~~in~~ the enforcement of this ordinance.

2) Variances. To ~~hear and decide applications for authorize upon appeal in specific cases~~ variances from the terms of this ordinance according to the standards and procedures herein so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed by the Board.

3) Density Averaging Certificates. To hear and decide ~~upon the approval of applications for~~ density averaging certificates for paired-parcel averaged-density development, acting as the Watershed Review Board, to ensure both parcels considered together meet the standards of the ordinance and that potential owners have notice of how the watershed regulations were applied to the parcel pair.

.2 Appeals and Variances

a) Petition to Board of Adjustment for Appeal or Variance.

1) ~~An appeal of an administrative decision may be initiated by any aggrieved party or person with standing or by any officer or the Board of the Town of Huntersville the local government.~~

2) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

b) Appeals. The Board of Adjustment shall hear and decide appeals ~~of administrative~~ decisions of administrative officials charged with enforcement of the zoning ~~and subdivision or unified development~~ ordinances and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

1) Any person who has standing under G.S. 160~~DA-1402393~~(cd), or the Town may appeal a decision to the Board of Adjustment. An appeal is taken by filing a Notice of Appeal with the ~~Town Clerk to the Board of Adjustment~~. The Notice of Appeal shall state the grounds for the appeal.

Commented [ES15]: 160D-406(i). Appeals do NOT require a 4/5th vote.

Commented [ES16]: Make sure that the variance application language here: <https://www.huntersville.org/DocumentCenter/View/995/Variance-Application-PDF> is consistent with 160D-705(d)

Also make sure that the variance brochure language is also updated as necessary. <https://www.huntersville.org/DocumentCenter/View/996/Variance-Brochure-PDF>

160D-705(d)

Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It shall not be is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as is not a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved

Commented [ES17]: 160D-405(b)

Commented [ES18]: Janet indicated that she does not receive the Notices of Appeal. I assume this should be Clerk to the Board of Adjustment.

- 2) The official who made the decision shall give written notice of the determination to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- 3) The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- 4) ~~It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.~~
- 45) The official who made the decision shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the ~~decision~~ ^{action} appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. ~~The record may be provided in written or electronic form.~~
- 56) ~~Timely~~ ^{An} appeals of a notice of violation or other ~~enforcement order~~ ^{administrative decision} shall stay enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Board of Adjustment and any subsequent appeal in accordance with N.C.G.S. § 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom. ~~After notice of the appeal has been filed, if~~ ^{unless} the official who made the decision certifies to the Board of Adjustment ~~after notice of appeal has been filed~~ that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance, ~~In that case, the~~ enforcement proceedings shall not be stayed except by a restraining order, ~~which may be~~ granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a ~~development approval~~ ^{permit} or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for ~~permits or permissions~~ ^{development approvals} to use ~~the~~ ^{such} property; in these situations, the appellant or local government may request and the Board of Adjustment may grant a stay of a final decision of ~~permit applications or building permits~~ ^{development approval applications, including building permits} affected by the issue being appealed.
- 67) Subject to the provisions of subdivision (6) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.
- 78) ~~The applicant, the local government, and any person with standing to appeal shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Board of Adjustment.~~ The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board of Adjustment shall continue the hearing.
- 89) The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.
- 9) When hearing an appeal pursuant to N.C.G.S. § 160DA-947400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in N.C.G.S. § 160DA-1402393(jk).

Commented [ES19]: 160D-403(b) indicates that posting of signs regarding administrative decisions is not mandatory unless the ordinance requires it.

Commented [ES20]: 160D-406(c)

Commented [ES21]: 160D-405(f), SL 2020-25

Commented [ES22]: 160D-406(d)

ARTICLE 11 [\(3-9-2021\)](#)

ADMINISTRATION

c) Standards for Granting an Appeal.

- 1) The Board of Adjustment shall reverse or modify the order, decision, determination, or interpretation under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.
- 2) In modifying the order, decision, determination, or interpretation, the Board of Adjustment shall have all the powers of the official~~er~~ from whom the appeal is taken.

d) Filing a Variance Petition.

A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the ~~Town Planning Director~~ [Clerk to the Board of Adjustment](#) or designated administrator, accompanied by a non-refundable filing fee as established by the Town Board and a list of adjoining properties including tax parcel numbers and the name and address of each owner.

e) Standards for Granting a Variance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

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

Commented [ES23]: 160D-705(d)(2)

f) No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

g) Notice and Hearing.

- 1) The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition which comes before it.
- 2) Notice of Hearing. – Notice of Hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or ~~subdivision unified development~~ ordinance. In the absence of evidence to the contrary, the Town may rely on the County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a Notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. [The Board of Adjustment may continue an evidentiary hearing that has been convened without further advertisement.](#)

Commented [ES24]: 160D-406(b)

h) Action by the Board of Adjustment.

- 1) The concurring vote of four-fifths (4/5ths) of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- 2) A member of the Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- 3) Quasi-Judicial Decisions. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair, or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board, or such other office or official as the ordinance specifies. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
- 4) Oaths. The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
- 5) Subpoenas. The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request the issuance of a subpoena, the applicant, local government, and any persons with standing under G.S. 160D-1402393(c4) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Commented [ES25]: 160D-109(f)

Commented [ES26]: 160D-406(f)

Commented [ES27]: 160D-406(g)

i) Effect of Grant of Variance or Reversal or Modification of Administrative Decision.

After the Board of Adjustment approves a variance, or reverses or modifies an order, decision, determination, or interpretation of an administrative official, the appellant or petitioner shall be responsible for obtaining a building permit and/or certificate of occupancy, as applicable, in order

to proceed with the development of the subject property. All orders, decisions, determinations, and interpretations made by administrative officials under those procedures shall be consistent with the variance, reversal, or modification granted to the appellant or petitioner by the Board of Adjustment.

j) Rehearing.

The Board of Adjustment shall refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

k) Appeal from Board of Adjustment.

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160DA-1402393. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subsection 11.3.2(h)(3). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

3. Standards for Granting an Administrative Waiver

a) Purpose and Intent

The Zoning Administrator (which term shall include an administrative official designated by the Town Manager to perform these functions) is authorized to grant an administrative waiver of minor deviations from measurable and quantifiable standards of this ordinance subject to the following limitations:

- 1) The standard for which the waiver can be granted must be a quantifiable and/or measurable standard set forth in the ordinance. Such standards may include, but are not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, signage requirements and other similar measurable and quantifiable standards.
- 2) The Zoning Administrator shall grant such waiver only after the requesting party has demonstrated that such minor deviation was a result of an unintended error or unique conditions of the property, does not and will not violated the spirit and harmony of the ordinance, and does not and will not adversely affect the rights of other property owners in any material manner.
- 3) The minor administrative waiver may not deviate by more than three percent (3%) any of the standards for which the waiver is given.

- b) Construction. The authority given to the Zoning Administrator to grant such waivers shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to make such waiver, and instead, require that the applicant seek a variance from the Board of Adjustment. The Zoning Administrator may not grant any waiver affecting the use or zoning classification; however, this shall not be construed as limiting the zoning Administrator's duties and rights under the ordinance, and whose decisions are appealable to the Board of Adjustment.

11.4 -Amendment Process

.1 Purpose and Authority

- a) The purpose of this article is to provide a means for amending the text of these regulations and the classification of any parcel of land identified on the Official Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in response to changed conditions or changes in public policy.
- b) Upon compliance with the provisions of this article, the Town Board shall have the authority to amend or repeal the text of these regulations or the classification of any parcel of land indicated on the Official Zoning Map.

.2 Planning Board

- a) Establishment. The Planning Board of the Town of Huntersville shall consist of nine (9) members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, plus extraterritorial members determined as follows: the number of members appointed who reside in the extraterritorial zoning jurisdiction shall at a minimum meet the requirements of N.C.G.S. [§ 160DA-30762](#) for proportional representation, but shall in no instance be less than one (1).
- b) Membership.
 - 1) Members ~~From~~ Within the Town Limits.

Each member shall be appointed by the Town Board for a term of three years. The terms of membership shall be staggered; therefore, in appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Board may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The expiration date for each term shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July. If the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment, it being the intent of this proviso that original members shall serve terms of one, two, or three years plus a period of time between their initial appointments and June 30th of the year of their initial appointments. For purposes of this section, original appointments refer to members appointed upon first establishment of the Planning Board, and also to members appointed to newly created seats upon any expansion of the Planning Board.
 - 2) Extraterritorial Members.

In addition to the members hereinabove provided for, members of the Planning Board shall be appointed from the area within the extraterritorial jurisdiction of the Town of Huntersville, pursuant to the appointment process prescribed in N.C.G.S. [160DA-307362](#). Members so appointed shall have all of the obligations and duties of the other members of the Planning Board, including rights to vote on all matters coming before the Board. Each extraterritorial member shall be appointed for a period of three years. Expiration dates for each term, initially and thereafter, shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July; provided further that if the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment. –Eligibility for reappointment shall be determined by the procedures and policies established by the appointing body.
 - 3) ~~Term Limits and Service Limits~~

Members shall be limited to serving two (2) consecutive terms, however a member may be reappointed to the [Planning Board of Adjustment](#) after remaining off of the Board for at least one (1) year. Appointment to a vacant position to fill an unexpired term shall not be counted in determining eligibility for appointment or reappointment. No person shall be eligible for appointment as a member if such person is serving on any other board or commission appointed by the Board of Commissioners, unless such other service is in an ex officio capacity. These terms limits and service limits shall apply to members residing in the corporate limits and to those residing within the extraterritorial jurisdiction of the Town of Huntersville. Notwithstanding the foregoing, the Board of Commissioners shall have the discretion to waive these term limits and service limits for a particular position on the Planning Board when there are no other members of the public willing to serve in the position, or in other appropriate circumstances as determined by the Board of Commissioners.
- c) Meetings.

ARTICLE 11 [\(3-9-2021\)](#)

ADMINISTRATION

Meetings shall be held on a monthly basis unless otherwise determined by the Board. The Chairman of the Board, or in his absence the vice chairman, may call a special meeting of the Board at any time by giving each member 24 hours' notice. Special meetings shall also be scheduled upon request by a simple majority of board members. A quorum of the Board shall consist of a simple majority of the appointed members, and a quorum shall be in attendance before any action of an official nature can be taken.

d) Powers and Duties.

- 1) The Planning Board shall serve as the advisory board on all requests for changes in the zoning ~~regulations~~ laws and ordinances of the Town of Huntersville ~~(the "Town")~~. As such, and pursuant to any authorities set forth in the ~~Z~~ zoning ~~O~~ ordinance, the Planning Board shall hear all requests for zoning changes or other zoning action and shall, upon such hearings, make a recommendation to the Town Board as to any requested changes or action regarding this ordinance. Hearings on zoning petitions may, by joint decision of the Town Board and the Planning Board, be held at joint meetings, or may be held separately. The Planning Board is hereby empowered to set procedures for the filing of zoning petitions so long as said procedures do not conflict with or are not in derogation of the then existing ~~regulations~~ laws and ordinances of the Town ~~of Huntersville~~.
- 2) The Planning Board shall review and make recommendations on applications for approval of subdivisions pursuant to the Subdivision Ordinance ~~of the Town of Huntersville~~, and shall make such recommendations as may be permitted by said subdivision ordinance and as the Planning Board deems to be in the best interest of the ~~T~~ town.
- 3) The Planning Board is empowered to make recommendations to the Town Board or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the Town ~~of Huntersville~~ and its environs.

.3 Initiation

- a) Any amendment to the ~~Z~~ zoning ~~O~~ ordinance text or ~~Z~~ zoning ~~M~~ map, except for the classification of property to a conditional zoning district or MH Overlay, may be initiated:
 - 1) by the Town Board, [Huntersville Ordinances Advisory Board](#), or the Planning Board on its own resolution;
 - 2) by the property owner(s), upon filing an official petition, submitting the fee established by the Town Board, and providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible;
 - 3) by someone other than the property ~~(if not a request to down-zone property)~~ owner following:
 - (a) filing of an official petition and submission of the established fee by the initiating party; and in addition, for a map amendment, providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, or, for a text amendment, submitting the prepared text and rationale for seeking the amendment;
 - (b) preliminary evaluation by the Planning Board to evaluate consistency of the proposal with the objectives and policies of plans adopted by the Town of Huntersville; and
 - (c) determination by the Town Board whether the petition should be granted a public hearing or rejected.
- b) An amendment for the reclassification of property to a conditional zoning district or a MH Overlay district, may be initiated only by the owners of all of the property to be included in the district and shall be accompanied by an official petition, the established fee, and documentation as required by paragraph 1) below and as may be required by paragraph 2), below.
 - 1) A petition requesting the reclassification of property to a conditional zoning district or overlay district must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in paragraphs (a) through (n) below that are applicable to the project. Where the type of use or scale of proposal makes providing any of

Commented [JS28]: HOAB also proposes amendments

Commented [ES29]: Down-zoning cannot be initiated by anyone other than all of the property owners or the local government pursuant to 160D-601(d).

Add definition to definition section.

Down-zoning means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

the following items unnecessary or impractical, the Planning Director may waive individual items.

- (a) A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;
 - (b) Existing topography on the site and within 300 feet of the boundary of the site; and the general nature of the proposed topography at four-foot contour intervals or less;
 - (c) All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
 - (d) Number and general location of proposed structures;
 - (e) Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
 - (f) All yards, buffers, screening, and landscaping required by these regulations;
 - (g) Any screening, buffers, and landscaping proposed over and above that required by these regulations, as well as proposed treatment of any existing natural features;
 - (h) All existing and proposed points of access to public streets; the location of proposed new streets;
 - (i) Delineation of areas within the regulatory floodplain as shown on the Official Floodway Maps for Mecklenburg County;
 - (j) Proposed number and location of signs;
 - (k) Proposed phasing, if any, and approximate completion time for the project;
 - (l) The location of existing and proposed storm drainage patterns and facilities intended to serve the development;
 - (m) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
 - (n) A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.
- 2) In the course of evaluating the proposed use, the Planning Director, Planning Board or Town Board of Commissioners may request additional information from the petitioner. Information requested may include the following:
 - (a) The location of significant trees on the petitioned property;
 - (b) Scale of buildings relative to adjoining properties, including sight lines;
 - (c) Height of structures;
 - (d) Exterior features of proposed development;
 - (e) Any other information needed to demonstrate compliance with these regulations.
- 3) The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the petition for all purposes under these regulations.
- c) The Planning Department shall determine the number of copies of each petition and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a special or conditional use district, or a conditional district, or other small-scale rezoning.
- d) Before a public hearing may be held on a petition for a conditional zoning, the petitioner must file in the Office of the [Town Clerk-Planning Department](#) a written report of at least one community

meeting held by the petitioner. Notice of such a meeting shall be given to all of the following, using the parcel ownership information listed in the current Mecklenburg County tax records:

- 1) Owner of each property petitioned for rezoning
- 2) Owner of each abutting property
- 3) Owner of each property within 250 feet of the petitioned property
- 4) Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property
- 5) Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
- 6) Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2,000 feet of any portion of the rezoning site (distance scaled on a Town of Huntersville or Mecklenburg County official map). If fewer than two registered associations are identified within 2,000 feet of the rezoning site, it is the responsibility of the petitioner to identify and include unregistered associations or associations beyond 2,000 feet of the site, such that no fewer than two neighborhood, property owner, or homeowner associations are notified of the community meeting.
- 7) The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this paragraph, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this paragraph shall be considered by the Town Board but shall not be subject to judicial review.

.4 Withdrawal or Amendment of Petition

- a) A petition filed according to this section may be withdrawn by the petitioner at any time up to ~~adoption of a resolution by the Town Board scheduling~~ the date of the public hearing on the petition.
- b) ~~If the petitioner wishes to withdraw the petition after adoption of a resolution scheduling the public hearing is scheduled, the petitioner may file a request to withdraw with the Town Clerk. On the date scheduled for the hearing, the Town Board may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.~~
- c) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Planning Director no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, Town Board, and other interested parties may be presented at the hearing and considered by the Planning Board and Town Board during their deliberations.
- d) If the Town Board deems any **requested** amendment to be a substantial change to the petition **prior to a final decision**, **which does not result in an intensification of the petition**, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition.
- e) If the Town Board deems any **requested** amendment to be an intensification of the petition, it shall call a new public hearing as required by North Carolina General Statutes.

Commented [JS30]: This section not needed based on changes to a) above.

Commented [ES31]: Are the requested amendments contemplated by these subsections (d and e) those that are requested after the public hearing, but before the final action? Or before the public hearing? I think we should clarify

e)f) ~~Once a development approval is issued, modifications to the development approval must be reviewed and approved in the same manner in which it the approval was originally made, including any necessary notice and public hearing. However, minor modifications to development approvals as defined by Article 12 of this ordinance may be approved by staff.~~

Commented [ES32]: See 160D 108.1(c) regarding site-specific vesting plans; 160D-403, 160D-703(b) regarding conditional districts, and 160D-705(c) regarding special use permits (which we treat as site-specific vesting in Article 2). The definition of minor modifications must comply with these statutory sections when we add it to Article 12. If preferred, we can put in specific sections (i.e. Article 2 for site-specific vesting plans using the wording from 160D-108.1.) However, I think makes sense here even if add in specific sections (see SUP section below)

.5 Citizen Comments

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160DA-601,388, the Town Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

.6 Hearing

- a) Notice of public hearings required under these regulations shall be in accordance with the North Carolina General Statutes.
- b) Conduct of Public Hearing.
 - 1) No amendment shall be adopted until after the Town Board and Planning Board have held a public hearing on the proposed amendment.
 - 2) The hearing shall be conducted in accordance with rules and procedures established by the Mayor and Town Board.
 - 3) When presenting a petition for the reclassification of property to a general district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.

.7 Recommendation and Decision

- a) The Town Board may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Town Board holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing.
- b) No proposed amendment shall be approved unless it is first submitted to the Planning Board for a recommendation. The Planning Board may defer action on a request -one time for one of the following reasons: the public hearing remains open; ordinance required information is not completed; the petitioner agrees and/or requests a deferral. Further, the Planning Board may defer action on a request one additional time not limited to the reasons listed above, provided the Planning Board state the reason for deferral and it be related to address ordinance standards. If the Planning Board does not make a written recommendation to approve, approve with conditions, deny, or recommend Town Board defer a decision on the proposed amendment, then the Planning Board shall be considered to have recommended deferral for additional deliberation. The petition, along with the recommendation of the Planning Board, shall be placed on the agenda of the Town Board at its next regular zoning meeting.

In making its written recommendation, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the adopted Huntersville Community Plan and other adopted long-range plans that are applicable. The Planning Board shall provide a written recommendation to the Town Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Board.

- c) The Town Board, after receiving the recommendation of the Planning Board, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications. Property petitioned to be rezoned to a conditional zoning district may only be rezoned in response to and consistent with the petition of the owners of all of the property to be included in the district; therefore, modifications to such petitions must be found to be consistent with the petition of all owners of property within the petitioned area prior to the Board's decision. When adopting or rejecting any zoning amendment, the Town Board shall adopt a statement describing whether its action is consistent ~~or inconsistent~~ with adopted Huntersville Community Plan and other adopted long-range plans that are applicable and explaining ~~why the board considers the action taken to be reasonable~~ness of the proposed rezoning including why the ~~action is and~~ in the public interest. That statement is not subject to judicial review.
- d) In considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents.
- e) In considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision should consider:
- 1) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property;
 - 2) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal; and
 - 3) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.
- f) When considering a petition to reclassify property to a general district, the Planning Board and the Town Board shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.
- g) In approving an amendment to reclassify property to a general district, or with the consent of the petitioner in the reclassification to a conditional zoning district, or MH Overlay district, the Town Board may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to a classification or classifications between the existing and requested classifications, or to any higher classification in the hierarchy of zoning districts established in Section 3.1.1 of these regulations.
- h) In approving a petition to reclassify property to a conditional zoning district, specific conditions applicable to the conditional district may be proposed by the petitioner or the town or its agencies, but only those conditions mutually approved by the town and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional ~~zoning~~ district shall be limited to those that address the conformance of the development and use of the site to ~~T~~own ordinances, the officially adopted Huntersville Community Plan, other applicable adopted long-range plans and those that address the impacts reasonably expected to be generated by the development or use of the site.
- i) The Town Board may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings.
- j) An approved conditional zoning district petition and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the conditional zoning district petition and all plans, specifications, and conditions established.

Commented [ES33]: Statement should be made regardless of if approving or denying. See 160D-605(a)-(b)

- k) In approving a conditional zoning district, the Town Board may modify standards established in the [Z](#)oning or [S](#)ubdivision ordinance provided the spirit of the regulations are maintained.
- l) A conditional zoning district petition may be considered simultaneously with a subdivision sketch plan provided all submission and procedural requirements have been met.
- m) A Town Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the Town Board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

.8 Effect of Denial of Petition

- a) A petition for the reclassification of property that has been denied in whole or in part, or approved to a classification other than the one originally requested, shall not be re-submitted within one year of the date of the Town Board's action on the original petition, unless a petitioner applies for a district which is "lower" in the Hierarchy of Zoning Districts in Section 3.1.1.
- b) The Town Board may allow re-submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
 - 1) There has been a similar change in the zoning district classification of an adjacent property; or
 - 2) The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed; or
 - 3) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification; or
 - 4) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a conditional or parallel conditional zoning district, or MH Overlay district, a change in the scale or features of the development proposed in the prior petition.
- c) Any petition allowed by the Town Board under subsection (2) above must be reviewed and approved in accordance with the procedures and standards of Section 11.4, Amendment Process, of these regulations.

.9 When Development Not Begun Within 3 Years

It is intended that property shall be reclassified to a conditional zoning district or a MH Overlay district only in light of firm development plans for the property. Therefore, ~~two~~^{three} years after the date of approval of any petition for a conditional zoning district, or MH Overlay district, the Planning Board shall examine the progress made toward developing the property in accordance with the approved petition and any conditions attached thereto. If the Planning Board determines that construction has not commenced in furtherance of the approved petition and conditions, the Planning Board may, at its discretion, initiate a rezoning to the general zoning district consistent with the most detailed plan adopted for the area which includes the property, according to the procedures of Section 11.4, Amendment Process.

Commented [ES34]: Since we aligned Article 2 with the statute and made site-specific vesting plans 2 years, we should change this section to two years as well.

.10 Special Use Permit

- a) **Purpose.** This section provides the standards and procedures for locating uses that may be compatible with the purpose and intent of a given zoning district, but nonetheless have the potential for substantial impacts on the surrounding area, including uses permitted in the same zoning district. In order to ensure that these uses would be compatible with surrounding development, consistent with the most detailed plan for the area, and in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a

matter of right. They may be established only after a review of the specific proposal and approval of a special use permit.

- b) Application. A request for a special use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner. Applications for all special use permits or amendments to any approved special use permit must be filed in the office of the Planning Department, accompanied by a fee established by the Town Board, and must include documentation as required by paragraph 1), below and as may be required by paragraph 2), below.
- 1) A petition requesting a special use permit must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in paragraphs (a) through (m) below that are applicable to the project. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the Planning Director may waive individual items.
- (a) A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;
 - (b) Existing topography and the general nature of the proposed topography at four-foot contour intervals or less;
 - (c) All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
 - (d) Number and general location of proposed structures;
 - (e) Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
 - (f) All yards, buffers, screening, and landscaping required by these regulations;
 - (g) Any proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
 - (h) All existing and proposed points of access to public streets; the location of proposed new streets;
 - (i) Delineation of areas within the regulatory flood plain as shown on the Official Floodway Maps for Mecklenburg County;
 - (j) Proposed number and location of signs;
 - (k) Proposed phasing, if any, and approximate completion time for the project;
 - (l) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, for evaluation by the Town Engineer or their designee;
 - (m) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
 - (n) A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.
- 2) In the course of evaluating the proposed use, the Planning Director, Planning Board or Town Board of Commissioners may request additional information from the petitioner. Such requests shall stay consideration of the special use permit by the Planning Board or Town Board. Information requested may include the following:
- (a) The location of significant trees on the petitioned property;
 - (b) Scale of buildings relative to adjoining properties, including sight lines;
 - (c) Height of structures;

- (d) Exterior features of proposed development;
- (e) Any other information needed to demonstrate compliance with these regulations.
- 3) The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the special use permit application for all purposes under these regulations.
- c) The Planning Department shall determine the number of copies of each petition and accompanying documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment.
- d) Withdrawal or Amendment of Special Use Permit Application. An application for a Special Use Permit may be withdrawn or amended in the same manner as a proposed amendment to the zoning map, following the procedures of Section 11.4.4.
- e) Hearing.
 - 1) A Special Use Permit hearing will be conducted as a quasi-judicial hearing before the Town Board.
 - 2) The applicant has the burden of producing competent, material, and substantial evidence establishing that:
 - The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and
 - The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.
- f) Recommendation and Decision.
 - 1) In considering an application for a special use permit, the Planning Board in an advisory capacity and the Town Board, in a decision making capacity, shall consider, evaluate and may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized.
 - 2) Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Town Board may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the Town Board.
- g) Effect of Approval. An approved application for a special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the special use permit and all plans, specifications, and conditions unless terminated by procedures established below.
- h) Effect of Denial.
 - 1) If an application for a special use permit is denied by the Town Board, a reapplication for that special use on that property may not be instituted within one year of the date of denial.
 - 2) The Town Board may allow re-submission of the application within the one-year restricted period if it determines that, since the date of action on the prior application, one of the following criteria has been met:
 - The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the special use permit should be developed; -or

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- Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or
 - There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.
- i) Amendment to an Approved Special Use Permit.
- 1) The owner of property which is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits. ~~However, minor modifications as defined in Article 12, which do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively.~~
 - 2) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this ~~Z~~oning Ordinance.
- j) Appeals. Any petition for review by the superior court shall be filed with the clerk of superior court ~~by the later of within 30 days after days after a written copy of the decision of the Town Board is filed in the office of the Planning Department is effective~~ or is delivered to ~~the applicant, landowner, and every aggrieved party~~ any person who has filed a written request for such copy with the clerk ~~at the time of the hearing of the case prior to the date the decision becomes effective, whichever is later.~~
- k) Recognition of Previously Approved Conditional Use Permits. Conditional Use Permits which have been previously granted by the Board of Commissioners of the Town of Huntersville and Special Use Permits previously granted by the Mecklenburg County Board of Commissioners will be recognized for building permit and other administrative purposes for three years after the effective date of this ordinance. If after three years construction of the development has not begun or there is no valid building permit in effect for the property, the conditional or special use permit will be considered null and void. If a use approved as a conditional use or special use becomes non-conforming and discontinues operation for six consecutive months, or is displaced by structural damage as described in Section 11.5.2, the use may not be resumed nor a building permit issued without approval of the appropriate zoning classification and special use permit required under the provisions of this ordinance.

Commented [ES35]: 160D-705(c)

Commented [ES36]: 160D-1405(d)

Commented [ES37]: 160D-406(j)

11.5 Nonconformities**.1 Purpose and Applicability**

The purpose of this article is to regulate and limit the continued existence of uses and structures that were established prior to the effective date of these regulations and that do not conform to these regulations. Any nonconformity created by a change in the text of these regulations or by the reclassification of property shall be regulated by the provisions of this chapter. The "effective date" referenced below shall be the date the text of these regulations or the Zoning Map is amended to render a particular use, structure, or lot nonconforming. Many nonconformities may continue, but the provisions of this chapter are designed to curtail substantial investment in nonconformities, and to bring about their eventual improvement or elimination.

.2 Nonconforming Uses

- a) Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses, may continue only in accordance with the provisions of this section.
- b) Normal repair and maintenance may be performed to allow the continuation of a nonconforming use; this shall include the replacement of a manufactured home with another manufactured home of same or greater width.
- c) A nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located or through the occupation of additional lands.
- d) Notwithstanding c) above, any structure, other than a manufactured home, used for single-family residential purposes may be enlarged or replaced with a similar structure so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. Construction of accessory structures shall also be permitted for nonconforming single-family uses.
- e) A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. For example, a nonconforming use can utilize a storage area for office space. However, a nonconforming use may not be extended to additional buildings.
- f) A structure in which a nonconforming use is located shall not be moved unless the use thereafter shall conform to the standards of the zoning district(s) to which it is moved.
- g) A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, the nonconforming use shall not be re-established.
- h) Where a nonconforming use is discontinued or abandoned for six consecutive months, or displaced for any period of time due to structural damage exceeding the limits under subsection i) below, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations.
- i) Where a structure in which a nonconforming use is located is destroyed or damaged so that more than 25 percent of the value of such structure remains, then the structure may be repaired or restored for the previously established nonconforming use if a building permit for the repair or restoration is issued within six months of the date of the damage. Where a structure in which a nonconforming use is located is destroyed or damaged so that no more than 25 percent of its value remains, then the structure may be repaired or restored only for uses which conform to the standards of these regulations for the zoning district in which it is located. The extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the value prior to any damage.

.3 Nonconforming Structures

- a) A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this section.
- b) Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure; this shall include the replacement of a manufactured home with another manufactured home of same or greater width.
- c) Any nonconforming structure may be enlarged if the expansion meets the criteria of Section 2.3 of this ordinance.
- d) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.
- e) A nonconforming structure, destroyed or damaged so that more than 25 percent of the value of such structure remains, may be repaired or restored if a building permit for the repair or restoration is issued within six months of the date of the damage. A nonconforming structure, destroyed or damaged so that no more than 25 percent of its value remains, may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located. The extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the value.

.4 Nonconforming Accessory Uses/Structures

- a) No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.
- b) A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.
- c) Where an accessory structure containing a nonconforming use is destroyed or damaged so that more than 25 percent of its value remains, then the structure may be repaired or restored for the previously established nonconforming use within six months of the date of the damage. Where an accessory structure containing a nonconforming use is destroyed or damaged so that no more than 25 percent of its value remains, then the structure may be repaired or restored only for uses which conform to the standards of these regulations for the zoning district in which it is located.
- d) Where a nonconforming accessory structure is destroyed or damaged so that more than 25 percent of its value remains, then the structure may be repaired or restored within six months of the date of the damage. Where a nonconforming accessory structure is destroyed or damaged so that no more than 25 percent of its value remains, then the structure may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located.

.5 Nonconforming Vacant Lots

- a) Except as provided below in paragraph b), a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets to the extent practicable all limitations and minimum requirements of this ordinance for the zoning district in which the lot is located.
- b) A vacant lot, nonconforming as to size and/or width, shall not be used if it could be combined with an adjoining vacant lot owned by the same person on or after the effective date of these regulations in order to create a single lot. If the combination of any number of contiguous lots

results in the creation of single lots that are more than one-and-one half (~~1.5~~-~~1/2~~) times the width or area required in the zoning district, then the single lots may be divided into lots of no less than $\frac{3}{4}$ of the required width or area, as determined by the Planning Director, without being further classified as nonconforming.

- c) Where an existing mobile home park or manufactured home park does not meet the standards of these regulations, a mobile or manufactured home unit may be placed or replaced on an existing lot according to the criteria of Section 3.3.2 d), 4).

.6 Non-Conforming Landscaping and Screening

- a) If there is a change of use or an expansion to the heated square footage of an existing structure that results in an expansion to the footprint of the building, the lot shall fully comply with all landscaping requirements of Article 7, Part A of this ordinance.
- b) Expansions to the parking and loading areas shall comply with the following:
 - 1) An increase of the total area equal to or less than 40% shall be required to comply with internal and perimeter landscaping requirements. Buffer yard widths shall be reserved, but plantings are not required.
 - 2) An increase of the total area greater than 40% shall be required to comply with all applicable requirements of Article 7, Part A of this ordinance.

11.6 Zoning Compliance**.1 Zoning Compliance**

- ~~a.~~ ~~a)~~ A completed application form for a Zoning Permit shall be submitted by filing a copy of the application in the office of the ~~appropriate~~ Zoning Administrator.
- ~~b.~~ ~~b)~~ The Administrator shall approve the Zoning Permit unless he finds, after reviewing the application and consulting with the applicant that:
- ~~1)~~ ~~1)~~ the requested Permit is not within his jurisdiction according to the Permitted Uses; or
 - ~~2)~~ ~~2)~~ the application is incomplete; or
 - ~~3)~~ ~~3)~~ if completed as proposed in the application, the development will not comply with one (1) or more requirements of this ~~o~~Ordinance (not including those requirements for which a variance has been granted); or
 - ~~4)~~ ~~4)~~ if required under Article 13, no Determination of Adequacy has been issued by the Zoning Administrator; or
 - ~~4)5)~~ ~~5)~~ if required under Article 14, no Traffic Impact Assessment has been approved by the Town.

.2 Site Plans; Adequate Public Facilities; and Traffic Impact Assessment

- a) Site plans shall be required from applicants prior to issuance of any ~~p~~Permit (building, zoning, special use permit, variance) if deemed necessary by the Zoning Administrator to determine zoning compliance. If required by Articles ~~13 or 14~~, an ~~Adequate Public Facilities Determination of Adequacy and Traffic Impact Analysis~~assessment shall be submitted with the residential or nonresidential site plan.
- b) Residential Site Plan Requirements.
1. Sketch site plans shall be drawn with as true an approximate scale as possible, which reviewing agents can determine that all requirements of the Ordinance are met.
 2. Applicant will be required to sign the zoning form as being a true reflection of what is existing and what is being proposed.
 3. Unless otherwise determined by the Zoning Administrator, the following minimum information shall be included on the site:
 - (a) lot/parcel dimensions;
 - (b) zoning designation;
 - (c) all property line setback/build-to-line requirements;
 - (d) all existing physical features (structures, buildings, streets, roads, etc.);
 - (e) location and dimensions of proposed construction;
 - (f) location and dimensions- of driveway and- type of surface material;
 - (g) any additional information as required by the reviewing agents.
- c) Non-Residential Site Plan Requirements.

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1. A site plan for all non-residential development shall be submitted to the Zoning Administrator for review prior to issuance of required building permits.
2. All nonresidential site plans shall be submitted at a scale determined by the Zoning Administrator in order to determine zoning compliance.
3. Site plan review fees will be charged as reflected in the adopted Fee Schedule.
4. Unless otherwise determined by the Zoning Administrator, site plans shall show the following minimum information:
 - (a) site data - including vicinity sketch, north arrow, engineering scale ratio, acreage, title of development, date of plan, gross floor area of all buildings, name and address of owner/developer and person or firm preparing the plan;
 - (b) zoning setback/build-to lines;
 - (c) location(s) and dimension(s) of all vehicular entrances, exits, drives, and fire lanes;
 - (d) location, arrangement and dimension of all automobile parking spaces, width of aisles, width of bays, angle of parking and number of spaces;
 - (e) location, arrangement and dimension of all truck unloading docks, ramps and spaces;
 - (f) refuse collection (dumpster) container space(s) location;
 - (g) location(s) of all building(s) with exterior dimensions;
 - (h) location and dimensions of all fences, walls, docks, ramps, pools, patios, and surfaces areas;
 - (i) location of water tap(s) denoting size(s) of line(s) or well area;
 - (j) location of sewer tap(s) denoting size(s) of line(s) and pole(s);
 - (k) location of electrical service connection(s), meter(s) and pole(s);
 - (l) existing and proposed fire hydrant location(s);
 - (m) location and dimension of all easements and right-of-ways as determined by NC Department of Transportation;
 - (n) location(s) and size(s) of all public utility lines (water, sewer and storm sewer) within all adjacent public right-of-ways and easements;
 - (o) curb and gutter alignment, including street widening and storm drainage, if necessary shall be required;
 - (p) screening/landscaping plan shall be required showing plants with common names, sizes and numbers of plants and trees;
 - (q) sight distance triangle (10' x 70') shall be indicated at the intersection of all public right-of-way lines and 10' x 35' at the intersection of a right-of-way and driveway;

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(r) any additional information as may be required by the reviewing agents.

.3 Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit.

- | a) In cases when, because of weather conditions or other factors beyond the control of the Zoning Permit recipient (exclusive of financial hardship), it would be unreasonable to require the Zoning Permit recipient to comply with all of the requirements of this [Ordinance](#) prior to commencing the intended use of the property or occupying any buildings, the Administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this [Ordinance](#) are concerned) if the permit recipient is issued a temporary certificate of occupancy.
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ARTICLE 12: DEFINITIONS AND RULES OF CONSTRUCTION

12.1 Rules of Construction

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

- .1 These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
- .2 In the event of any conflict in standards applying to a project, the standard more consistent with the Plan shall apply.
- .3 The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- .4 The word "may" is permissive in nature except when used in the negative.
- .5 The word "should", whether used in the positive or the negative, is a suggested guideline.
- .6 References to "days" will always be construed to be working days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- .7 For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.
- .8 Whenever a conflict exists between the text of this ordinance and any graphic representation herein, the text shall prevail.

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12.2 Definitions

Words and terms in the Huntersville Zoning Ordinance are defined in the sections which follow. The definitions are divided into three sections. As captioned, Section 12.2.1 provides the general zoning definitions that apply to this ordinance. The definitions of Section 12.2.2 provide special definitions applicable to the sign regulations of Article 10. Section 12.2.3 sets out special definitions applicable to the Mountain Island Lake Watershed Overlay District. For the purposes of these regulations, the following words and terms have the meanings specified in this Article.

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12.2.1 General Definitions

Abandon. To cease the regular use or maintenance of a lot, building, or structure.

Commented [JG1]: Should we add a time period of abandonment?

Abutting. Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad. For the purpose of sending notices required by N.C.G.S. § 160D-602, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

Commented [JG2]: 160D-602(a)

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.

Adjacent. Either abutting or being directly across a street.

Adjusted Tract Acreage (ATA). The net useable land area of a proposed development site as determined by deducting specific percentages of various categories of constrained land from the gross tract area. This process is further described in Article 3 under the Rural and Transitional zoning districts.

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

Adult Establishment. Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in North Carolina General Statute Section 14-202.10. Adult Establishment does not include Massage Therapy, as defined later in the Article. Notwithstanding the definition of “adult bookstore” provided in G.S. 14-202.10(1), for purposes of this ordinance “adult bookstore” means a retail establishment:

1. which receives a majority of its gross income during any calendar month from the sale or rental of (i) “publications” which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities”, as defined in G.S. 14-202.10(1), or “specified anatomical areas”, as defined in G.S., 14-202.10(10); and/or (ii) merchandise that are “sexually oriented devices”, as defined in G.S. 14-202.10(9); or
2. having a preponderance of its publications and/or merchandise (i) “publications” which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities”, as defined in G.S. 14-202.10(10), or “specified anatomical areas”, as defined in G.S., 14-202.10(11); and/or (ii) merchandise that are “sexually oriented devices”, as defined in G.S. 14-202.10(9).

As used in this definition, “publications” include books, magazines, other periodicals, movies, video-tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

Agricultural industry. Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, other forms of agriculture as defined in N.C.G.S. 106-581.1, and other similar activities.

Agritourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.”

Agritourism Catering Facility. Buildings, improvements and facilities used in connection with an operation providing event-based food services for both (1) on-site agritourism facilities (whether indoors or outdoors) used for public or private events, including but not limited to weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting; and (2) subject to Section 9.60, off-site public and private events. Personal property and equipment utilized exclusively in providing on-site catering services to agritourism facilities shall be exempt from regulation in the extraterritorial zoning jurisdiction. In order to qualify under this definition, an Agritourism Catering Facility must be located on property designated and used for bona fide farm purposes as contemplated by N.C.G.S. § 160D-903.

Airport. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

Airport uses. Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

Amendment. Any change by the Town Board to the text of these regulations or the official Zoning Maps.

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Amusement, commercial outdoor. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters.

Amusement, commercial indoor. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

Arena. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Automotive repair. A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

Automotive service station. Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Also referred to as retail sale of gasoline.

Bed and Breakfast Inn. A use that takes place within a building that, prior to such an establishment, was a single family detached residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

Beneficial Landfill. Permitted with conditions in all districts (9.44). The purpose of a beneficial fill site is to allow the land to be recontoured for the purpose of improving land use potential or for other beneficial reuse as defined by the North Carolina Solid Waste Management Rules, 15A NCAC 02U .0103, and by Chapter 130A of the North Carolina General Statutes; involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Provided, however, that excavation, grading and fill activity shall not be considered a beneficial fill site within this definition if such activity (1) is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel or rock originating on such property or development project, or (2) is conducted pursuant to a valid preliminary subdivision plan or final subdivision plat, a residential building permit, a commercial building permit, or any preliminary permit issued pursuant to a pending application for such a plan or permit, and involves only uncontaminated soil, gravel or rock.

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Berm. A raised earth mound, which is planted with ornamental vegetation.

Board of Adjustment. The Zoning Board of Adjustment of the Town of Huntersville.

Boarding house. A dwelling unit with up to six rooms for rent to boarders, or designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

Buffer. (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

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

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Commented [JG3]: 160D-706 and building code

Deleted: A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of persons, animals, or goods.¶

Building face. The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

Building lines. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building site. (See also Development.) An area of land, or property where development is undertaken.

Bus stop shelter/ Transit Shelter. A freestanding structure less than 100 square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

Caliper. The size of a tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches. This measurement of caliper is used to determine if *newly planted* trees meet the requirements of this ordinance.

Canopy. The uppermost spreading branchy layer of a tree.

Canopy tree. A deciduous tree with height at maturity greater than 35 feet which produces significant shade due to the size and shape of its canopy.

Catchment Area. The area surrounding a rapid transit station location that is within convenient walking distance of the transit stop or boarding platform. New development in a catchment area is subject to specific standards and development intensities associated with "transit oriented development" (TOD) zoning districts. When used in conjunction with a specified measurement of distance (usually ½ mile or ¼ mile), that distance is measured by computing actual walking distance along existing or proposed streets and/or pedestrian walkways.

Champion tree. A classification the state and federal forestry agencies use to define the largest trees of a specific species.

Change of Use. The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

Civic, social service, or fraternal organization facility. A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

Clear cutting. The large-scale indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development purposes.

Clinic, medical, dental, or optical. A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, veterinary. A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Commencement of construction. The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial communication tower. A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, branch banks, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Article 9, Conditions for Certain Uses. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; drive-through windows as a principal or accessory use; wholesale sales; heavy manufacturing; outdoor storage; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Comprehensive Plan. A comprehensive plan that has been officially adopted by the governing board pursuant to G.S. 160D-501

Comprehensive Transportation Plan (CTP). The set of maps and accompanying data adopted and maintained by the Charlotte Regional Transportation Planning Organization and its successor organizations that identify the region's aspirations for a long range surface transportation system. The CTP includes maps for Highway, Transit & Freight Rail, Bicycle, and Pedestrian systems and is not financially constrained. The CTP Highway Map is the successor to the Thoroughfare Plan; roadways identified are synonymous with the term "thoroughfare."

Conditional zoning district. A zoning district in which the development and the use of the property included in the district is subject to the predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Conditional zoning shall not require the issuance of a special use permit or permitting process apart from the establishment of the district and its application to particular properties.

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Congregate housing. Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

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

Commented [JG4]: Requested addition from Article 3 comment

Conservation Subdivision. A tract of land 40 acres or more that is subdivided into single family building lots at a gross density not exceeding 1 dwelling unit per 20 acres, where no new streets are created through the development process and use of the land is restricted by an irrevocable conservation easement held by a conservation organization authorized by N.C.G.S. 121-35(1) et seq. The Conservation Subdivision is permitted only in the Rural and Transitional District and permits only residential home sites, Riding Academies/Commercial Stables according to Section 9.33, and customary rural land uses that are compatible with land conservation.

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Construction and Demolition (C&D) Debris. Solid waste or debris resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures. (Inert debris, land clearing debris, and yard trash are separately defined herein.)

Deleted: Conventional Subdivision. A subdivision which complies with the standard lot dimensions of Section 60 of the Huntersville Zoning Ordinance and the development standards found in Sections 7.000 and 8.000 of the Subdivision Ordinance....¶

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Construction and Demolition (C&D) Landfill. A facility for the land disposal of construction and demolition (C&D) debris, and wastes acceptable for disposal in a LCID Landfill; it is designed to meet the minimum standards of the State of North Carolina by utilizing acceptable landfill engineering technology.

Correctional Facility. A publicly or privately owned building(s), and all accessory uses and structures, used to confine, house, and supervise persons held in lawful custody including those who are serving terms of

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imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station.

Country Inn Development. A rural development with up to two main inns and up to eight residential rental cottages accessed by private drive located on parcels of land 20 acres and larger that consists of no more than twenty-four (24) rooms for rental and or owner/staff occupancy where on a daily basis, breakfast, lunch and dinner is provided and is available only to overnight guests and special events guests. The owner/operator shall reside on site.

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Critical root zone (CRZ). A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained in order for a tree's survival. The critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight (8) feet.

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Cultural facility. An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

Dangerous to others. Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

Day care center. Day care, as a principal use or an accessory use, provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child day care center. An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult; usually serving more than 10 children at a time; not an accessory to residential use.

Adult day care center. An individual, agency, or organization providing supervision or care on a regular basis for more than 6 adults in a place other than their usual place of abode, on less than a 24-hour basis.

Day care home (small, accessory use). Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Home (small, accessory use). Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 children who are not related by blood or marriage to, and who are not the legal wards or foster children of the supervising adult.

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Adult Day Care Home (small, accessory use). Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 adults who do not reside in the dwelling.

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Deciduous. Shrubs and trees that lose their leaves annually.

Deck. A platform that is open and either freestanding or attached to a building, supported by pillars or posts.

Dependent living facility. Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Density, gross residential. The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

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Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Commented [JG6]: 160D-102(11)

Development. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

Deleted: Any person seeking approval under these regulations for any form of development.¶

- .1 Except as provided in subsection (c) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development":
 - (a) The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
 - (b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
 - (c) Alteration of the shore or bank of a pond, lake, river, or other waterway;
 - (d) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
 - (e) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
 - (f) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
 - (g) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - (h) The excavation, grading, filling, clearing, or alteration of land.
 - (i) The subdivision of land as defined in G.S. 160D-802.
 - (j) The initiation or substantial change in the use of land or the intensity of use of land.
- .2 "Development" includes all other activity customarily associated with it. When appropriate to the context "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities are not development. Reference to particular operations is not intended to limit the generality of this definition.
- .3 For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a building permit:
 - (a) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;
 - (b) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
 - (c) A change in use of land or structure from a use within a specified category of use to another use in the same category;
 - (d) A change in the ownership or form of ownership of any parcel or structure;
 - (e) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required bylaw; or
 - (f) The clearing of survey cuts or other paths of less than four feet in width.

Commented [JG7]: 160D-102(12)

Development Approval. An administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan

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approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued.

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Development Permit. See Development Approval.

Diameter at breast height (DBH). The caliper of an existing semi-mature or mature tree measured at 4½ feet above the existing ground on the uphill side of the tree.

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.

Down Zoning. Down-zoning means a zoning ordinance that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

Drip line. An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the exterior limits of the tree canopy.

Drive-through service window. A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Commented [JG9]: 160D-706 and building code

Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet or 50% of the first floor area of the principal dwelling (whichever is greater), is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.

Deleted: A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

Apartment house. Two or more dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

Attached house. Rowhouse, townhouse, duplex, triplex, or quadriplex houses, generally developed side by side where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.

Detached house. A dwelling unit that is developed with no parti-walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.

Duplex house. Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls.

Multi-family home. A dwelling or group of dwellings on one lot, containing separate living units for three or more families.

Single-family home. An attached or detached dwelling unit located on an individual lot designed for and occupied exclusively by one family.

Easement-access lot. A lot of one (1) acre or more in area, created **through a division of land not subject to the Subdivision Ordinance, for which access is provided by a private and exclusive recorded easement**

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at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the access easement.

Elementary and secondary schools. Publicly owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions, the primary function of which is child day care.

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Esplanade. A wide pedestrian walk, formal in design, which runs parallel to a waterfront. An esplanade may be made of pavers, asphalt, crushed gravel, grass, concrete, or other dust-free material.

Essential Services. Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

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- Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet).
- Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.
- Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

Existing tree canopy. Tree canopy that has existed for at least 2 years prior to development

Exterior features. The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

Façade. The principal vertical surface of a building which is set along a frontage line. The elevation of a façade is the vertical surface area. Façades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the façade above which the façade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the façade expressed by a variation of material or by a limited projection such as a cornice or balcony).

Facility Operator. The entity responsible for the day-to-day operation and maintenance of the Alternative Wind Energy Facility.

Facility Owner. The entity or entities having controlling or majority equity interest in the Alternative Wind Energy Facility, including their respective successors and assigns.

Family. An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

Family Care Home: ~~A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. Persons with disabilities shall mean a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).~~ Family care homes are permitted in any district which allows residential use, however, no new family care home is permitted within a one half mile radius of an existing family care home.

Deleted: A residential home with support and supervisory personnel by an agency, organization, or individual that provides room and board, personal care and habilitation services in a family environment for not more than 6 persons with disabilities as defined by GS § 168-21 and GS § 168-22. ...

Commented [JG10]: 160D-907

Deleted: This definition does not include shelter for persons who are dangerous to others as defined in G.S., Sec. 122C-3(11) b, as amended, or active substance abusers.¶

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Farm, bona fide. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) includes the farm within the Town and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose.

Commented [JG11]: 160D-903

Farmhouse Cluster. A rural subdivision for up to six house lots accessed by private drive; permitted only in the Rural and Transitional District.

Deleted: Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries. Additionally, any tract of land qualified to be a bona fide farm as above defined and which is located within the corporate limits of the Town and is in a Rural or Transitional Residential district may conduct educational programs or activities limited to farming technique, animal husbandry and seasonal farming activities.¶

Financial institution. A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Flag lot. A lot of one (1) acre or more in area, created through a division of land not subject to the Subdivision Ordinance, for which access is provided by a narrow projection of the lot at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the lot projection.

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Flood. A temporary rise in stream flow or stage that results in water over topping its banks and inundating areas adjacent to the watercourse.

Floodway. That portion of the channel and flood plain of a stream designated to provide passage for the Regulatory Flood without increasing the elevation of that flood at any point by more than one foot.

Floodway encroachment lines. The outer boundaries of the floodway.

Floodway fringe. The land area located between the encroachment lines of the floodway district and maximum elevation subject to inundation by the base flood as defined in Chapter 9 of the Town of Huntersville Code of Ordinances (*Floods*).

Flood protection elevation. The elevation shown on the Flood Area Map and to which structures and uses allowed under these regulations are to be elevated or flood proofed.

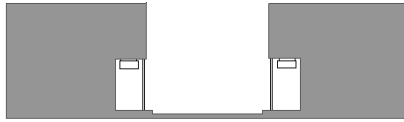
Floor. The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor area. The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from outside of the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface or structured parking of vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

Floor area ratio (FAR). The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Frontage. The lot boundary which coincides with a public thoroughfare or space. The façade of a structure facing the street. There are seven ways in which a building may address the street:

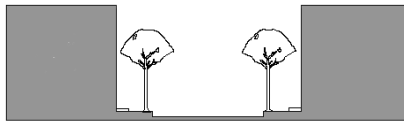
Arcade: A covered passage with shops on one or both sides. Generally, the façade overlaps the sidewalk while the shopfront remains setback. Sidewalk is fully covered with overhang.



Shopfront: A business or retail use where the façade is aligned directly on the frontage line with the entrance at grade; typical of sidewalk retail. Shopfronts often have awnings or a colonnade. A transition line should separate the signage from the façade below.

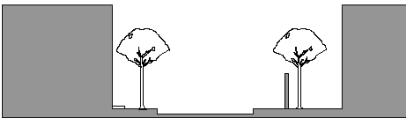


Stoop: The façade is aligned directly on the frontage line with the first floor elevated to secure privacy at window height. This type is suitable for residential uses such as rowhouses and apartment buildings. An easement may be necessary to accommodate an encroaching stoop.

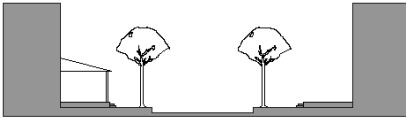


Forecourt: The façade sets back and is replaced by a low wall at the frontage line. The forecourt is suitable for gardens and car drop offs. It should be used sparingly and in conjunction with a shopfront or stoop. Trees within the forecourt should be placed to have their canopies overhanging the sidewalks.

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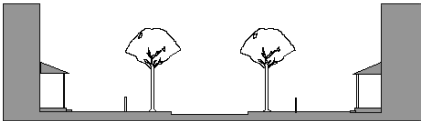


Dooryard: The façade is set back from the frontage line with an elevated garden or terrace between. This type effectively removes the front yard from the sidewalk and reinforces privacy. A roofed and elevated terrace is especially suitable for restaurants and cafes.

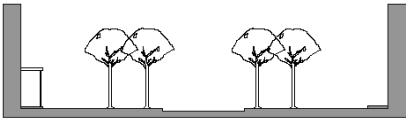


Porch and Fence. The façade is set back substantially from the frontage line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the frontage line establishes the demarcation of private from public use. The fence row may be designated by a vegetative hedge or structural material, but should not be less than 2 feet nor more than 5 feet in height.

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Front lawn. The façade is set back substantially from the frontage line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from heavy traffic volumes and is an appropriate design in areas where large lot single family homes are placed along a Residential Collector Street



Frontage Buildout. The portion of lot frontage which has a building or wall running parallel to it.

Full Cutoff Light Fixture. A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1000 lamp lumens.

Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Government Building. A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, trucking facilities and commercial driver license facilities (CDL), or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade. The elevation of the land or land level at a specific point.

Green Zone: The space between the sidewalk and the back of curb or back of swale and sidewalk where no curb and gutter is present, typically a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone includes street trees and landscaping and often includes street furnishings and utilities. This is also referred to as Street Yard and Street Tree Planting Easement.

Halfway House. A facility providing sheltered services and/or rehabilitation for up to 6 unrelated residents (not including staff or supervisors) that is not otherwise classified as a family care home. Examples may include but are not limited to persons who are recovering from substance abuse and/or are on probation, parole or are initially placed in-lieu of more restrictive custodial confinement (such as a pretrial release program), and juveniles in order to help them readjust and transition back into mainstream society. This definition does not include persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

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Hazardous materials treatment facility. A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 9, G.S. 130A-290 et seq.), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

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1. A facility which manufactures hazardous materials from component nonhazardous materials;
2. A facility or location for the long term or perpetual storage of hazardous materials; or
3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

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Heavy Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

Heliport. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Helistop. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Heritage tree. A tree that is listed in the North Carolina Big Trees List, the American Forest Association's Champion Tree list, the Mecklenburg County Treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Home Occupations. A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

Horse Farm. Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.

Hospital. A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

Hotel. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, and all of whose rooms open onto heated corridors that are internal to the building.

Impervious ground cover. Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

Independent Living Facility. Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

Indoor Recreation. Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Inert debris. Solid waste consisting solely of material that is virtually inert, that is likely to retain its physical and chemical structure under expected conditions of disposal, and that will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock and gravel. Inert debris does not include manufactured products, appliances, and the like.

Inn. A building containing fewer than 30 individual rooms for the purpose of providing overnight lodging, food and drink to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception.

Interconnected. Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. See illustrations, Article 5, Streets.

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Internet Sweepstakes. A principal business where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Internet Sweepstakes do not include any lottery approved by the State of North Carolina.

Jail. A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Junk yard. A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

Kenel, commercial. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Kenel, private. A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Land Clearing and Inert Debris (LCID) Landfill. A facility for the land disposal of land clearing debris and inert debris, as defined herein. It is designed to meet standards of the State of North Carolina by utilizing acceptable technology for landfilling land clearing and inert debris. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Land Clearing Debris. Waste that is generated solely through land clearing activities; such waste includes stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

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

Land disturbing activity. Any use of land by any person that results in a change in the natural cover or topography or that may contribute to sedimentation or soil compaction that affects the critical root zone.

Landscape architect. A registered landscape architect licensed by the State of North Carolina.

Landscaping. The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

Large-Lot Subdivision. A major residential subdivision in which all residential lots are a minimum of ¾ acre in size.

Large Maturing Tree. A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

Light Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Light Trespass. Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

Lot. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

Lot of Record. A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

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Lot Types.

Corner Lot. A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135°.

Interior Lot. A lot other than a corner lot with frontage on only one street.

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

Reverse Frontage Lot. Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

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Lot Width.

Lot width shall be determined based on the applicable definition below:

- .1 The distance between the side lot lines measured along a minimum setback line established under the standards of the 1991 Huntersville Zoning Ordinance, the Mecklenburg County Zoning Ordinance, the provisions of Article 8.1, paragraph 1., or prior legally controlling regulations; or
- .2 The distance between the side lot lines measured along a build-to line established under the standards of the 1996 Huntersville Zoning Ordinance; or
- .3 Along the turnaround portion of a cul-de-sac, the distance between the side lot lines measured along a building frontage line established by legal subdivision plat or by actual building placement; or
- .4 If no setback is required for a lot according to this ordinance, and neither setback nor build-to line has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

Maintained Easement. A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

Manufactured Home. A dwelling unit, other than a modular home, that is a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

Commented [JG13]: 160D-102(23) and 143-145(7)

Manufactured Home Park or Rental Community. Any parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of manufactured homes.

Manufactured Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

Marina, Commercial. A facility for the wet storage, launching and mooring of boats, together with all accessory structures and uses. The dry storage of boats is permitted as accessory to commercial marinas in the Highway Commercial District only, where outdoor storage shall adhere to the conditions of Section 9.26, and indoor storage shall adhere to a permitted building type.

Marine Railway. a line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

Massage therapy. Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways:

- .1 having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists

Deleted: fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. ¶

- Association, or from an accredited college or university school of education for massage therapy;
or
.2 providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

Massing. The shape and form a building or assemblage of buildings assumes through architectural design. There are eleven elements which affect the creation of public space and the relationship between one building and another. A specific project should consider, but may not need to incorporate, all eleven elements.

Building silhouette: pitch and scale of a roof lines.



Spacing between building façades: setbacks or notches between primary façades which frames a structure.



Setback from property line: building setback and/or primary façade setback from property line.



Proportion of windows, bays, and doorways: vertical or horizontal elements tied together in bands across façade lengths.



Proportion of primary façade: size of façades in area and height to width ratios.



Location and treatment of entryway: important visual commonalities between structures.



Exterior materials used: similar materials and treatment add to compatibility of building(s).



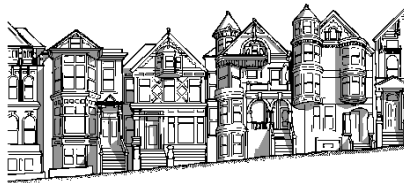
Building scale: building height and configuration.



Landscaping: ties together buildings and defines space.



Shadow patterns that form decorative features: the light and dark surfaces from materials used and projections from window bays and setbacks.



Proportion of solids to voids: the perceived permeability of a building façade that is created by the ratio of windows and doors to solid walls.

Mean Sea Level. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Mecklenburg County are referenced.

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

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

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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.

Minor Modification to development approvals. Minor modifications that may be reviewed and approved by the Zoning Administrator or designated administrative official as provided for in these regulations.

Minor Modification, Special Use Permit. Minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted that may be reviewed and approved by the Zoning Administrator or designated administrative official.

Minor Modification, Conditional Zoning District. Minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted that may be reviewed and approved by the Zoning Administrator or designated administrative official.

Mixed Use. The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

Mixed Use Building. The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

Mixed Use Node. A pedestrian-oriented development consisting of a major subdivision and or a combination of major subdivisions that meet the following criteria; not less than 50 acres and not more than 100 acres, located at the intersection of two major thoroughfares (existing or proposed) as designated on the Thoroughfare Plan containing a combination of commercial uses in excess of 100,000 square feet and residential uses which will occupy at least 50% of the land area of the node.

Mobile Home. A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.

Mobile Home Park. Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.

Mobile Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.

Modular Home. A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Mooring or Float. An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

Motel. A building containing more than four individual rooms for the purpose of providing overnight lodging to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception, and some or all of whose rooms open directly on a parking area.

Multiple Building Site. A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

Nadir. lowest point on the fixture.

Neighborhood Gasoline Station. A building and use for the sale of gasoline primarily to non-commercial vehicle operators, having no more than two pumping canopies, and providing only minor automotive repairs.

Neighborhood Recreation. Public or private neighborhood tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of

Commented [JG14]: We should add specifics/limitations to modification in the actual article.

Commented [ES15R14]: Agreed that would likely be helpful to add to Article 11.

Commented [ES16]: For minor modifications to site-specific vesting plans authorized by 160D-108.1(c), the ordinance must define what constitutes a minor modification. We either need to add something to Section 2 to address or add something here, such as a specific definition for Minor Modification, Site-Specific Vesting Plan... I built in language for administrative approval in Section 2 but did not define them. If we don't define, we can't use the authority in 160D-108.1(c).

Commented [JS17R16]: Minor modifications of sketch plans defined under staff authority in the Subdivision Ordinance, 3.100. Conditional district rezoning plans typically state flexibility desired on the plan.

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Commented [JG19]: 160D-703(b)

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Commented [JG21]: 160D-102(23) says the definition of manufactured home and mobile home are the same.

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persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Nightclub. Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

Nonconforming Structure. Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the Zoning Maps which render such structure nonconforming, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto, whichever may be applicable.

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Nonconforming Use. Any use, lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the Zoning Maps which render such use nonconforming, which does not comply with all of the regulations of this ordinance or any amendments thereto, whichever may be applicable.

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Nonconforming Vacant Lot. Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Nursing home, rest home, or home for the aged. A facility or housing development in which an agency, organization, or individual provides care for 3 or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

Off-street parking. Parking which occurs on a lot and not on a street or other public right of way.

Office. A use or structure in which business or professional services are conducted or rendered.

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

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Outdoor lighting. Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor recreation. Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Overnight camping trailer park. Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for-profit basis.

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Owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Commented [JG22]: 160D-102(18)

Parallel conditional zoning district. A conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. Parallel conditional zoning shall not require the issuance of a special use permit or permitting process apart from the establishment of the district and its application to particular properties.

Deleted: Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.¶

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Parcel. Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Parking Lot. An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

Parking Zone. An area to accommodate on-street parking adjacent to uses where on-street parking provides convenience. Parking widths and layout may vary. This area may also include transit stops and provide provisions for transit pull-outs.

Participating Landowner. A landowner under lease or other property agreements with the Facility Owner or Operator pertaining to the Alternative Wind Energy Facility.

Pedestrian Access, Main. The principle architectural and functional means of a public ingress and egress into a building as part of normal and customary establishment operations.

Pedestrian Access, Secondary. An ancillary architectural and functional means of public ingress and egress into a building as part of normal and customary establishment operations.

Pedestrian Oriented Development. Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Pedestrian Zone. The area intended for pedestrian travel. The walkway section of the pedestrian zone should be of sufficient width to allow pedestrians to walk safely and comfortably for current and future pedestrian activity.

Person. ~~An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.~~

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Deleted: An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal

Pier. A structure extending into or along the water for use as a landing place for boats or as a promenade.

Pilot plant. A building or operation in which processes planned for use in production elsewhere can be tested, but not including the production of any good on the premises primarily or customarily for sale, or for use in production operations.

Planned commercial development. Any planned project including, shopping centers, office complex, church, institutional, business campuses and similar large complexes which have a variety of tenants or uses.

Planning Board. The Town of Huntersville Planning and Zoning Board, established by ordinance in accordance with N.C.G.S. 160D-301.

Deleted: CGS 160A-361 and 160A-362.

Planning Jurisdiction. ~~The land located within the boundaries of the most recently adopted Huntersville Land Development Plan, and consistent generally with the Town's annexation sphere of influence, in which the Town may undertake planning and apply the development regulations authorized by this ordinance.~~

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Plant Nursery. Any tract of land which is used for the growth, nurture, production, acclimation, marketing or sale (whether at wholesale or retail) of plants, flowers, fruits, vegetables, shrubbery, trees or other agricultural, ornamental or forestry products, as well as activities ancillary or incidental thereto, including, without limitation, the distribution and sale of goods and materials used in connection with those items.

Plaza. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

Principal building or structure. A building or structure containing the principal use of the lot.

Principal use. The primary purpose or function that a lot serves or is proposed to serve.

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Private courtyard. An area enclosed on at least three sides by the vertical rise of building walls providing a pedestrian open space constructed of hard-surfaced paving materials and/or landscaping. 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.

Project area. Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Promenade. See Esplanade.

Proposed right-of-way line. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the Subdivision Ordinance.

Deleted: Private Stable. An accessory use to a principal residential structure and permitted in any district which permits residential use; as an accessory use a private stable is subject to the standards of Section 74.150....¶

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Prototype production plant. A building or operation in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations on the premises.

Pruning. The cutting off or removal of dead or living parts of a tree or shrub for the intentions of improving growth.

Public utilities. Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, storm water drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, and transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

Public utility structure. An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Quadrangle. A rectangular area, such as a courtyard, enclosed by buildings.

Quarry. An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

Reach. A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.

Redevelopment. The demolition and reconstruction of a building or a portion of a building.

Reclassification of land. A change in the zoning district assigned to a lot pursuant to a public hearing before the Town Board and a subsequent decision by the Board. (Also, Rezoning).

Regulatory Flood. A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious institution. A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, cemetery or dwelling, located on the same lot.

Research laboratory. A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such

research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Residential cottage. A rental unit associated with Country Inn Development that consists of sleeping quarters and bathroom facilities which are typically associated with overnight stays.

Residential use. Any detached, duplex, triplex, quadraplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, limited residence boarding house, or dormitory.

Restaurant. A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Retirement Communities. Single family and attached housing under single ownership on a parcel of land designed for active adults and independent persons over age fifty-five (55) not requiring health support services such as medical and nursing care on site. Each living unit is self-contained and is physically accessible to older and disable persons. Distinguished from apartments by the provision of some communal services.

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Retail establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Riding Academy. A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for-profit basis. Permitted in the Rural and Transitional District, according to the standards of Section 9.33.

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Sanitary Landfill. A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Saw-mill. A mechanized facility for cutting logs into timber for carpentry.

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Screening. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Setback, established. The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also Yards.

Setback, required. The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. For flag lots, the minimum setback shall be measured between the front property line of the buildable portion of the lot and the front building line of the principal structure, projected to the side lines of the lot.

Shared Vehicle Zone. The primary travel way for vehicles which can include a mixture of traffic (cars, trucks, buses, and bicycles).

Shielded Light Fixture. A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Shopfront. A business or retail use with façade aligned directly on the frontage line and the entrance at grade. Found in sidewalk retail.

Shopping Center. A group of two or more retail establishments or restaurants, including all associated out parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

Shrub. Vegetation that is planted for ornamental or screening purposes.

Sign. Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service,

event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

Significant tree. Any tree other than a pine tree with a caliper of 18 inches or more.

Silviculture. Science and art of cultivating forest crops based on the study of life history and general characteristics of forest trees.

Site analysis. A site plan completed by a certified landscape architect, in conjunction with a licensed land surveyor, showing the subject property including the following features: existing tree lines, all specimen and heritage trees, topography at two feet intervals, lakes, streams, floodplain, SWIM buffers, watershed buffers, historic sites, slope analysis (0%-10%, 10%-15%, 15%-25%, >25%), natural drainage patterns, soils, site connectivity and access.

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Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Small Maturing Trees. A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Solar Energy Facility, Major. A solar energy facility that is not a minor solar energy facility.

Solar Energy Facility, Minor. A facility for the production of electrical energy or solar heat in which all of the following are met:

1. Is located on the power beneficiary's premises; and
2. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; or is any non-residential rooftop facility.
3. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

Solar Farm: See Solar Energy Facility, Major.

Solar Hot Water Heater. A solar heater(s), or solar thermal system that provides heat for water, space heating, and swimming pools by collecting the sun's energy to heat air or a fluid which transfers solar heat.

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Solar Panel. A device which is used to convert energy contained within the sun's rays into electricity, PV (photovoltaic) panel.

Solar Power. The conversion of solar energy into another form of energy.

Solid Waste. Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
 - (a) Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;
 - (b) Irrigation return flows; or
 - (c) Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1342, et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;

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- .3 Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
- .4 Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 et seq.); or
- .5 Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 et seq.), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

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Special Use Permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

Specimen tree. A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- .1 Large hardwoods (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines sp.) in good or better condition with a DBH of 24" or greater.
- .2 Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- .3 Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Stadium. A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Storm Drainage Design Manual. The most recent edition of the manual adopted by the Town Board setting forth standard details for the design and construction of storm water management systems.

Story. That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under roof area with dormers does not count as a story.

Street Line. The outer boundary of a street right-of-way.

Street Orientation. The direction of the architectural front façade of a building in relation to the street.

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

Street, Public. A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Huntersville or the State of North Carolina.

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

Street tree. A tree planted along a street right-of-way or public access easement, excluding alleys. The tree must be a large maturing deciduous canopy tree on the approved tree list.

Street Vista. A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

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Street Yard. The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement or Green Zone

Streets. The term “streets” generally represents a continuum of roadway types that vary in form and function serving a variety of access and mobility needs. The types range from “Freeway” to “Local” and are further described below:

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

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

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

Minor Thoroughfares. Usually two-lane roadways with low to moderate speeds depending on context. Balance of mobility and access functions. May include transit user provisions, shall incorporate non-motorized users.

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

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

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

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building, which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Substantial Improvement. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to there pair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Temporary Storage Container. Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

Temporary Structure. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

Deleted: Expressway. High volume, moderate to high speed highway. Extremely strong access controls. Access typically accommodated through interchanges or right in/right out streets. May allow directional median openings. May include specialized accommodation for multi-occupant or transit vehicles and parallel facilities adjacent to roadway for non-motorized users....¶

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Terminated Vista. A view through or along a street, open space, or other opening which is brought to a close by a building, structure, significant natural feature, park or similar public space or feature.

Textured Glass. A patterned glass which has a specific pattern or design impressed into one surface. It allows the passage of light, but varying levels of obscuration, depending on the depth and configuration of pattern.

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

Threshold elements. Porches, stoops, stairs, balconies, eaves, and cornices, loggias, arcades, chimneys, doors and windows, which are placed at or near the build-to line and interface between the main body of the building and the street.

Topping. Any pruning practice that results in removal of the foliage and limbs that leads to disfigurement or abnormal shape of a tree. Also known as rounding-over, heading-back, dehorning, capping, and hat racking.

Town Attorney. The attorney for the Town of Huntersville, duly retained by the Board of Commissioners of the Town of Huntersville.

Town Manager. The Town Manager of the Town of Huntersville.

Commented [JS26]: Consistent with Subdivision Ordinance

Traditional Neighborhood.

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A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well defined and detailed system of interconnected streets serves the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

1. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
2. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
3. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
4. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
5. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
6. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

Transitional Setback or Yard. That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

Transitional use. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Transit-Oriented Parking Lot. An area directly associated with a public transit system where motor vehicles may be stored for the purposes of temporary or daily off-street parking.

Transmittance. Percentage of normally incident visible light passing directly through the glazing.

Tree save area. Area to be preserved which equals the drip line of tree(s) plus an additional 5 feet around the entire perimeter of area.

Tree survey. A description, for the purposes of identification, of the existing trees, under story vegetation, and topographical features on a site prior to development and site design.

Turbine Blade Clearance. The distance measured from the grade at the center of the tower to the lowest point of the turbine rotor or tip of the turbine blade when it reaches its lowest elevation.

Turkey Shoot. A place or event at which contestants discharge shotguns in competition for prizes.

Uniformity ratio. The ratio of average illumination to minimum illumination.

University, college and junior college. A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

Used asphalt. Used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous material.

Vested right. The right to undertake and complete the development and use of the property under the terms and conditions of a development approval, including any amendments thereto, as specified in G.S. 160D-108(c) or under common law.

Deleted: right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved site plan.

Vocational School. A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

Warehousing. The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wastewater Treatment Facility. A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Wind Energy Facility, Major. Wind farm that is not a minor wind energy facility.

Wind Energy Facility, Minor. A facility for the production of electrical energy in which all of the following are met:

4. Is located on the power beneficiary's premises; and
5. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; and
6. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

Wind Farm. See Wind Energy Facility, Major.

Wind Power. The conversion of wind energy into another form of energy.

Wind Turbine, or Windmill. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower and pad transformer.

Wind Turbine Height. The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Wholesale Establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Working Day. Any day on which the offices of the Town of Huntersville are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Board.

Yard, rear, required. When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, rear, established. The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, side, required. When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the required rear yard.

Yard, side, established. The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the established rear yard.

Yard Trash. Solid waste consisting of vegetative material resulting from landscaping and yard maintenance, such as brush, grass, tree limbs and similar material.

Zero lot line. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a sideyard house.

Zoning Administrator. The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations.

12.2.2 Sign Definitions

For the regulation of signs according to this ordinance, the following words and phrases shall be defined as specified below.

Amortization. A provision requiring nonconforming signs to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

Awning. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

Building Wall. The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.

Canopy. A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Changeable Copy. Copy that is or can be changed in the field, either manually or through mechanical means; e.g., reader boards with changeable letters.

Commercial Message. A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

Copy. Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

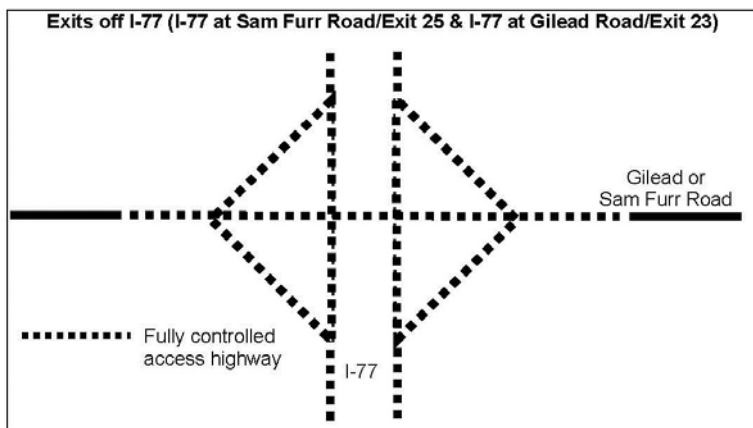
Farm Product Sales. Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

ARTICLE 12

SIGN DEFINITIONS

Flag. A piece of durable fabric no greater than 16 square feet in area, on which is displayed the emblem of any nation, state, city, or any fraternal, religious, or civic organization, and used as a symbol. A flag that meets the criteria of a sign shall mean a piece of durable fabric no greater than 24 feet in height and 20 square feet in area, and no more than one (1) per lot, on which is displayed the logo of a corporation, election or campaign (subject to section 10.10.9), association, or other entity.

Fully Controlled Access Highway. Interstate I-77, off ramps and areas adjacent to them that are located within the length of the control access fence.



Grade. The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

Illumination, external. A sign with external lighting fixtures that project light on the sign from above.

Illumination, internal. A sign illuminated by a light source, either incandescent, fluorescent, neon or other light that is enclosed by the sign panel(s) or within the sign (ex. LED, LCD, digital, etc).

Linear Frontage. The length of a property abutting a public right-of-way from one side lot line to another.

Logo. a business trademark or symbol.

Nit. A unit measure of brightness equal to one candela per square meter, measured perpendicular to the rays of the source. One (1) foot candle (measure of brightness equal to one lumen per square foot) is approximately equal to 10.76 nits.

Out parcel. A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to, banks, savings and loans, dry cleaners, service stations, offices, restaurants, retail establishments, or combination of uses thereof, and adjoins the shopping center or multi-tenant development, or the parking and service drives associated with it, on any side adjacent to a public right-of-way.

Parapet. A low wall encircling the perimeter of a flat building roof, generally used to screen roof-mounted mechanical equipment.

Planned Development. A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

Premises. A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to

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applicable zoning. Out parcels of shopping centers shall be considered on the premises of the shopping center for the purpose of this ordinance.

Roof Line. The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

Self-luminous sign. A sign that has the property of emitting light. This includes LED (light emitting diode) signs, LCD (liquid crystal display) signs, and other signs that display electronic images, with or without textual information. Due to the ability to change the message on these signs, they will be classified as changeable copy.

Sight Distance Triangle. The triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection.

Sign. Any object, devise, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious, or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Structure or Support. Any structure that supports or is capable of supporting a sign.

Sign Types. The following are types of signs included in this ordinance.

Banner. A sign intended to be hung, with message or symbol applied to plastic or fabric of any kind.

Bulletin Board. A sign used to announce meetings or programs to beheld on the premises of a religious institution, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

Sign Types (continued).

Business Sign. A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered upon the premises where the sign is displayed; but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Campaign or Election Sign. A sign that advertises a candidate or issue to be voted upon on a definite election day.

Canopy and Awning Signs. A sign attached to or painted or printed onto a canopy or awning. The permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Construction Sign. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Detached Sign. Any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted sign, or monument sign.

Directional or Instructional Sign. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Directory Sign. A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or arcades, office complexes, schools, religious institutions, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.

Flashing Sign. A sign that uses an intermittent or flashing light source to attract attention.

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Ground Mounted Sign. A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.

Government Sign. Any temporary or permanent sign erected and maintained for any governmental purposes.

Holiday decoration. Temporary seasonal ornamentation, in the nature of decorations, clearly incidental to and customarily associated with federal, state, local, or religious holidays and which contain no commercial message.

Identification Sign. A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

Incidental Sign. A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive-through-window menu boards; signs on automatic teller machines, gas pumps, or vending machines; or newspaper delivery boxes.

Memorial Sign or Plaque. A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface. Monument Sign. A monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

Nonconforming Sign. Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.

Off-Premises Sign. A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

Sign Types (continued).

On-Premises Sign. A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

Outdoor Advertising Sign. A type of sign, generally, but not always, consisting of a rigidly assembled sign, display, or devise, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

Planned Development Sign. a sign used in conjunction with an approved planned residential, office, business, industrial, or mixed-use development.

Portable or Movable Sign. A sign that is not permanently attached to the ground, a structure, or a building, and which can easily be moved from one location or another. For example, a sign on wheels.

Projecting Sign. A sign which is affixed to a building and supported only by the wall on which it is mounted; considered a wall sign for purposes of this ordinance.

Public Interest Sign. A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Real Estate Sign. A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Primary Sign. The main or principal sign located on the premises.

Roof Sign. A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Secondary Business Identification Sign. An auxiliary wall sign, the purpose of which is to identify a business which is housed in the same structure as the principal business, but which is clearly subordinate to, and has separate ownership, management, and operation from, the principal business which occupies the building.

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Secondary Sign. A sign used in addition to a primary sign on a premises.

Sidewalk Sign. Sidewalk signs are double-sided, portable signs that are not secured to the ground, used as a temporary marketing tool for attracting passersby to a commercial establishment.

Temporary Sign. A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.

Temporary Planned Development Sign. A sign that pertains to the development of a new commercial, residential, or mixed-use development while it is under construction.

Vehicular sign. Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Wall Sign. Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls shall be considered wall signs.

Window Sign. Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building

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12.2.3 Watershed Definitions

Water Supply Watershed Protection. Regulations embodied in the Mountain Island Lake and Lake Norman Watershed Overlay Districts pursuant to G.S. 143-214.5. For purposes of the watershed regulations, the following special definitions apply:

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

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

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

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

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

Built-upon Area (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area. The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area of the Mountain Island Lake Watershed Protection Area is divided into four sub areas as defined in Section 3.3.3. The Lake Norman Watershed within the Huntersville jurisdiction consists of a single critical area.

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Density Averaging Certificate: Approval for density averaging granted by the Board of Adjustment acting as the Watershed Review Board at a Board of Adjustment meeting after it is proven by the applicant that the request meets all the requirements of Section 3.3.2-A: h) or 3.3.3-A: i) of the Huntersville Zoning Ordinance.

Discharge. The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

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

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

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

Existing Lot (of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Hazardous Material. Any substance listed as such in: ~~EPCRA, section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or 33 U.S.C. 1321~~ of CWA (oil and hazardous substances).

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Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- .1 wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- .2 wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
- .3 storm water will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or
- .4 wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

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

Nonresidential Development. All development other than residential development, agriculture and silviculture.

Normal Pool Elevation. The Mountain Island Lake normal pool elevation which is at contour interval 648 feet above the Mean Sea Level, as determined by United States Geological Survey (U.S.G.S.) Datum. The Lake Norman normal pool elevation, which is at contour interval 760 feet above the Mean Sea Level, as determined by United States Geological Survey (U.S.G.S.) Datum.

Paired-parcel averaged-density development: A development proposal that includes a parcel pair meeting the standards of Huntersville Zoning Ordinance and that qualifies for local development approval under the density-averaging provision of ~~N.C.G.S. 143-214.5~~.

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Parcel pair: Two noncontiguous parcels of land under the same or separate ownership, or two contiguous parcels of land under separate ownership, the development plans for which have been submitted in tandem so as to qualify for a density averaging certificate.

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

Protected Area. The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area. The Mountain Island Lake Protected Area is divided into three sub areas as defined in Section 3.3.3. Within Huntersville's jurisdiction the regulated watershed of Lake Norman is classified, in its entirety, as Critical Area.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type (including both residential and non-residential multiple building sites and multi-site projects even if there is no division of the underlying land into separate parcels for recordation with the Register of Deeds) and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

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

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more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this ordinance or the Subdivision Ordinance of the Town of Huntersville.

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- .10 Transfers of tracts or parcels by inheritance or bonafide gift.
- .11 Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever occurs first.

Total Pollutant Load Per Facility. The sum of the Total Pollutant Loads per Parameter discharged to a water body (typically expressed in pounds per day).

Total Pollutant Load Per Parameter. The total mass of an individual water quality pollutant discharged to a water body (typically expressed in pounds per day).

Vegetative conveyance: A permanent, designed waterway lined with vegetation that is used to convey stormwater runoff at a non-erosive velocity within or away from a developed area.

Watershed. The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

Watershed Administrator. The individual appointed and duly sworn by the Board of Commissioners of the Town of Huntersville to administer and enforce the provisions of this section as follows:

- .1 The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits according to the provisions of this section. A record of all permits issued shall be kept on file in the office of the Watershed Administrator.
- .2 The Watershed Administrator or designee shall serve as staff to the Board of Adjustment when it is serving in its capacity as the Watershed Review Board.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

ARTICLE 14: TRAFFIC IMPACT ANALYSIS**14.1 Overview**

To lessen congestion in the streets and to facilitate the efficient and adequate provision of transportation and other public services pursuant to N.C.G.S. § 160D-701, proposed development plans shall be subject to a determination of the sufficiency of infrastructure as defined by predetermined levels of service in accordance with this Article.

When a Traffic Impact Analysis (TIA) is required to determine the sufficiency of infrastructure pursuant to Section 14.2, the TIA will be prepared by a qualified traffic engineering consultant retained by the applicant or petitioner and reviewed and approved by the Town.

Infrastructure shall be considered sufficient where it is demonstrated to have available capacity to accommodate the demand generated by the proposed development, as well as other approved developments and the Comprehensive Transportation Plan.

Pursuant to subsection 14.4.2, when infrastructure is determined to have insufficient capacity to accommodate the demand generated by the proposed development, the applicant or petitioner may propose to mitigate the impact of the development by constructing, or providing sufficient funding for the construction of, infrastructure or facilities necessary to provide sufficient capacity to accommodate the development. The commitment to construct or fund the construction of infrastructure or facilities shall be included as a condition of development.

Deleted: A Traffic Impact Analysis is utilized by the Town to evaluate the incremental impact of a development on the surrounding transportation system. A TIA required by this Article will be prepared by a qualified traffic engineering consultant retained by the Applicant and reviewed and approved by the Town. The adequacy of service levels for local and state road intersections that serve or are affected by a proposed project shall be determined in accordance with the provisions of this Article. ...

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14.2 Applicability**14.2.1 Generally.**

- a) A TIA is required for any development or portion thereof, which is expected to create one hundred (100) or more peak hour vehicle trips or one thousand (1,000) or more daily vehicle trips except as provided in subsections (c) through (f) below or when road improvements are excluded by North Carolina State Law. Daily trips are those occurring on peak days on the roadway adjacent to the proposed development, based on the current edition of the ITE (Institute of Transportation Engineers) Trip Generation Manual, with the exception of public and private schools which will be based on the NCDOT's most recent MSTC School Traffic Calculator. Alternative trip generation rates/equations for non-standard uses may be utilized subject to Town Engineering staff approval.
- b) The determination of the number of trips generated also shall take into account pass-by trips, internal trip capture for integrated mixed-use projects (e.g., roadway and/or pedestrian connectivity) and any proposed transportation demand management system where adequate warranties are provided by the applicant to the Town, which ensure the proposed demand management system will function as proposed for the life of the project. In addition, if the proposed development is designed and integrated with an adjacent mixed-use project, a credit for trips may be permitted.
- c) For redevelopment projects, including changes of use, trip generation thresholds shall be defined as the number of net new trips anticipated to be generated by the proposed development over and above the number of trips generated by the current use of the site.
- d) Where a development is expected to generate less than one hundred (100) peak hour trips, but is anticipated to adversely impact intersections within the Town, a TIA may be required as determined by the Town Engineer.
- e) No TIA shall be required for special events, which either are temporary in nature, consistent with the Town Zoning Ordinance, or which generate trips that meet or exceed the thresholds set forth in (a), but which do not occur during the peak hours of the roadways adjacent to the proposed development.

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- f) A “Determination of Need” for a TIA shall be made by the Town in accordance with the trip generation standards set forth in subsection 14.2.1. (See the *Town of Huntersville TIA Process and Procedures Manual* for additional information.).
- g) Nothing herein shall prohibit the Town from ~~determining the sufficiency of infrastructure as defined by the predetermined levels of service in accordance with this Article~~, regardless of whether the thresholds set forth above ~~for requiring a TIA~~ have been met.
- h) The provisions of this Article shall not be interpreted or deemed to affect any rights that have vested prior to the effective date of this Article, nor shall any provision of this Article be applied to a specific property or applicant in a manner that would result in a taking of property.
- i) The provisions of this Article shall not apply to any development proposal that was part of a conditional zoning plan or subdivision plan submitted prior to the effective date of this Article.

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14.2.2 Consecutive or Sequential Applications.

Proposed developments may not be phased or subdivided in piecemeal fashion to avoid application of this Article. Two or more developments represented to be separate developments shall be aggregated and treated as a single development under this Article if the Administrator determines them to be part of a unified plan of development and physically proximate to one another, based on the following factors:

- a) There is unified ownership, indicated by the fact that:
 - 1) The same person has retained or shared control of the developments;
 - 2) The same person has ownership or a significant legal or equitable interest in the developments; or
 - 3) There is common management of the developments controlling the form of physical development or disposition of parcels of the development.
- b) There is a reasonable closeness in time between the completion of eighty (80) percent or less of one development and the submission to the Town of a development proposal for a subsequent development that is indicative of a common development effort.
- c) The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments.
- d) There is a common advertising scheme or promotional plan in effect for the developments.
- e) Any information provided by the applicant that the project is not being phased or subdivided to avoid the requirements of this Article.

14.2.3 TIA Submission and Completion Requirement

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA study, in accordance with the terms of the most recent version of the *Town of Huntersville TIA Process and Procedures Manual*, as approved by the Town Engineer and all applicable Zoning Ordinance and Subdivision Ordinance requirements. The draft TIA shall be submitted to Town staff 30 days prior to either the Town Board Public Hearing (for rezoning cases) or the Planning Board Meeting (subdivisions). Resubmittals of TIAs are to be received a minimum of 20 business days prior to the scheduled Town Board final action. The final sealed TIA shall be completed and accepted by Town staff prior to final action by the Town Board or permit issuing authority.

14.3 Impact Study Area

The impact study area designates the intersections for a TIA study where potential increases in traffic from the development may ~~cause degradation of levels of service~~. Where traffic from the proposed development is anticipated to increase a signalized or major unsignalized intersection single approach by 30 vehicles in a peak hour or ~~increase~~ the total of all approaches by 50 vehicles in a peak hour, ~~the intersection shall be~~

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studied in the TIA. Should an intersection be considered at its ultimate buildout laneage or configuration or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) prior to final action taken by the Town Board, the Town Engineer may waive the requirement to include the intersection for study in the TIA.

14.4 Intersection Capacity Utilization Percentage Standards; Mitigation; Compliance; Excess Capacity

14.4.1 Intersection Capacity Utilization Percentage Standards

The following Intersection Capacity Utilization (ICU) percentage standards, measured using the most recent methodology, shall be used when determining the adequacy of intersections within the applicable impact area:

Zoning District	Adopted ICU Percentage*
Rural and TR Districts	73.0 (LOS C)
Town Center and TOD	91.0 (LOS E)
All other Districts	82.0 (LOS D)

**ICU percentage relates to the relative capacity of an intersection to accommodate vehicular traffic where a value of 100 percent means that the intersection is at capacity and likely experiences congestion periods of 60 minutes.*

Where an intersection is located within more than one zoning district, the less restrictive ICU percentage shall apply to the entire intersection for purposes of complying with this Article.

14.4.2 Mitigation

Infrastructure shall be considered sufficient if the ICU percentage is at or below those established in Section 14.4.1 or when, as a result of proposed development, an increase in the ICU percentage is three (3) percent or less.

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Where an ICU percentage is above those established in Section 14.4.1 or, as a result of proposed development, becomes greater than the adopted standard AND has increased by more than 3 percent; a development application may be approved if the applicant proposes measures that fully mitigate the transportation impacts of the proposed development.

Proposed mitigation shall fully reduce the ICU percentage of the impacted intersection to either the adopted standard in Section 14.4.1 or to within 3 percent of the no-build ICU percentage.

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Proposed mitigation measures required to meet the ICU percentage standards of Article 14.4.1 may be modified, subject to Town Board approval, in order to substantially achieve the intent of this ordinance with input provided by the Town Engineer.

A modification to the proposed mitigation, which may be considered by the Town Board as meeting the intent of the ordinance, is where proposed mitigation at an impacted intersection provides measurable and beneficial surplus capacity (above and beyond that required to meet the minimum requirements) such that the surplus capacity may be counted toward credit in the mitigation of other impacted intersections. The method of measurement considered in determining the acceptability of such modifications will be the net effect on the cumulative ICU percentage totals.

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Proposed mitigation may also include the provision of funding for transportation improvements on planned or funded Town or NCDOT projects previously adopted such that the improvements can be advanced to mitigate the impacts of the proposed development. This funding mitigation may be accepted by the Town Board only where it is shown that such mitigation is a reasonable substitute for actual construction based on the ICU percentage totals and anticipated construction schedules of the projects. Proposed mitigation shall be included as a condition of approval.

Transportation improvements provided through mitigation, pursuant to this Article, shall be completed and available within three (3) years of the approval of the development proposal, unless expressly provided otherwise by the Town Board or other applicable Town permitting authority. Any improvements not completed prior to the issuance of a Certificate of Occupancy, shall be secured by a performance guarantee at 115 percent of the cost of the remaining required improvement(s), as reviewed and approved by the Town Engineer. All necessary right-of-way for the required transportation improvements shall be acquired prior to the issuance of a Certificate of Occupancy.

Mitigation measures shall be consistent with the Standards found within the Town of Huntersville TIA Process and Procedures Manual and the Town Engineering Standards and Procedures Manual.

14.4.3 Compliance

- a) If the ICU percentage for an impacted intersection is greater than the adopted ICU percentage identified in Section 14.4.1 or, as a result of the proposed development, is anticipated to be greater than the adopted ICU percentage in Section 14.4.1, no application or petition subject to the requirements of this Article shall be approved unless the applicant or petitioner proposes sufficient mitigation of the impact of the proposed development. This determination shall be based on methodology identified in section 14.4.2
- b) In the alternative to mitigation, the developer may elect to phase the project, reduce its intensity, or delay the project until the ICU percentage standards have been met as a result of a constructed transportation improvement by the Town, NCDOT or other party.

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14.5 Contents of TIA

14.5.1 General.

TIA's shall generally follow the guidelines set forth by the ITE's publication entitled *Transportation Impact Analysis for Site Development* and be consistent with the *Town of Huntersville TIA Process and Procedures Manual*, or guidelines as required by the Town Engineer, and may include, but are not limited to, the following:

- a) traffic analysis information related to trip generation, peak hour impacts, and other factors evaluated to determine compliance with applicable ICU percentage standards for intersections within the impact area;
- b) site location map and site layout;
- c) exiting and proposed land uses;
- d) timing and phasing of the proposed development, by month and/or year;
- e) a narrative describing the project, including any special transportation-related impacts or considerations; and
- f) other information determined by the Town's Traffic Engineer to be necessary in order to determine whether the proposed project complies with the requirements of this Article and the requirements of the ITE guidelines for the preparation of transportation impact analysis for site development.

14.5.2 Demand Measures. TIAs shall take into account the following demand factors:

- a) Existing traffic volumes;
- b) Background traffic, including, historical growth traffic and projected trips associated with approved, but unbuilt development(s); and
- c) The trips to be generated by the proposed development.

14.5.3 Capacity Measures. TIAs shall take into account the following existing or anticipated capacity measures:

- a) Existing road segments and intersections;
- b) Roadway and intersection improvements funded by the Town in the current year Capital Improvement Plan, NCDOT, or other party, scheduled to be completed and available within three (3) years of the approval of the development proposal, or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) and which either have or are reasonably certain to have all necessary governmental approvals and funding such that these timeframes can be met.

14.5.4 Description.

TIA's shall describe what, if any, transportation facility improvements within the impact area are needed in order for the proposed development to comply with Section 14.4 of this Article. A TIA that does not identify the transportation facility improvements within the impact area to comply with Section 14.4 will be returned to the applicant or petitioner as incomplete.

14.6 Intergovernmental Coordination

While the Town coordinates with NCDOT and other appropriate governmental agencies on development proposals, it is the responsibility of the applicant or petitioner to contact NCDOT to discuss access and traffic impact issues on state roads.

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14.7 Appeals and Variances

An applicant may seek a variance from the terms of this Article or appeal a determination by the ~~Zoning~~ Administrator or other ~~administrative~~ official, made pursuant to the terms of this Article, to the ~~Board of Adjustment~~, as provided in Article 11.3 of the Zoning Ordinance.

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Subdivision Ordinance

Adopted November 19, 1996
As Amended Through **March 04, 2019**

Commented [ES1]: Update when approved

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		Commented [JS2]: 1.600 Cluster Development removed as that type of development is no longer an option. 1.700 renumbered to 1.600.

SECTION 1.

1.000 PURPOSE AND APPLICABILITY

1.100 SHORT TITLE

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

1.200 PURPOSE

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

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1.300 JURISDICTION

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

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Commented [JS4]: Cluster development removed as this subsection is no longer relevant

Deleted: 1.600 MODIFICATION OF CERTAIN STANDARDS FOR CLUSTER DEVELOPMENTS¶

Appendix A of these regulations did set forth special development standards for Cluster Developments. All cluster developments submitted for review and approval by the Huntersville Board of Commissioners after July 11, 1995, the effective date of this amendment, and prior to November 19, 1996, date of removal of ¶

Appendix A from these regulations, shall meet the development standards of Appendix A. At the option of the developer, cluster developments submitted prior to the effective date of this amendment may be reviewed and approved, and further revised and modified, based upon the development standards applicable to the project at the time of submission.¶

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Commented [ES5]: All of the definitions in this section should align with the zoning ordinance, as well as 160D-102.

We will likely continue to have to update this Section, as well as the definition of the Zoning Ordinance containing definitions (Article 12) until all updates are complete to ensure that we have captured all updated definitions as edits progress.

1.400 SEPARABILITY

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

1.500 COMPLIANCE WITH ORDINANCE

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

1.600 EFFECTIVE DATE

This ordinance shall become effective November 1, 1989.

2.000 DEFINITIONS AND RULES OF CONSTRUCTION

2.100 DEFINITIONS

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

Alley.

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

Administrative Decision.

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

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Appeal.

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

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Board of Adjustment.

The Zoning Board of Adjustment of the Town of Huntersville.

Build-to line.

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

Commented [JS6]: Consistent with zoning ordinance definition

Building Setback Line.

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

Deleted: Building face.¶

The dominant structural plane of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is considered to be the two-story elevation of such structure.... ¶

Conservation Easement.

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

Deleted: . ¶

Consulting Engineer.

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

Deleted: Cluster Development.¶

A tract of land planned and developed as an integral unit in a single development operation or a definitely programmed... series of series of development operations, and in accordance with an approved site plan. The development on the tract is limited by overall density or intensity. The site-specific vesting plan for a cluster development requires review and approval by the Town Board.¶

Corner Lot.

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

Deleted: series of development operations, and in accordance approved site plan. The development on the tract is limited by overall density or intensity. The site-specific vesting plan for a cluster development requires review and approval by the Town Board.¶

Designated Administrative Agent (also Designee).

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

Easement.

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

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Expedited Subdivision Review.

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

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

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

Land Development Standards Manual.

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

Lot.

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

Lot Front.

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

Open Space.

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

Planning Board.

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

Plat

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

Streets (by classification).

Freeway

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

[Boulevards](#) high volume, moderate speed roadway. Includes median and may incorporate interchanges as appropriate. Access strongly controlled, typically provided at street intersections

Deleted: *Land Clearing and Inert Debris (LCID) Landfill.*¶

A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina....

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Deleted: and controls the technical standards for construction of public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever, in this ordinance, reference is made to "standards" or "manual" it refers to the most recent edition of the "Town of Huntersville Engineering Standards and Procedures Manual"....

Deleted: Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. In the Farmhouse Cluster, open space may also include deed-restricted portions of private building lots. Urban Open Space assumes one or more of the forms detailed in Article 7 of the Huntersville Zoning Ordinance, and may contain recreation equipment and amenities as indicated. Natural, Recreational and Agricultural Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance will be construed, in whole or in part, to be Recreational open space as permitted in Article 7 of the Huntersville Zoning Ordinance.

Commented [JS11]: Matches with Open Space definition in Zoning Ordinance

Deleted: *Planning Area.*¶

The land located within the boundaries of the most recently adopted Huntersville Land Development Plan, and consistent generally with the town's annexation sphere of influence...¶

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Commented [JG13]: Definition from 160D.

Deleted: *Reverse Frontage.*¶

¶ The configuration of lots or a development site so that vehicular access to the lots or development site does not involve individual driveway connections to the street to which access is restricted, but rather is from another means such as a public or private street or easement which either intersects or runs parallel to the street to which access is restricted. Reverse frontage does not relate to any particular orientation of a structure to the street....

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Commented [JS15]: Definitions changed to match Zoning Ordinance and Comprehensive Transportation Plan

Deleted: or *Expressway (Class I).*

Deleted: A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large volumes at high speeds. Such a facility may be part of the interstate, federal, or state primary highway system. A Class I road will be built to or approaching interstate design standards.¶

Deleted: *Limited Access Arterial (Class II).*

and may be directional in nature (i.e. not full movement.) Shall incorporate provisions for transit, bicycle, and pedestrian users depending on context.

Other Major Thoroughfares.

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

Usually two-lane roadways with low to moderate speeds depending on context. Balance of mobility and access functions. May include transit user provisions, shall incorporate non-motorized users.

Collector.

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

Local.

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

Cul-de-sac.

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

Marginal Access Street.

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

Town Streets.

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

Street, Private.

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

Street Right-of-Way.

Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the Town of Huntersville or Mecklenburg County, if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which has

Deleted: A multi-lane limited access major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speed. Intersections are at grade, with access only at cross streets, rather than at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road. ...

Deleted: Major Arterial (Class III).

Deleted: A multi-lane major roadway connecting Class I, II, or III streets with lesser streets in the network. The Class III road may also provide connections between this and other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses. ¶

Commercial Arterial (Class III-C).¶

A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network, the Class III-C road may also connect this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing direct access to nonresidential high trip generating land uses. A Class III-C road may be part of state primary or secondary highway systems.¶

Deleted: Arterial (Class IV).

Deleted: A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system. It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this region to other regions. Therefore, it usually only handles trips for short to moderate distances.¶

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Deleted: . The Collector Street is characteristic of conventional subdivisions approved prior to November 19, 1996, the effective date of this amendment. Its function is replaced by one or a combination of the Town Street types defined in Article 5, Huntersville Zoning Ordinance.¶

Deleted: The Local Street is characteristic of conventional subdivisions approved prior to November 19, 1996. It is replaced by one or more of the Town Street types defined in Article 5, Huntersville Zoning Ordinance. ¶

Deleted: The street types defined in Article 5 of the Huntersville Zoning Ordinance, intended to serve developments submitted and approved after November 19, 1996, the effective date of this amendment.¶

Commented [JS16]: Consistent with Zoning Ordinance

Deleted: Highway Commercial Zoning District where existing development or limited access arterial prohibits extension and connection of the public street network; not dedicated to or maintained by the public. ¶

been approved or is subsequently approved by the Town of Huntersville, or has otherwise been established as a public street prior to the adoption of this ordinance.

Subdivision

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

Commented [JG17]: 160D-102 (31) Subdivision. - The division of land for the purpose of sale or development as specified in G.S. 160D-802.

Commented [ES18R17]: Noted areas where our ordinance differs

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

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Commented [ES19]: Statute says 10; 160D-802(a)(2)

Commented [JS20R19]: Huntersville set at 5 acres

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Subdivision, Conservation

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

Deleted: A subdivision not otherwise exempt from the provisions of this ordinance where no new public streets are to be created and the tract to be subdivided is 40 acres or more, subdivided into single family building lots at a gross density not exceeding 1 dwelling unit per 20 acres, and subject to the restrictions of an irrevocable conservation easement held by a conservation organization authorized by N.C.G.S 121-35(1) . . .

Commented [JS23]: Consistent with Zoning Ordinance

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Subdivision, Limited.

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

Subdivision, Major.

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

1. The creation of any new public street or street right-of-way, or improvements to an existing street.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. The extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

Subdivision, Minor.

A subdivision that is not otherwise exempt from the provisions of this ordinance and that does not involve any of the following:

1. The creation of any new public street or street right-of-way, or improvements to an existing street.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. The extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

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For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision and require Town Board approval.

Thoroughfare.

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

Deleted: Any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, III-c, or IV.

Commented [JS24]: Consistent with Zoning Ordinance

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

Through Lot.

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

Commented [JS25]: Consistent with Zoning Ordinance

Deleted: with frontage on two streets.

Town Board.

The Board of Commissioners of the Town of Huntersville

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Town Manager.

The Town Manager of the Town of Huntersville.

Variance.

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

2.200 RULES OF CONSTRUCTION

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

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

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3.000 DECISION MAKING AND ADMINISTRATIVE BODIES

3.100 PLANNING STAFF

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

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

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

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Commented [ES26]: Since we are referencing minor revisions, we should define minor revisions rather than the converse. Or at least define both.

Commented [JS27]: Town Board indicated staff should approve street shifts internal to a development provided they do not affect access to adjacent properties: January 28, 2021 Retreat. This was in reference to Bryton single-family amendment where streets shifted and density was reduced.

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Commented [JS28]: While Statute 160D-703(b) mentions minor changes do not include modifications to "density of overall development", it is a common practice as engineering plans are prepared that lot counts are reduced. Staff supports keeping a reduction in lots defined as a minor change because the impact will be less than what was approved. We believe reducing the impact of development is in keeping with the statute.

3.200 PLANNING BOARD

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

1. To hear and make advisory recommendations on proposed amendments to the text of these regulations; to propose, as needed, amendments to change the text of these regulations.
2. To review and make recommendation on sketch plans for major subdivisions (unless otherwise provided) and major changes to approved sketch or preliminary plans for major subdivisions in accordance with the regulations set forth by the zoning and subdivision ordinances. 3. To hear, recommend and comment on requests for variances from the standards of this ordinance in accordance with the provisions of Section 4.000.
4. To hear and make recommendation on appeals from the interpretation of any provisions of this ordinance by the Town Staff or Designated Administrative Agent. The Planning Board may recommend reversal or modification of any action under appeal upon finding an error in the application of these regulations.

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

3.300 TOWN BOARD OR DESIGNATED ADMINISTRATIVE AGENT

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

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

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

3.400 PLANNING STAFF ADDITIONAL POWERS.

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

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

4.000 APPEALS AND VARIANCES

4.100 AUTHORITY

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

4.200 INITIATION

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

4.210 FILING OF NOTICE OF APPEAL

The owner or other party has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. A notice of appeal, in the form prescribed by the Planning Director, must be filed with the Planning Staff, accompanied by a nonrefundable filing fee as established by the Huntersville Board of Commissioners. The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

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Commented [ES29]: 160D-406(j) requires quasi-judicial decisions. Applies to each quasi-judicial decision, including variances, appeals, AND quasi-judicial subdivision decision.

160D-406(j) Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective.

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Deleted: A petition for an appeal of an administrative interpretation or decision may be initiated by any person aggrieved or by any officer or department of the Town of Huntersville. ...

Commented [JG30]: Language from 160D-405(d)

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4.220 STANDARDS FOR GRANTING AN APPEAL

The Planning Board may ~~recommend~~ and the Town Board may decide to reverse or modify the decision or interpretation under appeal upon finding an error in the application of these regulations on the part of the ~~administrative official~~ rendering the decision or interpretation.

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4.300 FILING OF VARIANCE PETITION

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

4.400 STANDARDS FOR GRANTING A VARIANCE

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

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

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4.500 PLANNING BOARD REVIEW

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

Deleted: 1. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and ¶
2. (a) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or ¶
(b) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or ¶
(c) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or ¶
(d) The granting of a variance would permit the preservation of an historic structure or site, or a significant natural feature.¶

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4.600 ACTION BY TOWN BOARD

The Town Board of Adjustment may approve or deny the variance application, or approve with conditions relating to the intent and standards of the ordinance. ~~The board shall follow all procedures as specified in G.S. 160D-406 and G.S. 160D-705. The findings of fact used by the board to reach its decision shall be recorded in the written decision.~~

4.700 REHEARING

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

4.800 EFFECT OF GRANT OF VARIANCE

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

5.000 AMENDMENTS

The Planning Staff may from time to time, and at the request of the Huntersville Town Board or Planning Board shall, prepare certain amendments to the text of the subdivision ordinance to correct errors, update or modify the requirements, or otherwise modify the operation of the ordinance in regulating the subdivision of land.

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

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

6.000 THE SUBDIVISION PROCESS

6.100 COMPLIANCE REQUIRED

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

6.200 GENERAL REQUIREMENTS

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

1. Consistency with adopted public plans and policies.

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

2. Conformity.

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

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Commented [ES34]: 160d-604(b). No provision that failure to act constitutes an affirmative recommendation.

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Commented [ES35]: 160D-803(d)

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3. Access Between Adjoining Properties.

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

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4. Relation to topography.

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

5. Mature trees and natural vegetation.

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

6. Access to parks, schools, etc.

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

7. Discourage through traffic.

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

8. Relationship to railroad rights-of-way.

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

9. Half streets.

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

10. Parallel streets along thoroughfares.

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

11. Public School and Public Park Sites.

The subdivider shall determine if the tract of land to be subdivided appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site by contacting the appropriate agency. The subdivider shall provide certification to the Planning Director or Designated Administrative Agent to indicate whether or not the area proposed to be subdivided includes any identified future public school or public park site. If no certification is provided, the Planning Director or Designee shall make the determination by contacting the appropriate agencies. If such site(s) are included in the area to be subdivided, the Planning Director or Designee will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not

Commented [ES37]: Technically, there is only specific statutory authority to reserve school sites. I am aware of the Batch v. Town of Chapel Hill case regarding planned road development, which also applies to planned utility lines. See 160D-804(a).

A broad interpretation of 160D-804(e) regarding the construction of community service facilities in accordance with local government plans may impliedly provide authority for additional reservations.

be approved without such reservation. ~~With regards to future school sites, the appropriate agency will have 18 months for future school sites and 12 months for future public park sites from the date of final approval of the subdivision or site plan to acquire the site by purchase, receipt of a dedication, or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above have commenced, the subdivider may consider the land free of any reservation.~~

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

12. Community Service Facilities.

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

13. Proposed street names

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

14. Easements.

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

15. Proposed water and sewerage system.

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

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

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Commented [ES38]: The required 18-month deadline is specific to reservation of school sites. We might want to use something shorter for reservations that are not specifically authorized by the statutes.

Commented [ES39]: 160D-804(f)

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Commented [JS42]: Alternative provided in 160D-804(d).

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proposed system serves one structure or more than one structure the developer must provide evidence prior to preliminary plan approval of the required discharge permit or a perk test for sewage disposal on each lot, whichever is applicable. Where lots are to be served by septic tank systems, the preliminary plan and the final plat shall clearly label any lots which do not perk and for which a building permit shall not be issued until alternate sewage disposal methods are available to such lots. Prior to final plat approval, evidence must be provided that both the sewage and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

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

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

Lots that are subject to flooding should not be established in subdivisions except as provided in Section 7.280.

17. ~~Reserved.~~

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

18. Open Space

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

19. Impact of Development on Public Facilities

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

6.300 SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS

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

- the boundary lines of the property being subdivided;
- water courses on the land to be subdivided;
- the location, names, and rights-of-way of any existing streets on or within 300 feet of the land to be subdivided;
- the location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;

Commented [ES43]: 160D-804(d):

The regulation may provide for the **dedication or reservation** of recreation areas serving residents of the **immediate neighborhood within the subdivision** or, alternatively, for **payment of funds to be used to acquire or develop recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area.** All funds received by cities pursuant to this subsection shall be used only for the **acquisition or development** of recreation, park, or open space sites. All funds received by counties pursuant to this subsection shall be used only for the acquisition of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this subsection shall be based on the **value of the development or subdivision for property tax purposes.** The regulation may allow a combination or partial payment of funds and partial dedication of land when the governing board determines that this combination is in the best interests of the citizens of the area to be served.

Durham has sample language we might be able to borrow from to a certain extent. However, we cannot charge impact fees (they may have local legislation allowing) so we wouldn't use that part of the language
<https://durham.municipal.codes/UDO/12.5.1>

Note: If not specifically included in the ordinance, then fees in lieu are not an option.

Commented [JS44R43]: Payment option added to 11 above

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Commented [ES45]: In looking back at Article 7, we should reword Article 7.8.2 (maintenance surety for trees) to require a "warranty period" similar to how I edited Section 8.4 below. See 160D-804.1(4), which is specific to subdivisions, but applies to zoning regulations pursuant to 160D-702(a):

160D-804.1

(4) Coverage. - The performance guarantee shall only be used for completion of the required improvements and **not for repairs or maintenance after completion.**

Per UNC-SOG (see section entitled Completion vs. Maintenance), warranties are ok.

<https://canons.sog.unc.edu/subdivision-performance-guarantees-legislative-changes/>

Note that the statutory references in the article have been replaced with the above 160D references.

Also note, there is a specific allowance for maintenance of stormwater facilities.

Commented [JS46R45]: Section 7.8.2 adjusted for warranty

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Commented [ES47]: Caution: 160D-701(replaced 160A-383) has been interpreted to link the requirement of adequate public facilities to land use regulation. However, per David Owns "[a]ssuming the local government has done appropriate planning and analysis to support the decision, it has the legal authority to **deny or delay development approvals that would overburden public facilities.** A local government cannot, however, use development regulations to **mandate payment of impact fees to address inadequate public facilities unless the particular fee invol...** [1]

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5. rough finished grades, the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings, and the location of any building restriction flood lines required by Section 7.280;
6. zoning information for the proposed project site;
7. proposed front, rear, and side yard dimensions for each building type along each street type;
8. for projects within a regulated watershed protection area, the location of required buffers and high density option detention, if applicable;
9. the location of general buffers or screens required for the project area, as a whole;
10. the scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
11. a small scale vicinity map.
12. information necessary to evaluate the proposed development site for compliance with the water quality standards of Section 8.17 of the Huntersville Zoning Ordinance and the Performance Criteria as detailed in Section 9 of the Huntersville Water Quality Design Manual. Further, the Site Evaluation Tool (SET) output shall be submitted for each proposed development site. Section 9 of the Huntersville Water Quality Design Manual contains detailed information concerning the submission requirements for SET.

13. ~~Traffic Impact Assessments; Physical Analysis~~

- (a) a Traffic Impact Assessment for certain subdivisions, as required by Article 14 of the Town Zoning Ordinance, which is hereby incorporated by this reference.
- (b) for developments of twenty (20) or more residential units or equivalent traffic generation a physical analysis (type of units expected, including number of bedrooms, projected values, size and timing of phases, etc.).

14. an "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features (Site Analysis) Plan analyzes each site's special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:

- (a) the location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);
- (b) the location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;
- (c) the location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;
- (d) a topographical map showing original contours at intervals of not less than four feet and existing tree lines;

2. The Existing Features (Site Analysis) Plan shall identify areas to be preserved as described in Section 7.12 of the Huntersville Zoning Ordinance. These areas comprise the development's proposed open space, the location of which shall be consistent with the locational design criteria listed in Section 7.12 of the Huntersville Zoning Ordinance. The Existing Features (Site Analysis) Plan shall form the basis

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An Adequate Public Facilities Application for certain subdivisions, as required under Article 13 of the Town Zoning Ordinance, which is hereby incorporated by this reference;...

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for the conceptual Sketch Plan, which shall show the tentative location of buildings, streets, lot lines and greenway lands in new subdivisions, according to the four-step design process described below.

3. Four-Step Process: **Within the Rural and Transitional zoning district**, each Sketch Plan shall follow a four-step design process as described below. When the conceptual Sketch Plan is submitted, applicants shall be prepared to demonstrate to the town that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.
 - (a) Designating the Open Space: During the first step all potential preservation areas are identified, using the Existing Features (Site Analysis) Plan. Areas to be designated should consist of wetlands, floodways, flood fringe, and significant trees as well as sensitive and noteworthy natural, scenic and cultural resources on the property.
 - (b) Location of House Sites: During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Section 7.13 of the Huntersville Zoning Ordinance, subdivision applicants shall identify tentative house sites on the conceptual Sketch Plan.
 - (c) Street and Lot Layout: The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings shall be strongly discouraged.
 - (d) Lot Lines: The fourth step is simply to draw in the lot lines where applicable.

6.310 SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS

A sketch plan shall not be required for a Minor Subdivision.

6.315 SKETCH PLAN NOT REQUIRED FOR CONSERVATION SUBDIVISIONS

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

1. Documents prepared by the property owner in association with an authorized conservation organization that have resulted in the grant of an irrevocable conservation easement will be accepted in lieu of the sketch plan requirements of the preceding Sections 6.300 and 6.310.
2. The submitted documents must show that the following conditions have been met:
 - (a) An irrevocable conservation easement held by a conservation organization has been recorded on the tract(s) to be subdivided; documentation of the easement includes a boundary description of the area subject to the conservation easement.
 - (b) Limits on location and extent of land disturbance and building construction have been set out in the conservation easement(s), which at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
 - (c) Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision ordinances.

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Commented [ES48]: See comment from Article 3 regarding adding a definition to the definition section for conservation easement:

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

Deleted: (as authorized in U.S.C. 170(h); 2055(a) and N.C.G.S. 124-34 et seq.) has been recorded on the tract(s) to be subdivided;

- (d) The proposed subdivision conforms to the minimum project size of 40 acres and the maximum gross density of one dwelling unit per 20 acres.
- (e) All parcels within the conservation subdivision have been provided with permanent access by way of public road frontage or a permanent 20-foot wide access easement that connects to a public right-of-way. Landlocked parcel(s) are not created.
- (f) Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted thoroughfare plan and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations has been made, either by the filing of a deed or the filing of a plat map.

6.316 SKETCH PLAN NOT REQUIRED FOR EXPEDITED SUBDIVISION REVIEW

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

6.320 REVIEW OF MAJOR SUBDIVISION SKETCH PLAN

1. Upon submission, the Planning Director and any Designated Administrative Agent shall have fifteen (15) working days to review and comment on the Sketch Plan. A technically deficient sketch plan shall be returned to the subdivider with comments once final adjustments are made by the applicant to address staff comments and minimum submission requirements are met, the sketch plan, shall be forwarded by the staff to the Planning Board to place on the Planning Board's agenda for their next scheduled meeting. Mailed notice about the request shall be sent to all owners of property within 250 feet of proposed subdivision prior to the Planning Board meeting. Prior to the Planning Board meeting, the subdivider must file with the Planning Department a written report of at least one community meeting held by the subdivider. The community meeting shall not be held on regularly scheduled Town Board and Planning Board meeting nights. Notice of such a meeting shall be given to all of the following using the parcel ownership information listed in the current Mecklenburg County tax records:

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

If, however, a sketch plan shows only minor revisions (see 3.100.11) to a sketch plan or is consistent with or shows minor changes to a conditional zoning district plan(s) approved by the Huntersville

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Board of Commissioners and remaining in effect on all of the property subject to the sketch plan submittal, then the Planning Director or staff under his direction is authorized to approve the sketch plan, approve with conditions, or deny the plan. Administrative decisions to deny approval of a sketch plan may be appealed to the Huntersville Board of Commissioners.

- .2 Town staff shall prepare a written report setting forth the proposed findings concerning the application's compliance with applicable regulations. If the staff report proposes a finding or conclusion that the application fails to comply with applicable regulations, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- .3 Sketch Plan documents shall be submitted in accordance with published review schedules in order to be placed on the applicable Planning Board or Town Board agenda
4. The Planning Board shall have forty-five (45) consecutive days from their first meeting to review and make a recommendation to the Town Board on the Sketch Plan. However, the developer may request one additional regular Planning Board meeting to address any issues raised, subject to approval by the Planning Board. The Planning Board shall report to the Board of Commissioners whether it concurs in whole or in part with the staff's proposed findings, and to the extent there are differences the Planning Board shall propose its own recommendations and the reasons therefore. In response to the Planning Board's recommendations, the applicant may modify his application prior to submission to the Town Board, and the staff may likewise revise its recommendations.
5. A Sketch Plan subdivision hearing will be conducted as a quasi-judicial hearing before the Town Board. The applicant has the burden of producing competent, material, and substantial evidence establishing that the proposed subdivision will comply with all of the applicable standards which apply. The burden of producing competent, material, and substantial evidence establishing the proposed subdivision should be denied for any of the reasons set forth in these regulations rests on the party or parties urging that the requested Sketch Plan should be denied. In considering whether to approve an application for a subdivision Sketch Plan, the Town Board shall proceed according to the following format:
 - (a) the Board shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the Board that the application is complete;
 - (b) the Board shall consider whether the application complies with all of the applicable requirements. Separate votes may be taken with respect to each requirement not met by the application. If the Town Board concludes that all applicable requirements are met, it shall approve the Sketch Plan. If the Board concludes that the application fails to comply with one (1) or more of the applicable requirements, it shall adopt a motion to deny the application for one (1) or more of the reasons set forth within this ordinance. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

6.400 PRELIMINARY PLAN REQUIREMENTS

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

1. The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad line, water courses, easements or other significant features of the tract.

Commented [ES49]: See above comments regarding quasi-judicial decisions and Planning Board involvement.

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2. The location, size, elevations of existing sanitary sewers, storm drains, and culverts within the tract and immediately adjacent thereto.
3. Original contours, including tree lines, shown at intervals of not less than 4 feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic survey. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.
4. The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines, front build-to lines and rear and side yard dimensions for each lot, street dimensions, tentative building locations, and the location of any building restriction flood lines required by Section 7.280. The location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future)
5. The location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, and the Building Restriction Floodline and Flood Protection Elevation for each lot subject to flooding as defined in Section 7.280.
6. The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Planning Director and or Designated Administrative Agent.
7. The scale of the plan which shall not be smaller than 100 feet to the inch, north point, date.
8. Typical cross sections of internal or abutting streets showing width, sidewalk, and planting details and proposed construction of roadways.
9. Proposed profiles of roadways. Where a proposed street is an extension of an existing street the profile shall be extended to include 300 feet of the existing roadway and storm drains if present and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
10. The proposed method of water supply and sewer disposal.
11. A small scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
12. The location of any existing LCID landfills on the site and the location of any proposed LCID landfills on the site.
13. A timetable for estimated project completion of the area covered by the preliminary plan.
14. The zoning district(s) in which the project is located.
15. For projects in the Mountain Island Lake Watershed Overlay District, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space.
16. For subdivisions within which open space is required, a draft of the documents by which irrevocable preservation of open space shall be assured.

17. A Landscape/Preservation Plan is required for all subdivisions. Items to be included on the plan are as follows:
- (a) Project Name
 - (b) Owner Name
 - (c) Landscape Architect's seal and signature
 - (d) Tree save calculations
 - (e) Tree save areas – must also be shown on all sheets to be included within the Preliminary Plan
 - (f) Street Trees Proposed
 - (g) Additional trees to be planted to meet minimum tree save requirements and appropriate table (if any)
 - (h) Individual residential lot trees and a table showing total amount by lot type
 - (i) Internal/Perimeter landscaping for parking lots
 - (j) Landscape easements properly labeled – must also be shown on the site plan and final plat
 - (k) Notes on plan related to maintenance of street trees by individual homeowner or homeowners association – must also be noted on all preliminary plans and final plats to be recorded and documented within the homeowner's covenants and restrictions.
 - (l) Proposed utilities in relation to tree save areas.
18. Storm Water Permit Application. A Storm Water Permit Application shall be submitted along with preliminary plans for each proposed development. The permit application shall demonstrate compliance with [Section 8.17.6](#), Performance Criteria of the Huntersville Zoning Ordinance, unless otherwise exempted. The storm water permit application shall contain computations, drawings, soil analyses, calculations for each BMP, and overall site hydrology calculations as well as other information sufficient to describe the manner, location, and type of measures for managing storm water from the development in compliance with [Section 8.17.6](#). In addition, the permit application shall specify those parties responsible for long-term maintenance of all BMPs. The Town of Huntersville shall review the permit application to determine compliance with the approved Performance Criteria. Approval of the storm water permit application by the Town of Huntersville is required prior to the initiation of land disturbing activities and said storm water permit application shall serve as the basis for all subsequent construction.

6.500 PROCEDURES FOR APPROVAL

6.510 PRELIMINARY PLAN: SUBMISSION AND APPROVAL

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

The Planning Director or Designee shall have twenty (20) working days to review and comment on the initial preliminary plan. If subsequent corrections or changes to the initial preliminary plan are necessary, the reviewer shall have fifteen (15) working days to review any revised plan. The preliminary plan time limits listed above do not apply to plans for which no sketch plan has been submitted, nor to plans which

contain any proposed school, park, greenway, or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits. Upon determination by the Planning Director or Designee and Town Engineering Department, or such other engineering agent designated by the Town Board to review Subdivision Plans, that the preliminary plan is complete, correct, and in compliance with Section 6.200 as submitted, or has been resubmitted and found complete and correct, the plan is eligible for approval.

If the preliminary plan shows only minor revisions (see 3.100.11) to the approved sketch plan, the Planning Director or staff under his direction is authorized to approve the plan, approve with conditions, or deny the plan. Administrative decisions to deny approval of a preliminary plan may be appealed to the Town Board.

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

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

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6.520 EXCEPTIONS: WHEN PRELIMINARY PLAN NOT REQUIRED

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

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

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

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

6.530 EFFECT OF APPROVAL OF PRELIMINARY PLAN

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

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6.540 RELEASE OF GRADING PERMIT

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

6.550 FINAL PLAT: SUBMISSION AND APPROVAL

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

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

If the final plat for a major subdivision shows only minor revisions (see 3.100.11) to the approved preliminary plan and/or sketch plan, the Planning Director or staff under his direction is authorized to approve the plat.

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

The Planning Board shall recommend approval, disapproval, or approval with conditions of said plat. The final plat and Planning Board recommendation shall within 30 working days be presented to the Town Board, which shall approve, disapprove, or approve with conditions. The Town Board shall approve the final plat if all requirements of this ordinance, including Section 6.200, have been met.

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

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

6.600 FINAL PLAT REQUIREMENTS

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

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

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

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

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

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

3. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, building line, easements required hereunder or of record in Mecklenburg County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1: 10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.
4. Sufficient data to determine readily and reproduce accurately on the ground the location and extent of rural and/or urban open space to be preserved, the method of preservation, and any limits on use. In addition, the subdivider shall provide to the Huntersville Planning Staff a copy of any covenants and restrictions governing disposition and use of preserved open space.
5. ~~"As built" drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.~~
6. "As built" cross-sections of each town street type used in the development. Such cross-sections should show improvements in the public rights-of-way and in any easement associated with the detail of the street. Features to be shown will usually include: travel lanes, parking lanes (if any), curb and gutter (or ditch), planting strip, sidewalk, utility allocation. These drawings need not be placed on the final plat, but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
7. For projects in the Mountain Island Lake or Lake Norman Watershed Overlay Districts, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space.

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8. The name of the township in which the subdivision is located, the name of the subdivision, the zoning district, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
9. Control corners and permanent markers with adequate and sufficient description to enable a surveyor to locate such control corners or markers shall be shown on the plat. One or more corners shall be designated as control corners, and shall establish two or more street center lines or offset lines within or on the street right-of-way lines to be permanently monumented at intersecting center line or offset lines, points of curvature or such other control points, which monuments shall also be designated as control corners. In addition to the above, control corners must be established along the rear property lines of lots with a minimum of two (2) per block located along a common line. Coordinates must be computed from North Carolina Plane Rectangular Coordinate System and the City of Charlotte Primary Control System monuments, as extended therefrom, provided such a control monument is within two thousand (2,000) feet of the subdivision. Design and material of the concrete monument must be in accordance with the standard detail contained in the [Mecklenburg County Land Development Standards Manual](#). The corners of all lots and parcels must be marked with iron pins driven flush with the ground. The iron pins must be placed where lot boundaries intersect railroad and public street rights-of-way.
10. The following signed certificates (lettered or stamped) shall appear on each copy of the final plat submitted by the subdivider:
 - (a) Certificate of Ownership and Dedication:
I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all sewer lines and all water lines to the Charlotte-Mecklenburg Utility Department, if applicable.

Date

Owner(s)

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

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

6.700 PLATS ALREADY ESTABLISHED BY SURVEY AND RECORD

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

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

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6.800 MULTI-BUILDING SITES

The following requirements will apply for the preparation, submission, and approval of preliminary site plans for both residential and non-residential developments with more than one principal building on a single lot.

6.810 PRE-APPLICATION CONFERENCE

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

6.820 PRELIMINARY PLAN REQUIREMENTS

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

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

6.830 PRELIMINARY PLAN REVIEW CRITERIA

The Planning Director or employees under his or her direction will review the preliminary site plan to insure conformance with the requirements of the zoning ordinance. The Planning Director or Designated Administrative Agent will review the preliminary site plan to insure conformance with the requirements of this ordinance. In addition, the multi-building site will be evaluated on the standards listed below.

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

6.840 PRELIMINARY PLAN APPROVAL AND FINAL PLAT

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

(1) an approved parallel conditional district or overlay district zoning plan which specifies the location of open space, edge conditions, approximate location of buildings, internal circulation, and relationship to public streets; or

(2) a sketch plan which has been reviewed by the Planning Board and approved by the Town Board in accordance with Section 6.300f.

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

The final plat for a multi-building site or innovative housing development shall be prepared in accordance with the requirements of Section 6.600 and shall contain the following additional information:

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

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

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

6.850 ~~TRAFFIC IMPACT ANALYSIS~~

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

7.000 SUBDIVISION DEVELOPMENT REQUIREMENTS.

7.100 DESIGN STANDARDS FOR STREETS

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

7.110 RIGHT-OF-WAY

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

Minimum R.O.W. by Street Classification

Street Type	Feet
Freeway	250-350
Boulevard	100-200
Other Major Thoroughfare	

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Minor Thoroughfare	70-120 70-100
Town Streets (Collector, Local, Alley)	Varies according to the standards of Article 5 of the Huntersville Zoning Ordinance and Town's Engineering Standards and Procedures Manual.

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

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

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

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

7.120 FREEWAYS (NEW)

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

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

Whenever a tract of land to be subdivided includes any part of a planned arterial or extension of an existing arterial street shown on the adopted Comprehensive Transportation Plan, and whenever a right-of-way for such a street has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. The subdivider is responsible for the dedication and/or reservation of the right-of-way in accordance with the provisions of Section 8.110, Improvement Responsibility. The entire right-of-way (that which has been reserved and that which has been dedicated) must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the zoning ordinance will be made at the edge of the full right-of-way. Arterial Street right-of-way that is dedicated by the subdivider will count toward the transfer of development rights in accordance with Section 7.135.

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7.135 TRANSFER OF DEVELOPMENT RIGHTS —R/W DEDICATION

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

7.150 CUL-DE-SAC

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

7.170 STREET OFF-SETS

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

7.180 BLOCK LENGTHS AND WIDTHS

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

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7.200 DESIGN STANDARDS FOR LOTS

7.210 FRONTAGE ON STREET

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

1. Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with [provisions of Section 8.1.1 of the Zoning Ordinance](#) permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.
2. 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 [right-of-way designed according to the specifications of the Rural \(R\) and Transitional Residential \(TR\) Districts' Farmhouse Cluster development \(Section 3.2.1\(e\) & Section 3.2.2\(e\)\)](#). Any lots created pursuant to Section 3.2.1(f) & Section 3.2.2(f), Conservation Subdivision, may also be served by a privately maintained easement with a minimum 20-foot right-of-way.
4. A site specific development plan may be considered for approval in the TC, NC, NR, OPS, and TND-O districts where residential and/or non-residential structures front upon a private courtyard, carriageway, or pedestrian way, where adequate access by emergency vehicles is maintained by way of a rear alley and where the off-street placement of uses does not diminish the orientation of building fronts on the public street.
5. 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

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

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

7.220 SIDE LINES

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

7.230 LOT SIZES

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

7.240 BUILDING LINES

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

7.270 DRIVEWAY CONNECTIONS

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

7.280 LOTS SUBJECT TO FLOODING

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

No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour, as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "Storm Water Elevation Line" (SWEL). In addition, a "Storm Water Protection Elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the Huntersville Engineering Department staff based on the "Storm Water Elevation Line" (SWEL), or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater.

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

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Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the Storm Water Elevation Line.

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

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7.290 LOTS WITHIN THE MOUNTAIN ISLAND LAKE WATERSHED PROTECTION AREA

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

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

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

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1. EXCEPTIONS TO APPLICABILITY.

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

- (c) Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - (i) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
 - (ii) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

2. DEFINITIONS.

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

BMPs. Best Management Practices.

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

Non-structural BMPs.

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

Structural BMPs.

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

Buffer.

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

Built-upon Area (B.U.).

Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area.

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

CA1 - Lower Gar Creek.

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

CA2 - Upper Gar Creek.

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

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CA3 - McDowell Creek.

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

CA4 - Lake Front.

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

Discharging Landfill.

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

Existing Development.

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

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

Nonconforming Lot of Record.

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

Normal Pool Elevation.

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

Perennial Stream.

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

Protected Area.

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

PA1

The area extending from the outer limits of the critical areas to five hydrologic miles from the normal pool elevation and draining to Mountain Island Lake.

PA2

The area extending from the outer limit of the PA1 area where it intersects with N.C. 73 and running in a north-northeasterly direction along N.C. 73 to the intersection of I-77 and thence proceeding in a southerly direction along I-77 to the intersection of Gilead Road and thence in an easterly direction along Gilead Road to the intersection of N.C. 115 and thence in a southerly

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direction along N.C. 115 to the intersection of Hambright Road and thence in a westerly direction along Hambright Road to the intersection of Mt. Holly-Huntersville Road and thence in a northwesterly direction along the outer limits of the CA2 and PA1 areas to the beginning point.

PA3

The area extending from the outer limits of the PA2 area to the limits of the Mountain Island Lake Watershed.

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Septic Tank System.

A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Watershed.

The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

Water Dependent Structures.

Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

3. CRITICAL AREA DEVELOPMENT STANDARDS.

Only development activities that require an erosion/ sedimentation control plan under Mecklenburg County regulations, as may be amended from time to time, are required to meet the development standards of [this subsection](#).

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For individual buildings or for development projects within the Critical Areas, the following **impervious area limitations** are established on a building or project basis, respectively:

CA1	6% B.U. ¹
CA2	12% B.U. ¹
CA3	12% B.U. ¹
CA4	24% B.U. ¹

- 1 Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant**

Vegetative buffers are required in the Critical Areas along the shoreline of Mountain Island Lake, measured from the normal pool elevation, and along all perennial streams, measured from the bank on each side of the stream.

CA1	100 feet or 100 year flood plain boundary, whichever is greater
CA2	100 feet or 100 year flood plain boundary, whichever is greater
CA3	100 feet or 100 year flood plain boundary, whichever is greater
CA4 (lake shore)	100 feet

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Undergrowth and trees less than 2 inch caliper may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County [Water Quality Program](#) guidelines and as approved on a plan submitted to the Mecklenburg County [Water Quality Program](#).
- b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Mecklenburg County [Water Quality Program](#).
- c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
- d. The Town can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on [the most recent edition of the "Watershed Buffer Guidelines for Mecklenburg County, NC"](#).

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4. PROTECTED AREA DEVELOPMENT STANDARDS.

Only development activities that require an erosion/sedimentation control plan under the Town of Huntersville regulations, as may be amended from time to time, are required to meet the development standards of Section 7.290.4 of this ordinance.

Commented [JS64]: Cluster development no longer an option

Deleted: Cluster Development is allowed within the Critical Area.¶

For individual buildings or for development projects within Protected Areas 1 and 2, the following **impervious area limitations** are established on a building or project basis, respectively:

PA1 and PA2, low density option	24% B.U. with curb and gutter streets ¹
	36% B.U. without curb and gutter streets ¹

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PA1 and PA2, high density option, where permitted**	70% B.U. with BMP
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¹ **Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant**

Vegetative buffers are required in the Protected Areas along all perennial streams, measured from the bank on each side of the stream.

** STRUCTURAL BMP'S. Wet detention ponds, or alternative stormwater management measures limited to extended dry detention ponds and grass swales, are required where the High Density Option is permitted within the Protected Area. Other types of Structural BMP's may also be required.

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PA1, low density option	50 feet
PA2, low density option	30 feet; 50 feet for agricultural uses
PA1, high density option	100 feet
PA2, high density option	100 feet

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In the PA1 and PA2 subareas non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.

High density option is permitted in subareas PA1 and PA2.

Commented [JS65]: Cluster development no longer an option

5. POSTING OF FINANCIAL SECURITY REQUIRED

When Structural BMPs (wet detention ponds and all other BMPs) are required under the High Density Option, the approval of the High Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

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7.295 LOTS WITHIN THE LAKE NORMAN WATERSHED PROTECTION AREA

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

The Lake Norman Watershed Protection Area is that area within the jurisdiction of the Town of Huntersville which contributes surface drainage into that portion of the Catawba River known as Lake Norman and its tributaries. The Lake Norman Watershed Protection area is specifically defined on the Huntersville Zoning Maps with the designation LN-O (Lake Norman Overlay District).

1. EXCEPTIONS TO APPLICABILITY.

- (a) Existing development, as defined in Section 7.290, subsection 2., is not subject to the requirements of the Lake Norman Watershed Overlay District.
- (b) An existing lot owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of subsection 3. of this section; however this exemption is not applicable to multiple contiguous lots under single ownership.
- (c) Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - (i) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
 - (ii) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

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2. DEFINITIONS.

The definitions below supplement the definitions of section 7.290, subsection 2.

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Lake Norman Watershed Critical Area

The Lake Norman Critical Area is defined as the land area which begins at the normal pool elevation of Lake Norman and extends one-half mile inland or to the ridgeline, whichever is closest, as shown more specifically on the Huntersville Zoning Maps. Lake Norman Normal Pool Elevation

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The Lake Norman normal pool elevation, which is at contour interval 760 feet above Mean Sea Level, as determined by United States Geological Survey (U.S.G.S.) Datum.

3. LAKE NORMAN CRITICAL AREA DEVELOPMENT STANDARDS

Only development activities that require an erosion/sedimentation control plan under the Town of Huntersville regulations, as may be amended from time to time, are required to meet the development standards of this subsection.

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For individual buildings or for development projects within the Lake Norman Watershed Critical Area, the following impervious area limitations are established on a building or project basis, respectively:

CA, low density option	24% B.U. ¹
CA, high density option	50% B.U. with Structural BMP ¹

¹ Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant

Vegetative buffers are required along the shoreline of Lake Norman measured from the normal pool elevation and along each side of all perennial streams measured from the top of stream bank. Minimum buffer widths are:

CA, low density option	50 feet
CA, high density option	100 feet

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- 1) a. No trees larger than 2-inch caliper are to be removed except for dead or diseased trees. Undergrowth and trees less than 2 inch caliper may be removed to be replaced by an effective stabilization and filtering ground cover based upon [the most recent edition of the "Watershed Buffer Guidelines for Mecklenburg County, NC"](#) and as approved by the [Mecklenburg County Water Quality Program](#).
- b. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the [Town Engineering Department and the Mecklenburg County Water Quality Program](#).
- c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
- d. The Town can require enhancement of the existing vegetation in the buffer, if necessary, so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County [Water Quality Program](#) guidelines.
- e. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer if located a minimum of 30 feet from the stream bank.



High density option is permitted in the Lake Norman Critical Area.

4. POSTING OF FINANCIAL SECURITY REQUIRED

When Structural BMPs (wet detention ponds and all other BMPs) are required under the High Density Option, the approval of the High Density Development permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

7.300. DESIGN STANDARDS FOR S.W.I.M. (SURFACE WATER IMPROVEMENT AND MANAGEMENT) STREAM BUFFERS

1. PURPOSE.

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The purpose of a stream buffer network is to filter pollutants, store floodwaters, provide habitat, and contribute to the “green infrastructure.” Stream systems are comprised of each stream and its respective drainage basin.

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- Streams have the primary natural functions of conveying storm and ground water, storing floodwater, and supporting aquatic life.
- Vegetated lands adjacent to the stream channel in the drainage basin serve as “buffers” to protect the stream’s ability to fulfill its natural functions. Buffers have the primary natural functions of protecting water quality by filtering pollutants, providing intermittent storage for floodwaters, allowing channels to meander naturally, and providing suitable habitat for wildlife.

2. DEFINITIONS.

For the purposes of this section, the following words and phrases shall be defined as specified below:

Best Management Practices (BMPs)

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

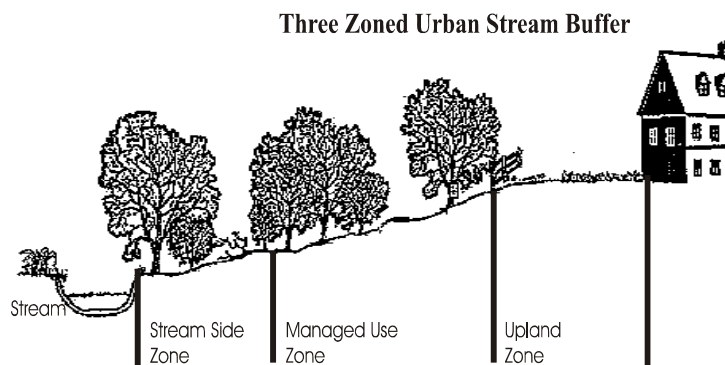
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Buffer.

A vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

Buffer Zones.

Buffer widths are measured in three (3) zones as shown below. The buffer width is measured horizontally on a line parallel to the surface water, landward from the top of the bank on each side of the stream.



Drainage Basin.

The area of land which drains to a given point on a body of water.

Floodway.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the allowable surcharge (currently one foot).

Flood Fringe.

The land area located between the limits of the floodway and the maximum elevation subject to inundation by the base (1% chance) flood.

Floodplain.

The low, periodically flooded lands adjacent to rivers and lakes. For land use planning purposes, the regulatory floodplain is usually viewed as all alongside a watercourse that would be inundated by the base (1% chance) flood; the floodway plus the flood fringe.

Mitigation.

Actions taken on-site and/or off-site to offset the effects of temporary or permanent loss of a buffer.

Top of Bank.

The landward edge of the stream channel during high water, bankfull conditions at the point where water begins to overflow onto the floodplain.

3. APPLICABILITY.

(a) All properties shall comply with the buffer requirements of this Section except those which, as of the effective date of October 19, 1999, have previously secured a right to proceed by:

- Being subject to a recorded subdivision plat;
- Being subject to a subdivision sketch plan approved by the Board of Commissioners prior to the effective date of this Section;
- Being subject to a site specific development plan defined under [Section 2.2.2](#) of these zoning ordinances; or
- Having otherwise secured a vested property right under state law.

(b) Redevelopment or expansion of development projects included in a), above, shall comply with the buffer requirements of this Section, however, uses and structures previously approved and constructed in a buffer may remain.

(c) A site-specific vesting plan amended by action of the Board of Commissioners subsequent to adoption of this Section shall comply, in its amended form, with the S.W.I.M. buffer requirements. However, uses and structures previously approved for construction in a buffer may remain.

(d) Where stream buffers are also required as part of the Lake Norman or Mountain Island Lake Watershed Overlay Districts, the more stringent of the stream buffer requirements shall apply.

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4. BUFFER DELINEATION.

S.W.I.M. Stream Buffers, throughout the jurisdiction of the Town of Huntersville shall be delineated by Mecklenburg County through its geographic information system (GIS) using the most current digital elevation model (DEM) of no greater than 10-foot cells. This stream buffer delineation including buffer widths shall be periodically updated as new data becomes available. The most recent delineation shall be provided for public use through Mecklenburg County's website.

5. MINIMUM BUFFER WIDTHS.

All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual. All perennial and intermittent streams draining greater than or equal to 50 acres and less than 300 acres shall have a 35-foot buffer with two (2) zones, including a 20-foot stream side and 15-foot upland zone. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including a 20-foot stream side, 20-foot managed use and 10-foot upland zone. Buffers for streams draining greater than or equal to 640 acres shall be a 100 feet in width or include the entire floodplain, whichever is greater. This buffer shall consist of a 30-foot stream side, 45-foot managed use and 25-foot upland zone or the entire FEMA floodplain, whichever is greater. All buffers shall be measured from the top of the bank on both sides of the stream. A summary of minimum buffer widths is provided in the table below.

Table of Minimum Buffer Widths by Basin Size and Buffer Zone

Area Designation	Stream Side Zone	Managed Use Zone	Upland Zone	Total Buffer Width each side of Stream	Notes
< 50 acres	N/A	N/A	30	30 feet	(1), (2)
> 50 acres	20 feet	None	15 feet	35 feet	(2)
> 300 acres	20 feet	20 feet	10 feet	50 feet	(2)
> 640 acres	30 feet	45 feet	25 feet or balance of floodplain, whichever is greater	100 feet or entire floodplain, whichever is greater	(2), (3)

Notes:

1. All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual.
2. Buffer widths are surveyed horizontally on a line parallel to the surface water, landward from the top of the bank on each side of the stream.
3. Floodplain and buffer calculations will be based upon the FEMA flood fringe and floodway encroachment lines, as locally adopted and as may be amended from time to time.

6. BUFFER DESCRIPTION.

Buffer function, vegetation and use vary according to the different buffer zones and are described in the following table.

Table of Buffer Treatment by Buffer Zone

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	Stream Side Zone	Managed Use Zone	Upland Zone	Notes
Function	Protect the integrity of the ecosystems	Provide natural filter; provide distance between upland development and the stream side zone	Prevent encroachment and filter runoff	
Land Disturbance/ Vegetative Requirements	Undisturbed (no cutting, clearing or grading). If existing tree density is inadequate, reforestation is required.	Limited clearing (no grading). Existing tree density must be retained to a minimum of 8 healthy trees of a minimum 6-inch caliper per 1000 square feet. If existing tree density is inadequate, reforestation is encouraged.	Herbaceous ground cover, including grass, is allowed; maintenance of existing forest or reforestation is encouraged. Limited grading that does not change the functionality or extent of the floodplain is permitted.	Deleted:
Development Uses	Very restricted. Limited to flood control structures and bank stabilization (where permitted) as well as installation of parallel or near perpendicular ($\geq 75^\circ$) water and sewer utilities and near perpendicular road crossings ($\geq 75^\circ$) with stabilization of disturbed areas as specified in Section 7.300.10.	Restricted. Limited to those allowed in the Stream Side Zone, as well as bike paths and greenway trails up to 10 feet in width.	Restricted. Limited to those allowed in Stream Side and Managed Use Zones, <u>as well as gazebos, non-commercial storage buildings less than 150 square feet, limited grading that does not change the functionality or extent of the floodplain, and storm water structural best management practices (BMPs) if approved in accordance with Section 7.300 1. b), as a condition of a buffer width variance or if they are located a minimum distance of 100 feet from the stream bank.</u>	(2), (3), (4) Deleted: to Deleted: 9 Deleted: 0 Commented [JS70]: Consistent with Zoning Ordinance amendment TA19-09 Deleted: Land Development Standards Manual

Notes:

- (1) When reforestation of disturbed buffers is required, tree planting shall be as specified in the [Water Quality Buffer Implementation Guidelines](#).
- (2) Fill material **cannot** be brought into any required buffer. In the Upland Zone only, limited grading that does not change the extent or functional characteristics of the floodplain is permitted. Uses permitted in the buffer zones should be coordinated to ensure minimal disturbance of the buffer system. For example, if it is necessary to install utilities within the buffer, then if greenway trails are built they should follow these cleared areas instead of necessitating additional clearing.
- (3) Notwithstanding the uses and structures permitted in the "Upland Zone", the stricter standards of floodway regulations, if applicable, shall apply.
- (4) Greenway Trails referenced in this table refer exclusively to those approved by and dedicated to the Town of Huntersville or Mecklenburg County Parks and Recreation Departments. Other paths or trails in the buffer shall be in accordance with the Charlotte-Mecklenburg SWIM Stream Buffer Implementation Guidelines.

7. DIFFUSE FLOW REQUIREMENT.

Diffuse Flow Requirement. Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow through the use of level spreaders or other such devices to create sheet flow and by reestablishing vegetation. Techniques for providing diffuse flow are specified in the Charlotte-Mecklenburg BMP Design Manual.

- Maximum drainage area size shall be no greater than 10 acres for all outfalls discharging directly into a stream buffer.
- When practical, a drop structure should be installed prior to the last section of outfall pipe discharging to a buffer. A short length of outfall pipe should be laid flat (0% Slope Energy Dissipater), prior to the riprap apron or other energy dissipater.
- Concentrated runoff from ditches or other manmade conveyances shall be diverted to diffuse flow before the runoff enters the buffer.
- Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to impede the formation of erosion gullies

8. PONDS THAT INTERSECT THE STREAM CHANNEL.

Ponds that intersect the stream channel shall have the same buffers as the original stream. Buffer requirements do not apply to wet ponds used as structural BMPs.

9. BUFFER DELINEATION.

The following buffer delineations are required:

- Buffer boundaries including all buffer zones must be clearly delineated on all site-specific plans for Board of Commissioner approval, on all construction plans, including grading and clearing plans, erosion and sediment control plans, and site plans.
- The surveyed outside buffer boundary, including all buffer zones, must be clearly marked on-site with orange "tree-protection" or "high-hazard" fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this Ordinance. Where existing trees are to be preserved in a buffer zone, the limits of grading shall equal the drip line of those trees plus an additional five (5) feet on the upland side of the buffer. All Specimen and Heritage trees require a tree survey prior to land-disturbing activity and shall be saved in all buffer zones.
- The surveyed outside boundary of the buffer must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line on each parcel following the completion of land disturbing activities and prior to occupancy. Properties greater than 200' in width shall be marked at a maximum of 100' intervals.
- Separate buffer zones must be permanently marked at highway stream crossings.
- Buffer boundaries including all buffer zones as well as all buffer requirements must be specified on the record plat, on individual deeds, and in property association documents for lands held in common.

10. BUFFER IMPACTS PERMITTED UNDER SECTION 7.300.

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The following buffer impacts are permitted, but design and construction shall comply with the specifications provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines and/or Design Manual for stabilization of disturbed areas to minimize negative effects on the quality of surface waters.

- Near perpendicular (75° or greater) road crossings for connectivity or transportation links where the Town of Huntersville has granted site plan approval.
- Near perpendicular (75° or greater) utility crossings as approved by Charlotte-Mecklenburg Utilities.
- Parallel water and sewer utility installation as approved by Charlotte-Mecklenburg Utilities, where a logical and appropriate basis for the impact is demonstrated, where disturbance of the Stream Side Zone is minimized to the maximum extent practicable, and where guidelines for restoring vegetation within buffers disturbed as a result of parallel utility installation are met. These guidelines are specified in the Charlotte-Mecklenburg Buffer Implementation Guidelines.
- Public paths and trails parallel to the creek outside the Stream side Zone and near perpendicular stream crossings in any zone. Pathways must use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. To the extent possible, pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate storm water.
- Incidental drainage improvements/repairs for maintenance.
- Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.
- New domesticated animal trails (farming) where existing trails are lost as a result of action beyond the farmer's control. Stream crossings should be constructed to minimize impacts to the Stream Side Zone and be maintained with fencing perpendicular to and through the buffer to direct animal movement.
- Mitigation approved by a state or federal agency acting pursuant to Sections 401 or 404 of the federal Clean Water Act.

11. APPEALS AND VARIANCES.

- An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of [Section 4.000](#) of these ordinances as well as the requirements of the Huntersville Zoning Ordinance.

- Special Variance Provisions/Mitigation Techniques.

- When a ~~“unnecessary hardship”~~ would result from adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the Huntersville Planning Staff in compliance with the procedures of [Section 4.300](#).
- The Standards for Granting a Variance, as set out in [Section 4.400](#) of these ordinances shall be met. Site-specific mitigation plans using the techniques below, and approved by the designated agency, shall constitute conditions relating to the intent and standards of this ordinance, and may be attached to variance approval by the Town Board. Specifications for these mitigation techniques are provided in the Charlotte-

Commented [JS74]: Consistent with Zoning Ordinance and 4.400 of the Subdivision Ordinance

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Mecklenburg Buffer Implementation Guidelines. The techniques below are not construed to offset the requirement of Section 7.300 6. for diffuse flow.

- (1) Installation of Structural BMPs. The installation of an on-site structural BMP designed to achieve specified pollutant removal targets will allow for all proposed stream buffer impact on the specific site. The BMP must remain outside of the Stream Side Zone and Managed Use Zone. A detailed BMP design plan must be submitted to [Charlotte-Mecklenburg Storm Water Services](#) for approval based on specifications contained in the Charlotte-Mecklenburg Buffer Implementation Guidelines. This plan must also include a long-term maintenance strategy for the BMP, complete with the establishment of adequate financing to support the proposed maintenance practices.
- (2) Stream Restoration. The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by [Charlotte-Mecklenburg Storm Water Services](#) on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Stream Side and Managed Use Zone re-vegetation, in accordance with the Charlotte-Mecklenburg Buffer Implementation Guidelines and receive approval from the [Charlotte-Mecklenburg Storm Water Services](#).
- (3) Stream Preservation. The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the Town of Huntersville, Mecklenburg County, or conservation trust, with a plan approved from the [Charlotte-Mecklenburg Storm Water Services](#).
- (4) Wetlands Restoration. On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area), the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area. Restoration plan must be approved by [Charlotte-Mecklenburg Storm Water Services](#).
- (5) Bottom Land Hardwood Preservation. On a 2:1 acreage basis for impacted stream and buffer area 2 acres of bottomland hardwood for each acre of disturbed area), the owner may provide a combination of the preservation of existing bottom land hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area. Plan to be approved by [Charlotte-Mecklenburg Storm Water Services](#).
- (6) Controlled Impervious Cover for Disturbance landward of Stream Side Zone. The owner may commit to, and provide, a specific site development plan for the parcel with requested buffer disturbance. The plan shall limit overall site impervious cover to less than or equal to 24%. Preservation of the Stream Side Zone is still required. Plan to be approved by Mecklenburg County Land Use and Environmental Services Agency.
- (7) Open Space Development. The submission of a site-specific development plan that preserves 50% of the total land area as undisturbed open space. Plan to be approved by [Charlotte-Mecklenburg Storm Water Services](#).
- (8) Mitigation Credits: The purchase of mitigation credits through the Stream Restoration Program on a 1:1 basis, utilizing linear feet of stream impacted and the prevailing rate of purchase as established by the Charlotte-Mecklenburg Buffer

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Implementation Guidelines. Mitigation credits purchased under any other program (i.e., U.S. Army Corp of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to the appropriate local government agency.

- (9) Alternative mitigation. The list of mitigation techniques shall not prevent the creative development of alternative mitigation plans that achieve the purposes of this section.

12. POSTING OF FINANCIAL SECURITY REQUIRED.

When structural BMPs (set detention ponds and other BMPs) are approved for mitigation of a buffer disturbance, the approval will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to [Charlotte-Mecklenburg Storm Water Services](#), in a form which is satisfactory to the [County](#) Attorney, guaranteeing the installation and maintenance of the required structural BMPs until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMPs, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be submitted by the owner to [Charlotte-Mecklenburg Storm Water Services](#). The owner must also verify the adequacy of the maintenance plan for the BMPs, including the necessary financing to support the proposed maintenance practices. [Charlotte-Mecklenburg Storm Water Services](#) will inspect the structural BMPs and verify the effectiveness of the maintenance plan; if both are found to be satisfactory, the department will notify the owner within 30 days of the date of notice.

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13. MAINTENANCE REQUIREMENTS FOR STRUCTURAL BMPs – CIVIL PENALTIES.

Maintenance of all structural BMPs will be the responsibility of the property owner or his designee. Any person who fails to maintain the required BMPs in accordance with the approved maintenance plan will be subject to a civil penalty of not more than \$5,000. Each day that the violation continues shall constitute a separate violation. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action.

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14. REQUEST FOR DETERMINATION OF BUFFER REQUIREMENT.

When a landowner or other affected party believes that the S.W.I.M stream buffer delineation maps described in Section 8.25.4 inaccurately depict buffer requirements, he or she shall request a determination from the Storm Water Administrator. Such determinations shall be made by the Storm Water Administrator based on an on-site evaluation using the U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology for stream delineation as well as information from databases maintained for stream delineation by Mecklenburg County. Such determinations can also be made at the discretion of the Storm Water Administrator in the absence of a request from a landowner or other concerned party. The buffer requirements of this ordinance shall apply based on determinations made by the Storm Water Administrator. Surface waters that appear on the maps shall not be subject to this ordinance if an on-site determination by the Storm Water Administrator shows that they fall into one of the following categories.

Commented [JS76]: Consistent with Zoning Ordinance

- (1) Ditches and manmade conveyances other than modified natural streams.
- (2) Manmade ponds and lakes that are not intersected by a buffered stream segment and that are located outside natural drainage ways.
- (3) Ephemeral (storm water) streams.

8.000 REQUIRED WORK ON THE GROUND

8.100 STANDARDS AND SPECIFICATIONS

1. Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the ~~Town~~ or the State Department of Transportation, minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by the Town Engineering Department, or other designated engineer, in accordance with the standards and specifications of the Land Development Standards Manual or Article 5 of the Huntersville Zoning Ordinance, whichever applies. Minimum improvements not completed and approved must be guaranteed in accordance with the provisions of Section 8.400.3 prior to final plat approval.
2. The intent of the specifications set out in this sub-section is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the Town Engineering Department, will qualify streets in the town to be accepted for maintenance by the town and streets in the extraterritorial jurisdiction to be accepted for maintenance by the town upon annexation or, in the case of state-standard streets, to be considered for maintenance by the state.

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8.110 STREET IMPROVEMENT RESPONSIBILITY

In order to facilitate the provision of street rights-of-way and necessary improvements, the following sections establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner in return for the transfer of development rights, as provided for in Section 7.100 of this ordinance. In addition, all streets built by the developer will be credited to the developer for the transfer of development rights.

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Freeway:

- New ~~or~~ extension of existing Freeway or street:
 - **Right-of-way** — Entire width reserved by developer for future acquisition, provided the certification in Section 8.115 can be made
 - **Improvements** — Installed by public
- Existing Freeway:
 - No right-of-way or improvements required of developer

Commented [JS77]: Correct Comprehensive Transportation Plan terminology

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Other Major Thoroughfare:

- **Right-of-way** — For new Other Major Thoroughfare, the developer is responsible for the dedication of up to 100 feet of right-of-way (50 feet each side of the centerline). Along existing Other Major Thoroughfare, any development which requires specific improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
- **Improvements** — Installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet vehicular and/or traffic needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the

Deleted: Class II (Limited Access Arterial);¶

<#>New Class II or extension of existing Class II street:¶

<#>**Right-of-way** — Entire width reserved by developer for future acquisition, provided the certification in Section 8.115 can be made¶

<#>**Improvements** — Installed by public¶

<#>Existing Class II street:¶

<#>No right-of-way or improvements required of developer¶

Class III (Major Arterials)

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developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be responsible. The developer has the option, after consultation with the Town Manager and Town Engineering Department, to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class III streets or extensions of Class III streets must limit access points to public streets or specifically approved street type entrances.

Minor Thoroughfare

- **Right-of-way** — For new Minor Thoroughfare streets the developer is responsible for the dedication of up to 70 feet of right-of-way (35 feet each side of the centerline). Along existing Minor Thoroughfare streets any development which requires improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
- **Improvements** — Installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the vehicular and/or pedestrian access needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the Town Manager and Town Engineering Department, to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class IV streets or extensions of Class IV streets must limit access points to public streets or specifically approved street type entrances.

Town Streets:

- **Right-of-way** --- Dedicated by the developer.
- **Improvements** --- Constructed by the developer.

All streets must be constructed to comply with the minimum standards shown in the Land Development Standards Manual or Article 5 of the Huntersville Zoning Ordinance, whichever applies, and all applicable town or state requirements. Public improvements will be made in accordance with adopted plans, programs, and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs. In lieu of required street construction, and subject to approval by the Town Board of Commissioners, a developer may provide the Town with funds to use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development, and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the Town pursuant to this provision shall be used only for development of roads, including design, land acquisition, and construction. The Town may undertake these activities in conjunction with the Department of Transportation under an agreement between the Town and the Department of Transportation. The amount of funds the developer pays in lieu of required street construction shall be based on the trips generated from the subdivision or development. A combination of partial payment of funds and partial dedication of constructed streets may be permitted when the Town Board determines that a combination is in the best interests of the citizens of the area to be served.

8.115 RESPONSIBILITY FOR STATE ROADS

No dedication or reservation of right-of-way for a new street or highway within a corridor for a street or highway on a plan established and adopted pursuant to N.C.G.S. § 136-66.2 for a street or highway

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 <#>**Right-of-way** — For new Class III-C streets, the developer is responsible for the dedication of up to 100 feet of right-of-way (50 feet each side of the centerline) and reservation of the remaining required right-of-way. Along existing Class III-C streets any development which requires specific improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.¶

¶
 <#>**Improvements** — Installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet the vehicular and/or pedestrian access needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be responsible. The developer has the option, after consultation with the Town Manager and Town Engineering Department, to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class III-C streets or extensions of Class III-C streets must limit access points to public streets or specifically approved street type entrances. ¶
 Class IV (Minor Arterial)

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Commented [JS78]: Aside from construction, Huntersville can require fees in lieu of construction for the Town to construct the street improvement inside and outside of the subdivision. **However, this is only possible under 160D-804(c)(3) IF the ordinance provides for it as is proposed here.**

Given that this issue has come up recently, we need to add the fees in lieu option in the subdivision ordinance.

The computation of the fees must be based off trips generated per 160D-804(4).

that is included in the Department of Transportation's "Transportation Improvement Program" will be required by the provisions of this ordinance unless and until the Town Manager has determined and certified in writing: (1) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (2) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the land remaining in the original tract, or the impact of the dedication or reservation is mitigated by measures provided in this ordinance. For these purposes the term original tract will mean all contiguous land owned by the applicant. The ability of the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

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8.120 DRAINAGE

1. Storm drainage adequate to accommodate a 10-year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with the standards of the Town and the Town Engineering Department, and has been dedicated and accepted or otherwise conveyed to the Town, the Town will assume the responsibility for maintenance of the drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and on deeds for the affected lots.
2. In addition to drainage improvements as required by this section, the subdivider may provide for storm water detention to serve the entire subdivision as part of the drainage plan to be approved by Town Engineering Department. For the purposes of this subsection, the subdivision shall include the streets, sidewalks, driveways, rooftops, and other impervious surfaces proposed to be constructed upon completion of the subdivision.
3. Reserved.

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8.130 CURB AND GUTTER

Curb and gutter is required on all arterial and collector streets and on all Town streets with the exception of alleys, lanes, and other rural street applications. Location and type of curb and gutter is determined through the design process outlined in Article 5 of the Zoning Ordinance. Standard curb and gutter is recommended for curb and gutter installations on all street types. However, valley (mountable) curb and gutter may be used in lieu of standard curb and gutter on collector streets, and on Town streets that serve less urban purposes such as Residential Local and Collector streets. Standard curb and gutter is required where formal parking is used.

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8.140 SIDEWALK

Sidewalk width should be established using the Design Process found in Article 5 of the Zoning Ordinance and in accordance with the Engineering Standards and Procedures Manual (ESAPM) or thoroughfare design process. In all cases, a minimum of a five (5) foot wide sidewalk is required on both sides of new or existing collector streets, on both sides of local streets except lanes, alleys, and on the developed side of Residential Local streets with Greenway/Belt. Installation of sidewalks is the responsibility of the developer. However, to reduce impervious cover and promote LID, sidewalks on one side of Town streets may be waived by the town in the Rural Zoning District.

Commented [ES79]: See above comment regarding limitations on ability to require transportation network improvements outside of subdivision development pursuant to 160D-804(c) as interpreted by Buckland.

UNC suggests that statutes could be interpreted so as to allow fees in lieu for Town to construct sidewalks outside of development as allowed for street construction.

See page 14-15

<https://www.sog.unc.edu/sites/www.sog.unc.edu/files/160D%20Q%26A%20Update%20Dec%202020.pdf>

However, 160D-804(c) is specific to "street construction."

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Sidewalks are required on both sides of new or existing arterial streets with installation by developer to meet the pedestrian access requirements of the development. Sidewalk construction may be waived by the Town Board when accessibility by pedestrians does not now exist and is not expected to exist in the future. Conservation Subdivisions are exempt from the requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing arterials

Location. Approval of sidewalk construction plans must be obtained from the Town Engineering Department as part of the subdivision review process. Town Engineering will review and comment on the location of the required facilities at the time of plan review. Except in unusual circumstances,

sidewalks may not be located less than 5 feet, but preferably 7-10 feet, from the back of the curb or edge of pavement when no curb and gutter is required. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement. While in most instances a sidewalk will be placed parallel to and offset from the curb line, developers are encouraged and expected to meander sidewalks to preserve existing trees of significance. ~~Adjustments may be made in the field to accommodate such circumstances.~~

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8.150 STREET TREES

The developer shall install street trees along all streets within a development and along the abutting side of streets forming the perimeter of the development. ~~Street trees shall be placed between the sidewalk, if present, and the back of curb or back of ditch, when no curb and gutter is required.~~ Street trees must be planted in accordance with the applicable standard found in the Engineering Standards and Procedures Manual (ESAPM) and NCDOT Guidelines. Large maturing trees should be planted 40' on center; small maturing trees should be planted 30' on center. Street tree plantings conceived to produce a clear vertical edge to a street or plaza may require denser spacing. ~~The planting plan shall adhere to Article 7 of the Huntersville Zoning Ordinance. In Conservation Subdivisions where existing, mature trees are to be preserved as a condition of the conservation easement, the requirement for street tree planting shall be waived.~~

Commented [ES80]:

Commented [JS81R80]: Staff is looking at the sidewalk issue and impact by street trees. To be addressed outside 160D changes.

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8.160 STREET LIGHTS

Street lighting will be installed in each new subdivision pursuant to a street lighting plan which shall be submitted to the Town for approval. This shall be the responsibility of the developer. Street lights compatible in height and scale with the streetscape are strongly recommended. Further,

1. Street lights shall in all cases use fully shielded fixtures except that ~~decorative street light~~ fixtures shall be designed with caps so that light does not shine upward at more than a 135-degree angle measured above straight down (three-quarters of the way between straight down and straight to the top) from the pole or mounting wall.
2. Fixtures with minimal across-road and ~~"house side"~~ waste shall be used, especially in residential areas, taking into consideration the details of roadway geometry and width.
3. Low pressure sodium lights are strongly encouraged.
4. A street lighting plan must be approved by the Town prior to Preliminary Plan or Commercial Site Plan approval.

Commented [JS82]: This is consistent with the proposed zoning ordinance text.

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8.170 STREET MARKERS AND BARRICADES

1. Standard street markers must be installed by the developer at one corner of all street intersections, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location, and installation of the signs must be in accordance with standards specified in the Engineering Standards and Procedures Manual unless an alternative design is approved. Alternatives to the standard design for street markers may be submitted by the developer for consideration by the Town Board. If an alternative design is approved by the Town Board, responsibility for the installation, maintenance, and replacement of non-standard street markers remains with the developer and subsequently with the homeowners. If maintenance and replacement of non-standard street markers is not provided by the developer or homeowners, the Town shall install standard street markers as replacements are needed. All standard street markers will be maintained and replaced by the Town once initial installation has been completed and streets are accepted for maintenance.
2. Barricades must be installed at the end of all dead-end streets except cul-de-sac streets which have been improved with a permanent turnaround as required by this Ordinance.

Design, material, and installation of the barricades must be in accordance with the Engineering Standards and Procedures Manual (ESAPM).

8.200 NO SERVICE UNLESS STREET ACCEPTED/APPROVED

No department, officer, agent, or employee of the Town will accept for maintenance, lay out, open, improve, grade, pave, or light any streets or authorize the laying of water mains, sewers, electrical service extensions or other facilities or utilities in any street within the Town unless:

1. such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of this ordinance; or
2. for any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plan, tentatively approved by the Town Board or Designated Administrative Agent; or
3. such street has been accepted as a public street by a vote of a majority of all the members of the Town Board or by the State of North Carolina; or
4. such street has been accepted as a public street by the State of North Carolina; or
5. such street is an approved private street built in conformance with the provisions of all applicable ordinances.

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Commented [ES83]: Town Manager wouldn't be approving a preliminary subdivision plan. I assume should be Town Board.

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8.300 OTHER PUBLIC FACILITIES

Reserved.

8.400 MODIFICATION OF REQUIREMENTS; PERFORMANCE GURANTEE

1. In subdivisions adjoining already established streets that have been accepted for maintenance by the North Carolina Department of Transportation, the requirements of Section 8.000 will apply as hereinafter provided; those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable; where the adjoining established street is a part of the North Carolina Department of Transportation's street system, the adjoining street must be improved in accordance with either the requirements of Section 8.000 and the requirements of the Town of Huntersville or the North Carolina Department of Transportation, whichever establishes the higher standard.
2. Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the Town Board or the North Carolina Department of Transportation or which have been accepted for maintenance by the North Carolina Department of Transportation, but have not been improved with a paved roadway, will be eligible for final approval when the requirements of Section 8.000 have been complied with as closely as may be reasonably required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.
3. Where the improvements required by the Zoning Ordinance and Subdivision Ordinance (i.e. streets, alleys, improved open space, landscaping, drainage, etc.) have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner providing a performance guarantee in the form of a surety bond, irrevocable letter of credit, or other form of guarantee that provides equivalent security to a surety bond or letter of credit with the Town Manager or designated agent. The amount of the performance guarantee shall be in an amount determined by the Town Manager in consultation with the Town Engineer or their designee, and affected agencies such as the department of Environmental Health, sufficient to guarantee the installation of the required improvements, allowing credit for improvements completed prior to the submission of the final plat. The amount so determined shall not to exceed 125% of the reasonably estimated

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Commented [ES84]: 160D-804.1(1).

The performance guarantees are allowed for completion of Town-required improvements.

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cost of completion of the required improvements at the time the guarantee is issued. For landscaping required by this ordinance, the developer shall provide a contractor's estimate for provision and installation of such landscaping, the estimate shall be reviewed for adequacy, and a performance guarantee sufficient to guarantee the provision and installation of required landscaping shall also be filed in the manner provided above. Upon completion of the improvements and the submission of as built drawings, written notice thereof must be given by the subdivider to the Town Engineering Department and the Town of Huntersville Planning Department. The Engineering Department and Huntersville Planning Department will arrange for an inspection of the improvements. If the improvements are found satisfactory, the Town Manager will be notified who will, within 30 days of the date of such notification, authorize in writing the release of the performance guarantee, subject to the warranty requirement below.

4. ~~Warranty.~~ All improvements required by this ordinance shall be warranted against defects in workmanship and materials by the subdivider for a period of not less than one (1) year, but not more than two (2) years from the date of the filing of the final plat or the date of the completion of the improvement, whichever is later. The subdivider shall file with the Town Manager a ~~warranty surety listing the Town as beneficiary in an amount of 15% of the estimated value of the warranted development-related improvements for the warranty period.~~

8.500 INSPECTION

1. Town Engineering Department must be notified two days in advance of the work to be started so that an authorized representative of the Town Engineer or their designee or other responsible agency may be assigned to make any and all necessary inspections of the work performed.
2. The inspector must be allowed access to all parts of the work and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in compliance with the specifications.
3. No materials may be placed, nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.
4. In the case of any disputes arising as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

9.000 ENFORCEMENT

1. ~~After the effective date of this ordinance, any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this ordinance, subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds of Mecklenburg County shall, upon conviction, be guilty of a Class 1 misdemeanor, which shall be punishable by a fine not to exceed \$500.00, or imprisonment for not more than 30 days for each and every offense. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town of Huntersville through the Town Attorney may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. All administrative actions relating to such land, including the issuance of any grading, construction, building, or occupancy~~

Commented [ES85]: 160D-804.1(3)

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Commented [ES86]: See 160D-804.1(4), which only allows the performance guarantee for COMPLETION of improvements, not maintenance and repairs after completion.

See Adam Lovelady on the subject here:

<https://canons.sog.unc.edu/subdivision-performance-guarantees-legislative-changes/> [Note statutory references have been replaced now by 160D references].

I used Raleigh's warranty language at 8.1.4 of their UDO. However, we could change the percentage if preferred.

<https://user-2081353526.cld.bz/UnifiedDevelopmentOrdinance/242/>

Deleted: with adequate sureties in an amount determined by the Town Manager or Town Engineer or their designee to be sufficient to assure proper maintenance and repair of such improvements ...

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Commented [JG88]: Direct language from 160D-807(a)

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permit will be suspended. This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance.

2. In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from [Mecklenburg County and the Town of Huntersville](#). No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, ~~the~~ [Town](#) may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

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Commented [JS89]: Correct reference.

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10.000 APPLICATION AND PROCESSING FEES

Fees for the submittal of preliminary and/or final subdivision plats shall be established, and from time to time revised, by the Board of Commissioners of the Town of Huntersville and shall be collected when a subdivision application is submitted. Fees shall be collected by the Town Manager, employees under his or her direction, or an Administrative Agent designated by the Board of Commissioners to administer the subdivision ordinance.

Fees for variances and appeals of administrative decisions or interpretations shall be in accordance with the fee schedule established by the Huntersville Board of Commissioners and shall be collected by the Town Manager or employees under his or her direction at the time a variance or appeal is submitted.

SECTION 2

That this ordinance shall become effective November 1, 1989.

Caution: 160D-701(replaced 160A-383) has been interpreted to link the requirement of adequate public facilities to land use regulation. However, per David Owns “[a]ssuming the local government has done appropriate planning and analysis to support the decision, it has the legal authority to **deny or delay development approvals that would overburden public facilities**. A local government cannot, however, use development regulations to **mandate payment of impact fees to address inadequate public facilities unless the particular fee involved has been expressly authorized by the General Assembly**. While there is latitude for good faith negotiations on public-private cost-sharing and contributions towards the **provision of public facilities with development agreements and conditional zoning, any mandatory impact fee must have legislative authorization**.”
<https://canons.sog.unc.edu/if-we-cant-collect-a-fee-can-we-just-say-no-use-of-impact-fees-and-adequate-public-facility-regulatory-requirements/>

The same analysis likely applies to any mandatory (I note our ordinance says “may provide mitigation measures”) mitigation not in the form of a fee (i.e. construction of improvements) that exceeds our exaction authority set forth within the statutes. The exaction authority is separate and apart from adequate public facilities considerations in 160D-701.

Specifically, 160D-702 (zoning) and 160D-804 (subdivision) limit our exaction authority as interpreted by the Buckland case. Per that case, we cannot require off-site road improvements to be built by the developer based on these two specific statutory grants of authority.

Finally, whereas the Town Charter includes language at Section 8.1 regarding “mitigation,” that mitigation is tied specifically to when “development would cause the level of service to fall below the **‘predetermined level.’**”

As I believe was previously discussed with Angie, and as was being reviewed by the HOAB, Article 14 of the Zoning Ordinance likely needs to be updated to conform to the above limitations.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Pattie Ellis, Finance Director

Date: June 21, 2021

Subject: Budget Amendment - ARPA

EXPLAIN REQUEST:

The Town of Huntersville was awarded \$4,809,066 in the American Rescue Plan Act (ARPA) from the United States Treasury department. These funds will be distributed in two tranches, one in 2021 and the other twelve months later. Appropriate \$2,404,533 to the ARPA revenue account (403404.9999.21014) and various expense accounts in the Grant fund.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

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

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Pattie Ellis, Finance Director

Date: June 21, 2021

Subject: Budget Amendment

EXPLAIN REQUEST:

Appropriate expected FEMA revenue in the Grant fund (403405.9999.21012) of \$100,895.47 for reimbursable FEMA expenses of \$100,895.47 in various expense accounts in the Grant Fund.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

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

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Pattie Ellis, Finance Director

Date: June 21, 2021

Subject: Budget Amendment - Community Emergency Needs

EXPLAIN REQUEST:

Appropriate Community Emergency Needs contributions of \$16,176.96 to the Miscellaneous Expense - Community Emergency Needs expense account. These funds are donated to the Town to use to help citizens in times of need.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

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

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Tracy Houk, Assistant Director

Date: June 21, 2021

Subject: Resolution - Event Road Closure Request for Main Street

EXPLAIN REQUEST:

With the success of the first Growers' Market Cruise-in we have had a request by the participants to add monthly cruise-ins.

ACTION RECOMMENDED:

Consider approving the updated event road closure request

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Updated Growers Market Cruise In Event Road Closure Request - LM



WHEREAS, North Carolina General Statute 20-169 authorizes local authorities to regulate by ordinance the use of a highway within their jurisdiction by processions, assemblages or anything that may be construed as a procession or assemblage, and

WHEREAS, the Town of Huntersville will consult with the local NCDOT Division office to verify that a proposed event will not 1) interfere with other planned special events and 2) impact or be impacted by planned maintenance or other activities, and

WHEREAS, the Town of Huntersville sponsors and hold it's a monthly Cruise In event in conjunction with the Growers Market. Events & Dates requested are:

Saturday, June 26th 6:00am-1:00pm
Saturday, July 24th 6:00am-1:00pm
Saturday, August 27th, 6:00am-1:00pm
Saturday, September 25th, 6:00am-1:00pm and;

WHEREAS, this event will require the temporary closing of 1) Main St between Huntersville-Concord Rd and Bigham St., as long as it does not interfere with any required road closures for the construction of U-5908 Main Street project, on the following dates and times:

Saturday, June 26th 6:00am-1:00pm
Saturday, July 24th 6:00am-1:00pm
Saturday, August 27th, 6:00am-1:00pm
Saturday, September 25th, 6:00am-1:00pm See map attached as reference.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Commissioners approves and authorizes to temporarily close the above-mentioned state-maintained roads for a special event per the attached map.
2. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effect the provisions of this Resolution;
3. This Resolution shall be effective as of the date its adoption.

Adopted this XX day of MONTH, 2021.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

Town Attorney

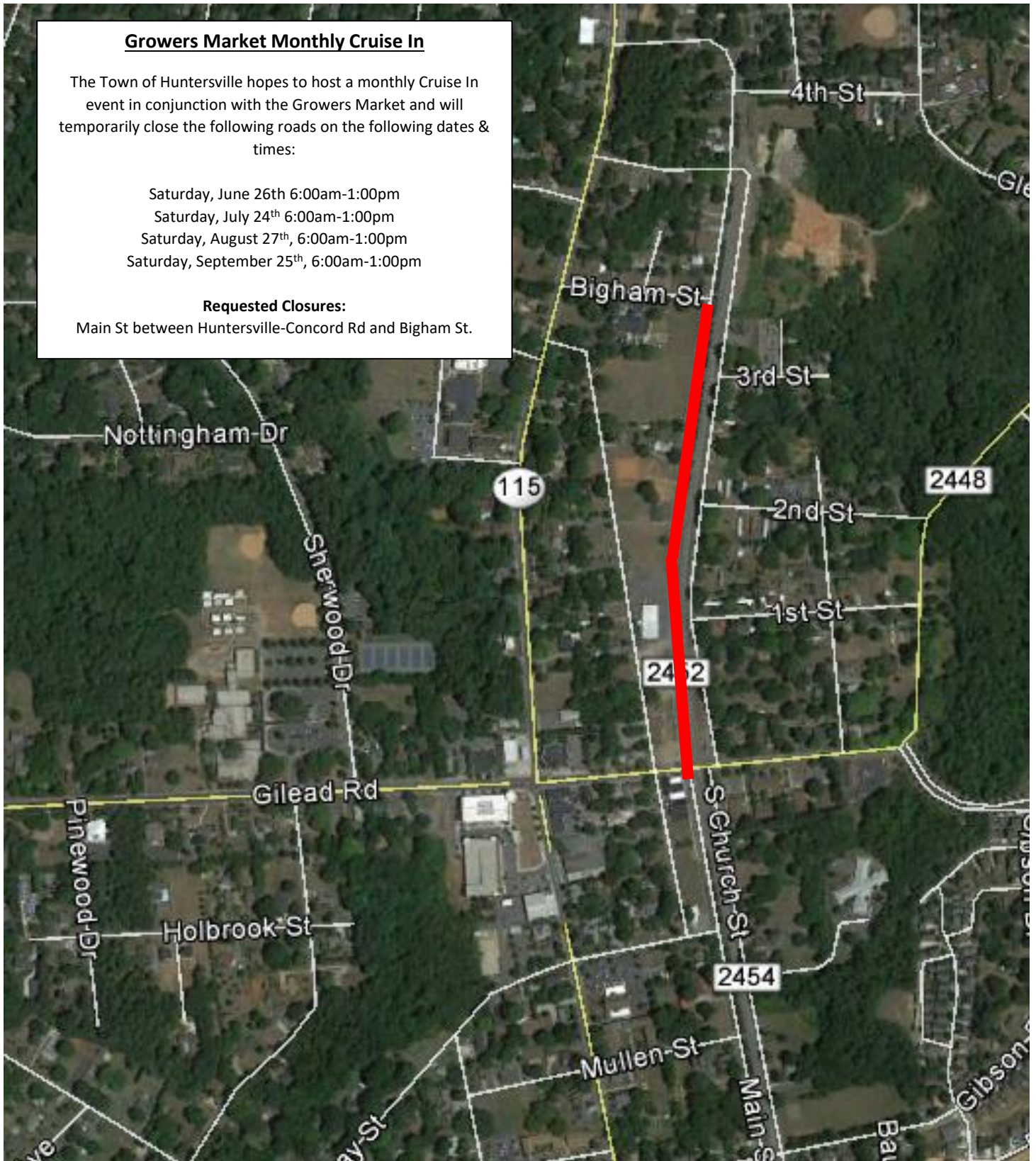
Growers Market Monthly Cruise In

The Town of Huntersville hopes to host a monthly Cruise In event in conjunction with the Growers Market and will temporarily close the following roads on the following dates & times:

Saturday, June 26th 6:00am-1:00pm
Saturday, July 24th 6:00am-1:00pm
Saturday, August 27th, 6:00am-1:00pm
Saturday, September 25th, 6:00am-1:00pm

Requested Closures:

Main St between Huntersville-Concord Rd and Bigham St.



**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Kevin Fox, Director

Date: June 21, 2021

Subject: Accept Streets for Town Maintenance - Skybrook West

EXPLAIN REQUEST:

It is recommended that the Town of Huntersville accept the streets listed below for maintenance, which are located in the Skybrook West.

Street Name	From	To	Approx. Length
Sunset Bluffs Cir	Wescott Hill Dr	Cul-de-sac	810 feet
Pineloft Dr	Skymont Dr	Hammerhead	425 feet
Skymont Dr	Sunset Bluffs Cir	Salem Ridge Rd	965 feet
Salem Ridge Rd	160' NW of Brandie Meadow Ln	Cul-de-sac	640 feet
Wescott Hill Dr	Salem Ridge Rd	165' S of Timbergreen Dr	330 feet

ACTION RECOMMENDED:

Accept streets for Town Maintenance

FINANCIAL IMPLICATIONS:

Powell Bill

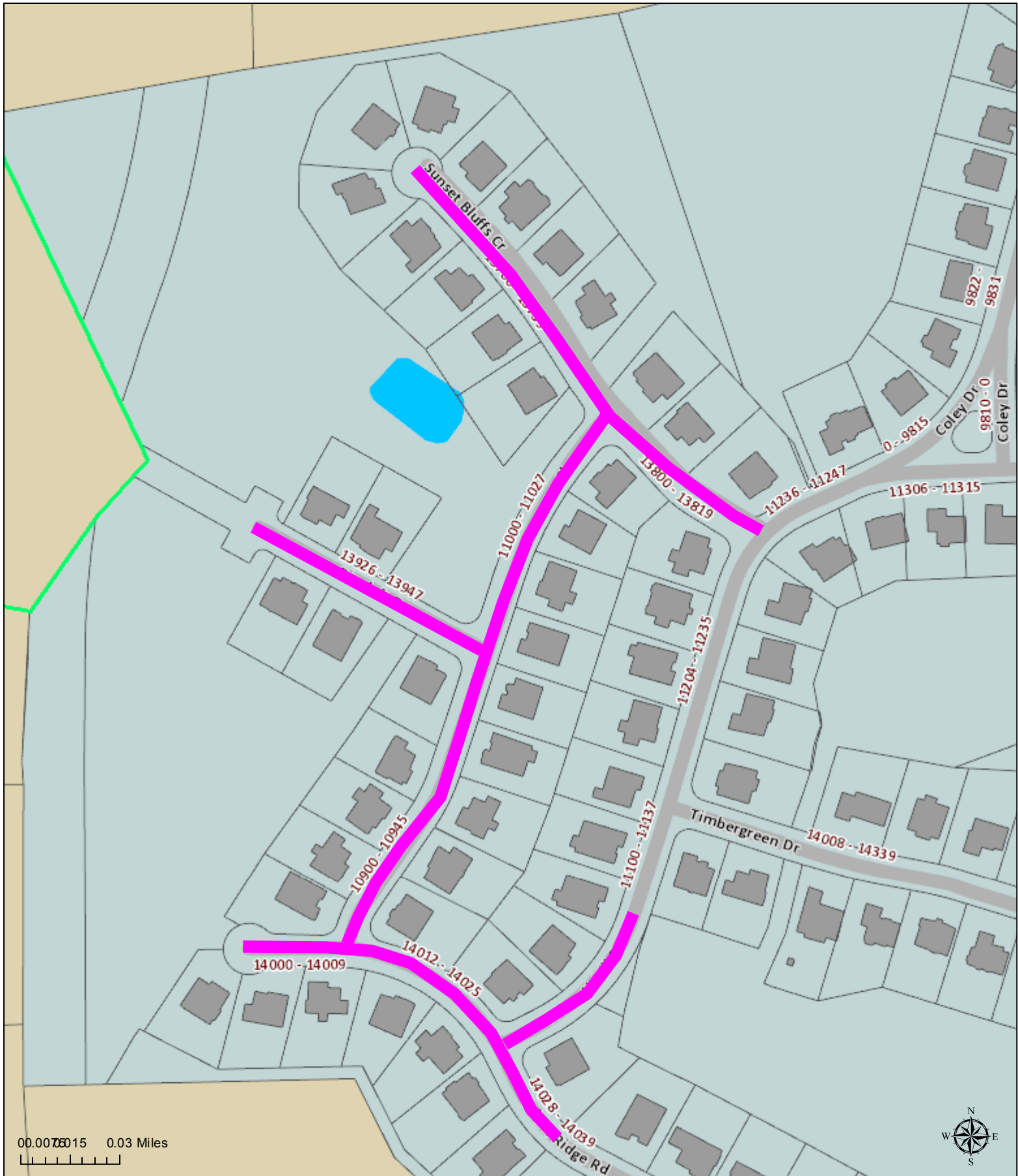
ATTACHMENTS:

1. Skybrook West
2. Skybrook West Aerial

Polaris 3G Map – Mecklenburg County, North Carolina

Skybrook West

Date Printed: 6/2/2021 1:53:21 PM

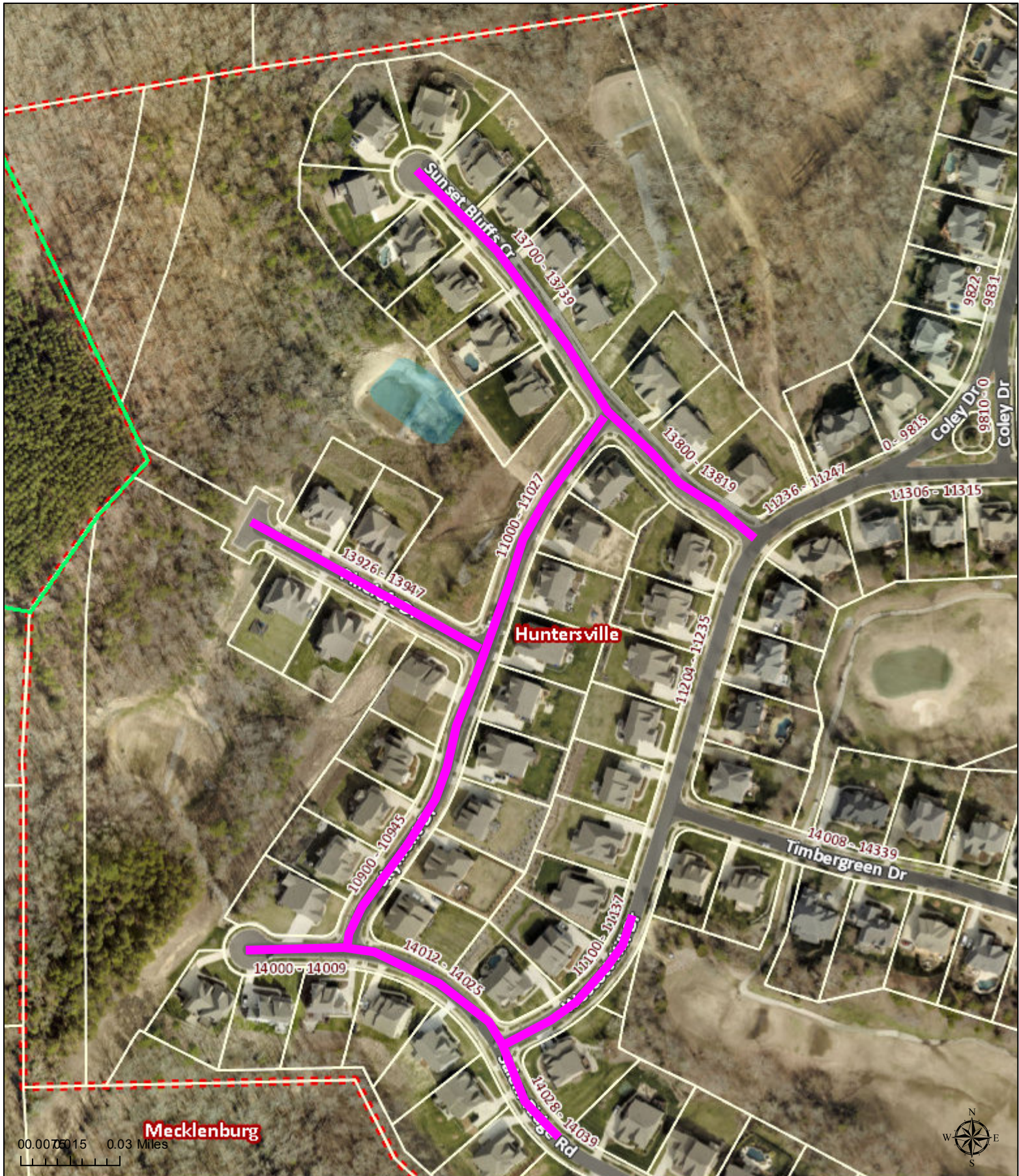


This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information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

Polaris 3G Map – Mecklenburg County, North Carolina

Skybrook West

Date Printed: 6/2/2021 1:54:04 PM



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**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Kevin Fox, Director

Date: June 21, 2021

Subject: Accept Streets for Town Maintenance - Bryton Single-family Phase 2 Map 1

EXPLAIN REQUEST:

It is recommended that the Town of Huntersville accept the street listed below for maintenance, which is located in the Bryton Single Family Phase 2 Map 1.

Street Name	From	To	Approx. Length
Roderick Drive	Bryton Parkway	Cul-de-sac	300 feet

ACTION RECOMMENDED:

Accept Streets for Town Maintenance

FINANCIAL IMPLICATIONS:

Powell Bill

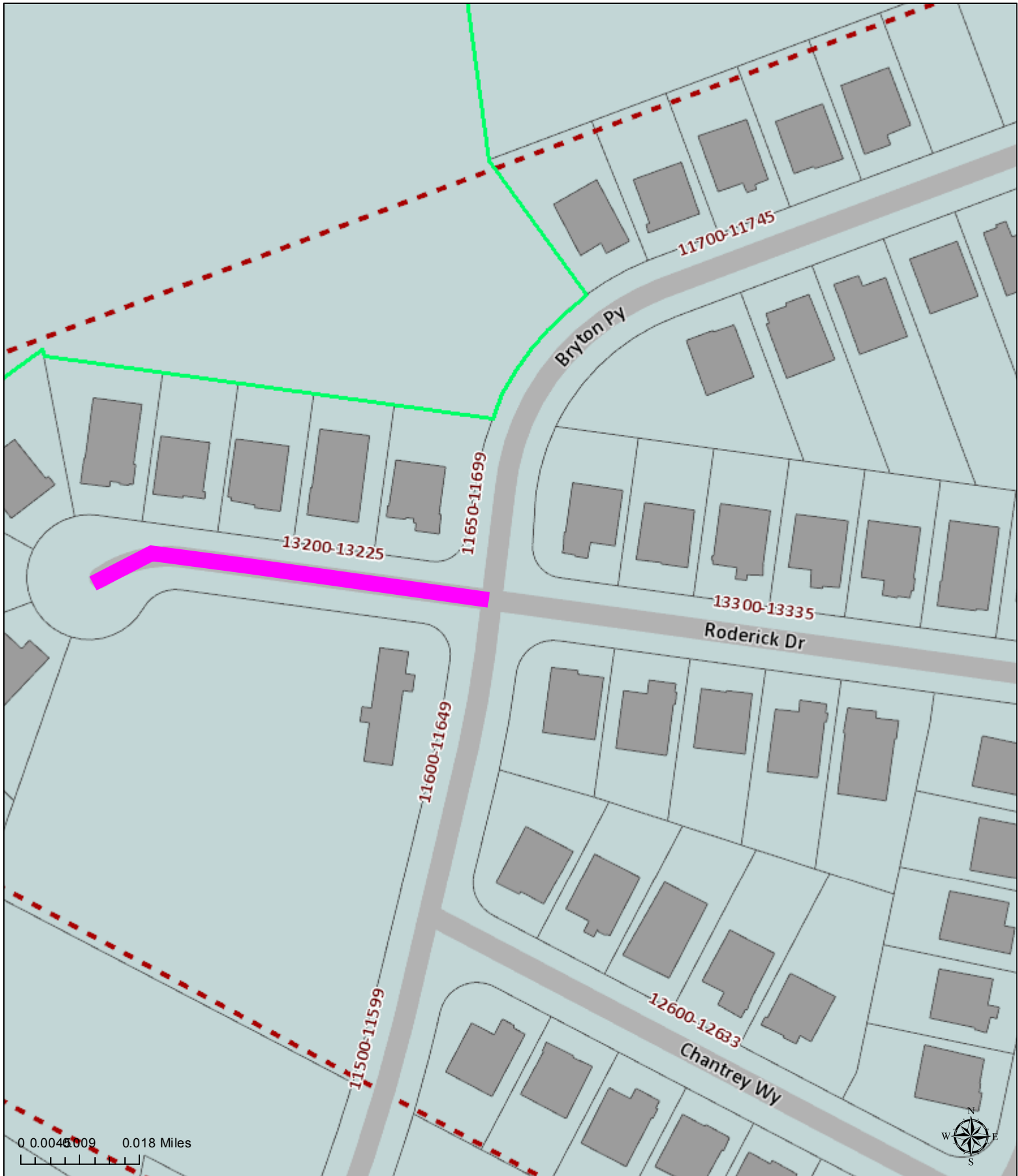
ATTACHMENTS:

1. Bryton Single Family Ph 2 Map 1
2. Bryton Single Family Ph 2 Map 1 Aerial

Polaris 3G Map – Mecklenburg County, North Carolina

Bryton Single Family Ph2 M1

Date Printed: 4/21/2021 11:44:52 AM



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Polaris 3G Map – Mecklenburg County, North Carolina

Bryton Single Family Ph2 M1

Date Printed: 4/21/2021 11:45:36 AM



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.

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: June 21, 2021

Subject: Annexation 21-01 - Oak Grove Hill

EXPLAIN REQUEST:

Call a Public Hearing for Monday, July 19, 2021 at 6:00 p.m. on Petition #ANNEX 21-01, a request by Beverly Buchanan and Mariam Smith to annex 34.951-acres (Oak Grove Hill) into the Town of Huntersville.

ACTION RECOMMENDED:

Call Public Hearing

FINANCIAL IMPLICATIONS:

n/a

ATTACHMENTS:

1. Resolution setting hearing for contiguous annexation - Oak Grove Hill
2. Certificate of Sufficiency-Oak Grove Hill

**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO N.C.G.S. 160A-31**

(Oak Grove Hill)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Huntersville, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein which is contiguous to the primary town limits of the Town of Huntersville will be held at the Huntersville Recreation Center, 11836 Verhoeff Drive, Huntersville, NC at 6:00 p.m. on the 19th day of July 2021.

Section 2. The area proposed for annexation is described as follows:

(Metes and bounds description attached hereto as Exhibit A and Annexation Plat attached hereto as Exhibit B.)

Section 3. Notice of said public hearing shall be published in the Charlotte Observer, a newspaper having a general circulation in the Town of Huntersville, at least ten (10) days prior to the date of said public hearing.

Mayor

Town of Huntersville, North Carolina

ATTEST:

Town Clerk

Oak Grove Hill - Property Description

BEING ALL THOSE CERTAIN PARCELS OF LAND, LYING IN THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, STATE OF NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT NGS MONUMENT "HEDRICK", HAVING NORTH CAROLINA GEODETIC COORDINATES OF NORTH=586,835.04' AND EAST=1,437,162.95', THENCE N8°56'12"W FOR A DISTANCE OF 1,426.43' TO A #5 REBAR SET ON THE APPARENT INTERSECTION OF THE MAINTAINED RIGHT OF WAY OF BEATTIES FORD ROAD (SR 2074) AND CARVER AVENUE (SR 2123), SAID POINT BEING THE POINT OF BEGINNING (POB)

THENCE, FROM THE POB, AND ALONG THE APPARENT MAINTAINED RIGHT OF WAY OF BEATTIES FORD ROAD, N9°01'16"W FOR A DISTANCE OF 42.36' TO A #5 REBAR SET ON THE APPARENT INTERSECTION OF THE MAINTAINED RIGHT OF WAY OF BEATTIES FORD ROAD (SR 2074) AND CARVER AVENUE (SR 2123), THENCE N80°58'44"E FOR A DISTANCE OF 3.57' TO A #5 REBAR SET ON THE BEGINNING OF A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 99°25'53", HAVING A RADIUS OF 7.50', AND WHOSE LONG CHORD BEARS S51°04'28"E FOR A DISTANCE OF 11.44' TO A #5 REBAR SET, THENCE N79°12'35"E FOR A DISTANCE OF 173.23' TO A #5 REBAR SET, THENCE, N 09°03'07"W FOR A DISTANCE OF 16.51' TO A #4 PIPE FOUND ON THE APPARENT MAINTAINED RIGHT OF WAY CARVER AVENUE, THENCE N09°03'07"W FOR A DISTANCE OF 109.25' TO A 3" PIPE FOUND, THENCE S79°27'41"W FOR A DISTANCE OF 184.38' TO A 3" PIPE FOUND ON THE APPARENT MAINTAINED RIGHT OF WAY OF BEATTIES FORD ROAD, THENCE, ALONG SAID RIGHT OF WAY, N08°52'54"W FOR A DISTANCE OF 273.43' TO A #6 REBAR FOUND, THENCE, LEAVING SAID RIGHT OF WAY, N81°00'10"E FOR A DISTANCE OF 200.13' TO A POINT, THENCE S09°07'21"E FOR A DISTANCE OF 60.54' TO A ½" PIPE FOUND, THENCE N64°35'28"E FOR A DISTANCE OF 44.12' TO A POINT, THENCE S31°31'25"E FOR A DISTANCE OF 126.99' TO A 1" PIPE FOUND, THENCE N70°15'03"E FOR A DISTANCE OF 219.34' TO A 1" PIPE FOUND ON THE 50' MAINTAINED PUBLIC RIGHT OF WAY OF OVERHILL ROAD (SR 2122), THENCE N84°28'44"E FOR A DISTANCE OF 56.91' TO A 1" PIPE FOUND ON THE AFOREMENTIONED RIGHT OF WAY OF OVERHILL ROAD, THENCE, ALONG SAID RIGHT OF WAY THE FOLLOWING 2 CALLS 1)N36°08'12"W FOR A DISTANCE OF 153.01' TO A #5 REBAR SET 2) N39°42'09"W FOR A DISTANCE OF 43.55' TO A #5 REBAR SET ON THE INTERSECTION OF THE AFOREMENTIONED RIGHT OF WAY OF OVERHILL ROAD AND THE 40' PUBLIC RIGHT OF WAY OF PEMBROKE ROAD (SR 2121), THENCE, ALONG THE AFOREMENTIONED RIGHT OF WAY OF PEMBROKE ROAD THE FOLLOWING 2 CALLS 1)N40°39'08"E FOR A DISTANCE OF 218.10' TO A #5 REBAR SET ON THE BEGINNING OF A CURVE 2)SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 07°39'40", HAVING A RADIUS OF 532.98', AND WHOSE LONG CHORD BEARS N44°28'58"E FOR A DISTANCE OF 71.21' TO A #5 REBAR SET, THENCE, LEAVING SAID RIGHT OF WAY, S40°55'40"E FOR A DISTANCE OF 205.22' TO A #5 REBAR SET, THENCE N64°48'51"E FOR A DISTANCE OF 219.71' TO A #5 REBAR SET, THENCE N15°02'51"W FOR A DISTANCE OF 11.01' TO A #5 REBAR FOUND, THENCE N86°03'44"E FOR A DISTANCE OF 236.23' TO A 1" PIPE FOUND, THENCE N86°07'52"E FOR A DISTANCE OF 60.08' TO A #5 REBAR FOUND, THENCE N85°59'35"E FOR A DISTANCE OF 60.05' TO A #5 REBAR WITH CAP, THENCE S43°00'22"E FOR A DISTANCE OF 249.57' TO A 2" PIPE FOUND, THENCE S45°01'00"E FOR A DISTANCE OF 207.49' TO A #5 REBAR FOUND, THENCE S52°51'14"E FOR A DISTANCE OF 234.82' TO A #5 REBAR WITH CAP, THENCE S61°08' 54"E FOR A DISTANCE OF 94.14' TO A #4 REBAR FOUND, THENCE S15°58'40"E FOR A DISTANCE OF 220.66' TO A ½" PINCH PIPE, THENCE N83°29'48"W FOR A DISTANCE OF 415.63' TO A #5 REBAR, THENCE S09°49'50"W FOR A DISTANCE OF 524.77' TO AN IRON PIN FOUND, THENCE S09°37'08"W FOR A DISTANCE OF 206.19' TO AN IRON PIPE FOUND, THENCE S09°45'53"W FOR A DISTANCE OF 225.58' TO A #5 REBAR FOUND, THENCE S09°50'52"W FOR A DISTANCE OF 206.36' TO A PINCH PIPE FOUND, THENCE S10°10'22"W FOR A DISTANCE OF 421.11' TO A #5 REBAR SET, THENCE N27°17'09"W FOR A DISTANCE OF 784.03' TO A #5 REBAR SET, THENCE N85°10'00"W FOR A DISTANCE OF 107.42' TO A #5 REBAR FOUND, THENCE N24°45'00"W FOR A DISTANCE OF 725.59' TO A #4 REBAR FOUND, THENCE S81°27'27"W FOR A DISTANCE OF 155.28' TO A #5 REBAR SET, THENCE N8°44'16"W FOR A DISTANCE OF 208.14' TO A \$5 REBAR FOUND, THENCE N08°44'16"W FOR A DISTANCE OF 4.50' TO A #5 REBAR SET, THENCE S79°24'52"W FOR A DISTANCE OF 140.03' TO A #5 REBAR SET, THENCE N08°57'30"W FOR A DISTANCE OF 9.88' TO A #5 REBAR SET, THENCE N8°46'31"W FOR A DISTANCE OF 2.12' TO A 1" PIPE FOUND, THENCE S79°12'35"W FOR A DISTANCE OF 98.49' TO A #5 REBAR FOUND, THENCE S09°01'16"E FOR A DISTANCE OF 7.00' TO A #5 REBAR SET, THENCE S79°12'35"W FOR A DISTANCE OF 41.02' TO THE POB, CONTAINING, 42.606 ACRES, MORE OR LESS.



CERTIFICATE OF SUFFICIENCY

To: The Board of Commissioners of the Town of Huntersville, North Carolina

I, Janet Pierson, Town Clerk, do hereby certify that I have investigated the Petitions of Oak Grove Hill for contiguous annexation of certain property, and have found as a fact that said Petitions are signed by all the owners of real property lying in the area described therein in accordance with North Carolina General Statutes §160A-31, *et seq.* The undersigned therefore certifies that the Petition is sufficient for the voluntary annexation of a contiguous area pursuant to NCGS §160A-31.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Huntersville this 14th day of June 2021.




Janet Pierson, Town Clerk

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Jack Simoneau, Director

Date: June 21, 2021

Subject: Call for Public Hearing - Petition #TA 21-05 Metrolina Greenhouses

EXPLAIN REQUEST:

Call public hearing on July 19, 2021 at 6PM to consider TA 21-05, a request by Metrolina Greenhouses, Inc to allow dormitories as a special use permit in the Rural and Transitional Zoning districts subject to specific criteria.

ACTION RECOMMENDED:

Call public hearing on July 19, 2021 at 6PM to consider TA 21-05, a request by Metrolina Greenhouses, Inc to allow dormitories as a special use permit in the Rural and Transitional Zoning districts subject to specific criteria.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: June 21, 2021

Subject: Petition #R21-03 - Billings Property

EXPLAIN REQUEST:

Call a public hearing for Monday, July 19, 2021 at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #R21-03 Billings Property, a request by Skybrook West LLC to Rezone +/- 21.04-acres north of Eastfield Road, just west of the Cabarrus County boundary to rezone from Rural (R) to Neighborhood Residential - Conditional District (NR-CD) for a 47-lot subdivision; (Meck. Co. PIN 02111116 & Cabarrus Co. PIN 46703589660000). *(David Peete)*

ACTION RECOMMENDED:

Call a Public Hearing.

FINANCIAL IMPLICATIONS:

n/a

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: June 21, 2021

Subject: Petition #R21-04 - Spring Grove

EXPLAIN REQUEST:

Call a public hearing for Monday, July 19, 2021 at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #R21-04 Spring Grove, a request by M/I Homes of Charlotte, LLC to Rezone +/- 62.82-acres south of McCord Road and Hagers Road intersection to rezone from General Residential (GR) & Neighborhood Residential - Conditional District (NR-CD) to Neighborhood Residential - Conditional District (NR-CD) for a 138-lot subdivision; (PINs 01101102, 01101110, 01101114, 01119129 & 01119132). *(David Peete)*

ACTION RECOMMENDED:

Call a Public Hearing.

FINANCIAL IMPLICATIONS:

n/a

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: June 21, 2021

Subject: Petition #R21-06 - North Creek Mixed-use

EXPLAIN REQUEST:

Call a public hearing for Monday, July 19, 2021 at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #R21-06 North Creek Mixed-Use, a request by Magnolia Development, LLC to Rezone +/- 84.00-acres south of NC 73 and Davidson-Concord Road intersection to rezone from Rural (R) to Highway Commercial & Traditional Neighborhood Development - Conditional District (HC & TND-R-CD) for a development consisting of 42,500 commercial sq. ft., 376 multi-family units, 71 attached single-family units and 82 detached single-family units (PINs 01107311, 01126101 & 01126113). *(David Peete)*

ACTION RECOMMENDED:

Call a Public Hearing.

FINANCIAL IMPLICATIONS:

n/a

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Lauren Speight, Planner 1

Date: June 21, 2021

Subject: Petition #TA21-06

EXPLAIN REQUEST:

Call a public hearing for Monday, August 2, 2021 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, on Petition #TA 21-06, a request by Jason Richardson to amend Articles 3.2.1 (e, 6) and Article 3.2.2 (e, 6) of the Huntersville Zoning Ordinance to allow detached garages in the side yard of home lots in farmhouse clusters.

ACTION RECOMMENDED:

Call Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 21, 2021**

To: Town Board

From: Brian Richards, Assistant Director

Date: June 21, 2021

Subject: Petition #R21-09 Caldwell Crossing

EXPLAIN REQUEST:

Call a public hearing for Monday, August 2, 2021 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road on Petition #R21-09 Caldwell Crossing Mixed Use , a request by CapRock LLC to Rezone +/- 38.1 acres as the Southeast west corner of Hambright Road and Statesville Road to rezone from Corporate Business and Transitional Residential to Traditional Neighborhood Development – Urban Conditional District for a mixed-use development with commercial, apartments, and townhomes; (Parcels:01103103, 01103204, 01103205, 01103206, 01103207, 01103208, 01103209, 01103210, 01103211).

ACTION RECOMMENDED:

Call a public hearing.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None