

Mayor
Christy Clark

Mayor Pro Tem
Jennifer Hunt

Commissioners
Alisia Bergsman
Amanda Dumas
Edwin Quarles
LaToya Rivers
Nick Walsh



Town Manager
Anthony Roberts

Deputy Town Manager
Jackie Huffman

Assistant Town Manager
Bobby Williams

Town Attorney
Emily Sloop

Town Clerk
Janet Pierson

AGENDA

Regular Town Board Meeting November 19, 2024 - 6:00 PM TOWN HALL (101 Huntersville-Concord Road)

Live stream available via YouTube [@townofhuntersvillenc28078](https://www.youtube.com/@townofhuntersvillenc28078)

- 1. Pre-meeting - None**
- 2. Call to Order**
- 3. Invocation/Moment of Silence**
- 4. Pledge of Allegiance**
- 5. Announcements**
- 6. Public Comments, Requests, or Presentations**
 - 6.A. Presentation from Environmental Sustainability Committee. *(Mayor Pro Tem Hunt)*
 - 6.B. Small Business Saturday Proclamation. *(Mayor Clark)*
- 7. Agenda Changes/Adoption of Agenda**
- 8. Consent Agenda**
 - 8.A. Approve Budget Amendment appropriating \$19,000 from the Park Capital Reserve Fund to the Park - Huntersville Greenway project. *(Pattie McGinnis/Tracy Houk)*
 - 8.B. Call a public hearing for Tuesday, December 3, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 for a historic landmark designation for the "Caldwell-Bradford School" site located at 16401 Davidson-Concord Road. *(Rebecca Bleich)*
- 9. Public Hearings**

- 9.A. Conduct public hearing on Petition #R24-12 Walden Berm Revision, a request by TF Walden LP to rezone +/-21.509 acres located at 15140 Fred Brown Rd from Neighborhood Residential Conditional District to Neighborhood Residential Conditional District. (*Brian Richards*)

10. Other Business

- 10.A. Consider decision on Petition #R24-03 Long Creek Retail, a request by Saleh Moflehi of TA&S Enterprises of NC Inc. to rezone +/- 4.39 acres located at the intersection of Mt. Holly-Huntersville Road and Beatties Ford Road from Highway Commercial - Conditional District to Highway Commercial - Conditional District for a convenience store and retail/commercial use development. (*Jesse James*)
- 10.B. Consider decision on Petition #TA24-14, to align the Town's Soil Erosion and Sedimentation Control Ordinance with state law. (*Rebecca Bleich*)
- 10.C. Consider appointments to the Environmental Sustainability Committee due to two vacancies. (*Mayor Pro Tem Hunt*)
- 10.D. Consider adopting Resolution for North Carolina League of Municipalities Commit to Civility program. (*Mayor Clark*)

11. Closing Comments

12. Adjourn

General Meeting Information

Town Board:

The Town of Huntersville Mayor and Board of Commissioners are elected for two-year terms. Huntersville operates under the council-manager form of government, which establishes the Town's policies that are carried out by the Town Manager and staff. For more information, visit www.huntersville.org.

Meeting Time, Place and Agenda:

All meetings of the Board are open to the public and the public is invited and encouraged to attend. The Board meets in the Town Hall at 6:00 p.m. on the first and third Tuesday of each month (unless otherwise posted). Agendas are published Thursdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Public Comment and Public Hearing Policy:

Persons desiring to address the Board during the public comment period or a public hearing shall sign up via the speaker sign-up sheet prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak. Persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor shall have the discretion to shorten the allotted speaking time depending on the number persons registered to speak and in consideration of the length of the agenda. ([Public Comment and Public Hearing Policy - Amended February 19, 2024](#))

Special Accommodations:

Please contact the Town Clerk, 72 hours prior to the meeting, for special accommodations to attend this meeting and/or if this information is needed in an alternative format. Janet Pierson can be reached at clerk@huntersville.org or 704-875-6541.



A PROCLAMATION FOR SMALL BUSINESS SATURDAY

WHEREAS, the Town of Huntersville, North Carolina celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 34.7 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 61.1% of net new jobs created since 1995, and small businesses employ 45.9% of the employees in the private sector in the United States; and

WHEREAS, 68 cents of every dollar spent at a small business in the U.S. stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

WHEREAS, 59% of U.S. consumers aware of Small Business Saturday shopped or ate at a small, independently owned retailer or restaurant on Small Business Saturday 2023; and

WHEREAS, the Town of Huntersville supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim November 30 as “**SMALL BUSINESS SATURDAY**” in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 19th day of November, 2024.

Christy Clark, Mayor



Request for Board Action

November 19, 2024

To: The Honorable Mayor and Board of Commissioners

From: Tracy Houk, Assistant Director of Parks and Recreation

Subject: Budget Amendment: The Park - Huntersville Greenway

EXPLAIN REQUEST:

Prior to the initiation of any ground-disturbing activities within the project area, it is required that an archaeological reconnaissance survey be conducted given the location of the project area along Torrence Creek and previously recorded archaeological site types to be located within the project area including historic mills, dams, and low water crossings (fords).

ACTION RECOMMENDED:

Approve Budget Amendment appropriating \$19,000 from the Park Capital Reserve Fund (10.3510.9999) to the Park - Huntersville Greenway project (10.5400.0564 22016).

FINANCIAL IMPLICATIONS:

No Impact to Fund Balance

ATTACHMENTS:

1. NCDCCR LTR_10082024



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary, Darin J. Waters, Ph.D.

October 8, 2024

Darren Even
Dewberry Engineers, Inc.
9300 Harris Corners Parkway, Suite 220
Charlotte, NC 28269

deven@dewberry.com

Re: Construct The Park Greenway, Town of Huntersville, Mecklenburg County, ER 24-2084

Dear Mr. Even:

Thank you for your email of September 16, 2024, regarding the above-referenced undertaking. We have reviewed the submission and offer the following comments:

While there are no previously recorded archaeological sites within the project area, given the location of the project area along the Torrence Creek and previously recorded archaeological and historic structures within the vicinity, there is a high probability for the presence of certain archaeological site types to be located within the project area including historic mills, dams, and low water crossings (fords).

Prior to the initiation of any ground disturbing activities within the project area, we recommend that an archaeological reconnaissance survey be conducted. The purpose of the reconnaissance survey is to identify archaeological resources that are readily apparent and areas, based on field conditions, documentary research, and historic maps, that have a high probability to contain archaeological sites that may be eligible for the NRHP. If potentially significant sites are found and/or if it is determined that the potential for eligible sites exists, additional archaeological investigations may be recommended.

The reconnaissance survey should be conducted by an experienced archaeologist that meets the Secretary of the Interior's Professional Qualification Standards. A list of archaeological consultants who have conducted or expressed an interest in contract work in North Carolina is available at <https://archaeology.ncdcr.gov/programs/environmental-review/archaeological-consultant-list>. The archaeologists listed, or any other experienced archaeologist, may be contacted to conduct the recommended survey.

Our office requests consultation with the Office of State Archaeology (OSA) Review Archaeologist to discuss appropriate field methodologies prior to the archaeological field investigation. You can find the Review Archaeologist for your region at <https://archaeology.ncdcr.gov/about/contact>. OSA's Archaeological Standards and Guidelines for Background Research, Field Methodologies, Technical Reports, and Curation (November 2023) can be found online at: <https://archaeology.ncdcr.gov/osa-guidelines/open>.

OSA uses Citrix ShareFile for archaeological consultants and government agencies to submit digital archaeological report and site files for Environmental Review. Consultants should review our ShareFile User Guidelines and submit a ShareFile User Access Form which can be found online at:

<https://archaeology.ncdcr.gov/programs/environmentalreview/sharefile>

The OSA Environmental Review report and site form submission requirements are as follows:

- One (1) digital copy of the archaeological survey report, to be sent through ShareFile.
- One (1) digital copy of each NC Site Form(s) with site map(s) for each site that was recorded as part of the archaeological investigation, to be sent through ShareFile. Please submit each site form as a separate document.
- Hard copies of reports will be requested by the OSA once we determine that no further changes to the report are needed. Concurrence letters will not be sent until after we receive the hard copy of the final archaeological survey report.

More information on OSA's Environmental Review requirements can be found online at:

<https://archaeology.dncr.nc.gov/programs/environmental-review>.

We have determined that the project as proposed will not have an effect on any historic structures.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@dncr.nc.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,



for Ramona Bartos, Deputy
State Historic Preservation Officer



Request for Board Action

November 19, 2024

To: The Honorable Mayor and Board of Commissioners

From: Rebecca Bleich, Planner II

Subject: Call Public Hearing - "Caldwell-Bradford School" Site Historic Landmark Designation

EXPLAIN REQUEST:

Call a public hearing to consider a historic landmark designation for the "Caldwell-Bradford School" site located at 16401 Davidson-Concord Road (PID 01108107).

ACTION RECOMMENDED:

Call a public hearing for December 3, 2024.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None



Request for Board Action

November 19, 2024

To: The Honorable Mayor and Board of Commissioners

From: Brian Richards, Planning Director

Subject: Public Hearing - Petition #R24-12 Walden Berm Revision

EXPLAIN REQUEST:

Conduct public hearing on Petition #R24-12 Walden Berm Revision, a request by TF Walden LP to rezone +/-21.509 acres located at 15140 Fred Brown Rd from Neighborhood Residential Conditional District to Neighborhood Residential Conditional District.

ACTION RECOMMENDED:

Conduct public hearing on Petition #R24-12 Walden Berm Revision, a request by TF Walden LP to rezone +/-21.509 acres located at 15140 Fred Brown Rd from Neighborhood Residential Conditional District to Neighborhood Residential Conditional District.

FINANCIAL IMPLICATIONS:

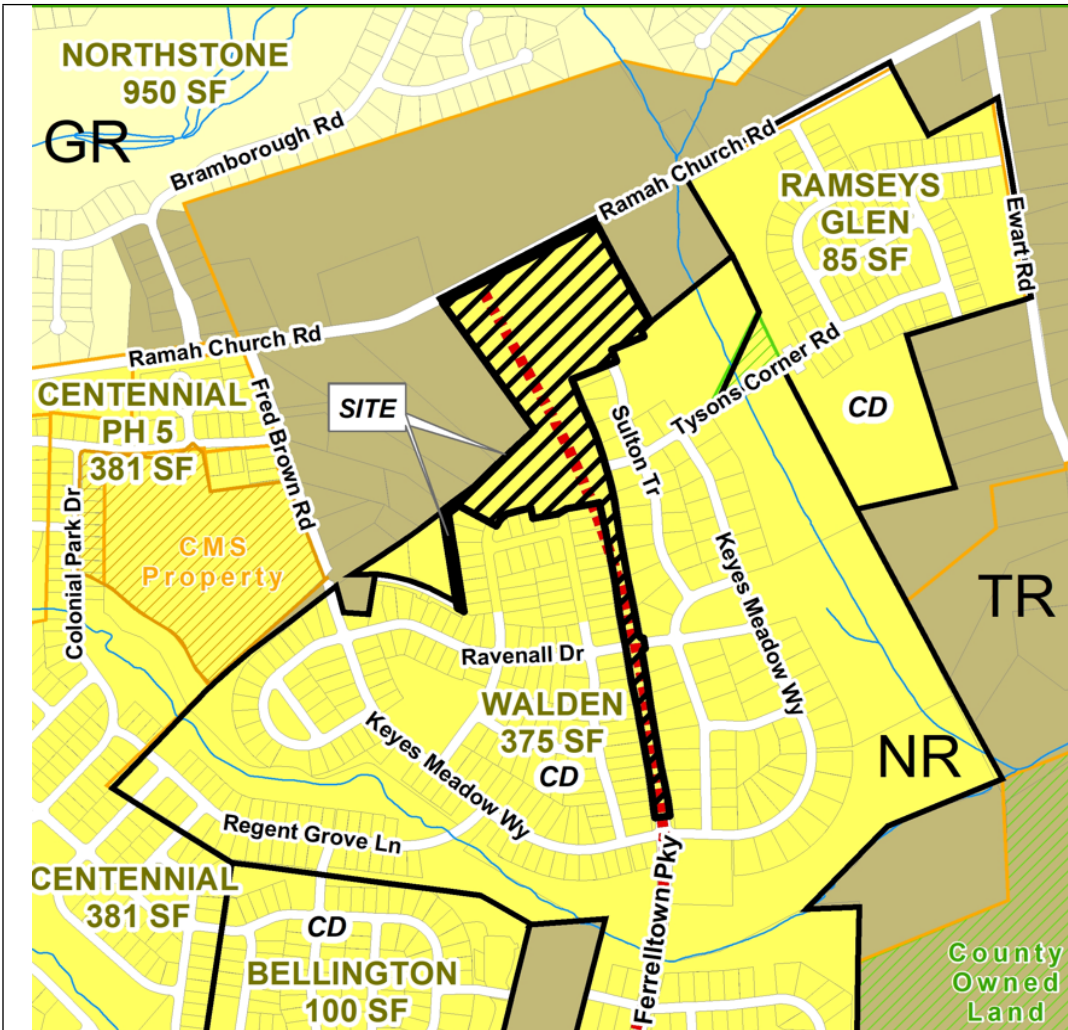
N/A

ATTACHMENTS:

1. R24-12 Walden Berm Revision PH Staff Report
2. A Application R 24-12
3. B Propsed CD Rezoning RTAP 11.7.2024
4. C Walden Community Meeting Report

Petition R24-12 Walden Berm Revision

PART 1: PROJECT SUMMARY



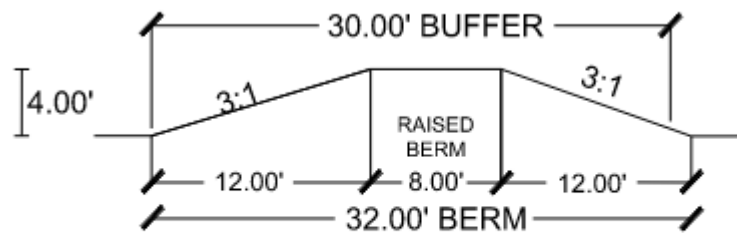
Applicant: TF Walden LP
Property Owner: TF Walden LP
Property Address: 15140 Fred Brown Rd.
Project Size: (+/-) 21.509 Acres
Parcel Numbers: 01943117 & 01943169
Current Zoning: Neighborhood Residential Conditional District (NR-CD)
Current Land Use: Vacant/Residential
Proposed Zoning: Neighborhood Residential-Conditional District (NR-CD)
Proposed Land Use: Residential

- Purpose: Rezone 21.509 acres south of Ramah Church Rd. from Neighborhood Residential Conditional District (NR-CD) to a revised Neighborhood Residential Conditional District (NR-CD) to modify the berm dimension standards in Article 7.5.4 Additional Buffer Yard Standards. The applicant is seeking relief due to design challenges for the berm that was accepted as a condition of approval for rezoning R18-04 Walden Revision - Boovey.
- Adjoining Zoning and Land Uses.
 - North: Transitional Residential- Residential
 - South: Neighborhood Residential - Residential
 - East: Transitional Residential & Neighborhood Residential Conditional District- Residential
 - West: Transitional Residential & Neighborhood Residential - Residential
- A community meeting was held on Monday, November 4, 2024 and the questions asked by attendees are summarized in the Community Meeting Report (see Attachment C).
- Notice for this rezoning petition was sent via postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs in the vicinity.

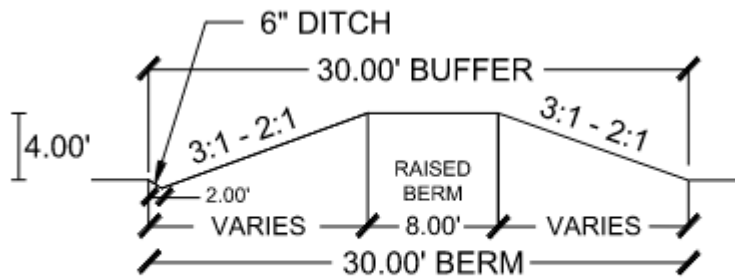
PART 2: REZONING/SITE PLAN

The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Regulations. There is one modification request detailed herein. Significant elements include:

- As part of R18-04 Walden Revision – Boovey the adjacent property owners requested an increased buffer width (30' vs the ordinance standard 20') and to include a 4' high berm. Both were agreed to by the applicant and approved by the Town Board. **Modification request** to allow for variable slope dimensions to allow for the 4' high berm to be installed within a 30' buffer width. Strict adherence to ordinance standards would require a 32' to 35' buffer width.
- The buffer and berm approved as part of R18-04 does not accommodate for offsite drainage and did not account for the dimension standards of Article 7.5.4. A berm designed to the Ordinance standards would need to be a minimum of 32' in width (see below).



APPROVED REZONING BERM SECTION



MODIFIED REZONING BERM SECTION

Staff Comment: Staff supports the modification request for a variable slope given the oversight of the berm design during the 2018 rezoning process. The intent of the buffer and berm are being met. Staff recommends that additional evergreen trees be added to the berm to enhance screening from the adjacent properties.

PART 3: TRANSPORTATION ISSUES

N/A

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”.

2040 Huntersville Community Plan

Staff finds the proposed use/project is **consistent** with the following policies of the 2040 Huntersville Community Plan:

LU 11.1: Protect and enhance the unique character of Huntersville’s neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.

- Encourage coordination with neighborhoods to address infrastructure needs such as sidewalks and drainage.

Staff Comment: *The proposal as mentioned achieves a 30’ wide buffer with a 4’ high berm similar to the design standards outlined in Article 7.5.4 . This achieves the ordinances’ objective to create spatial separation and to minimize any adverse impacts on adjacent properties*

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 rezoning for the Walden subdivision is consistent with the overall character of the approved development. The requested modification is in keeping with the nature and intent as approved in the 2018 rezoning R18-04.

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: There is no indication this project will have a negative impact on public facilities and or services.

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

In considering the proposed rezoning petition R24-012 Walden Berm Revision, staff recommends approval with the conditions outlined below and that all minor staff comments remaining are addressed. The proposal is consistent with the Huntersville 2040 Community Plan policy LU 11.1.

Conditions for Approval:

- 1) Modification request to allow for variable slope widths. Staff recommends approval of a variable slope of 2:1 -3:1 as proposed.
- 2) A revision to approved plans (RTAP) is submitted and approved to update the current Preliminary Plan set.
- 3) Additional evergreen trees are added to the berm to enhance screening from adjacent properties.

- 4) A drainage swale is installed and maintained by the developer and HOA.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for November 19, 2024.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board Meeting is scheduled for November 20, 2024.

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting is scheduled for December 3, 2024.

PART 9: ATTACHMENTS

- A – Rezoning Application
- B – Proposed CD Rezoning RTAP
- C – Neighborhood Meeting Report

PART 10: CONSISTENCY STATEMENT – R23-09 Golden Cow

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R24-012 Walden Berm Revision, staff recommends approval with the conditions outlined below and that all minor staff comments remaining are addressed. The proposal is consistent with the Huntersville 2040 Community Plan policy LU 11.1. 1) Modification request to allow for variable slope widths. Staff recommends approval of a variable slope of 2:1 – 3:1 as proposed. 2) A revision to approve plans (RTAP) is submitted and approved to update the current Preliminary Plan set. 3) Additional evergreen trees are added to the berm to enhance screening from adjacent properties. 4) a drainage swale is installed and maintained by the developer & HOA. <u>It is reasonable and in the public interest to approve the Rezoning Plan because the berm modifications do not erode the efficacy and intent of berm. Additional evergreen trees will enhance the screening of the buffer from adjacent properties.</u>	APPROVAL: APPROVAL: In considering the proposed rezoning application R24-12 Walden Berm Revision, the Planning 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>	APPROVAL: APPROVAL: In considering the proposed rezoning application R24-12 Walden Berm Revision, 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 R24-12 Walden Berm Revision, the Planning 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>	DENIAL: DENIAL: In considering the proposed rezoning application R24-12 Walden Berm Revision, 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
Original Project # 385072
- ☐ 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 October 21, 2024

Name of Project Walden Subdivision Sketch RTAP Phase # (if subdivision) Sketch

Project Address SE of the t-intersection of Ramah Church Road & Fred Brown Road

Parcel Identification Number(s) (PIN) 01943117 & 01943169

Current Zoning District NR (CD) Proposed District (for rezoning only) NR (CD)

Property Size (acres) 219.698 Street Frontage (feet) Varies

Current Land Use Single Family Residential

Proposed Land Use(s) Single Family Residential

Is the project within Huntersville's corporate limits?
Yes YES No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Provide a detailed summary. (i.e. RTAP identify what you are revising). Additional sheets may be added.

Revise berm grading requirements based on actual field conditions.

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 TF Walden, LP (Craig Campbell) Phone 303-720-4436
☐ 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 _____

Title Land Development Manager Email ccampbell@starwoodland.com

Address of Applicant 8433 Enterprise Cir Suite 100, Bradenton, FL 34202

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 _____

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.

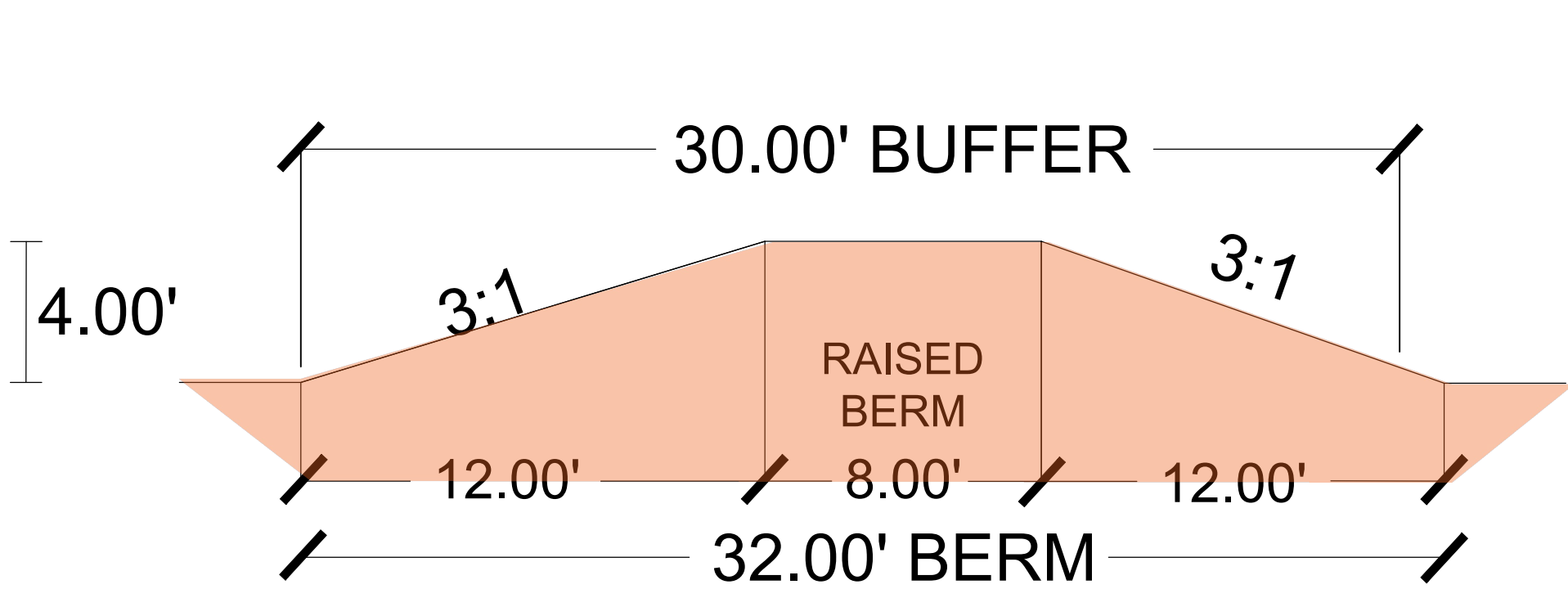
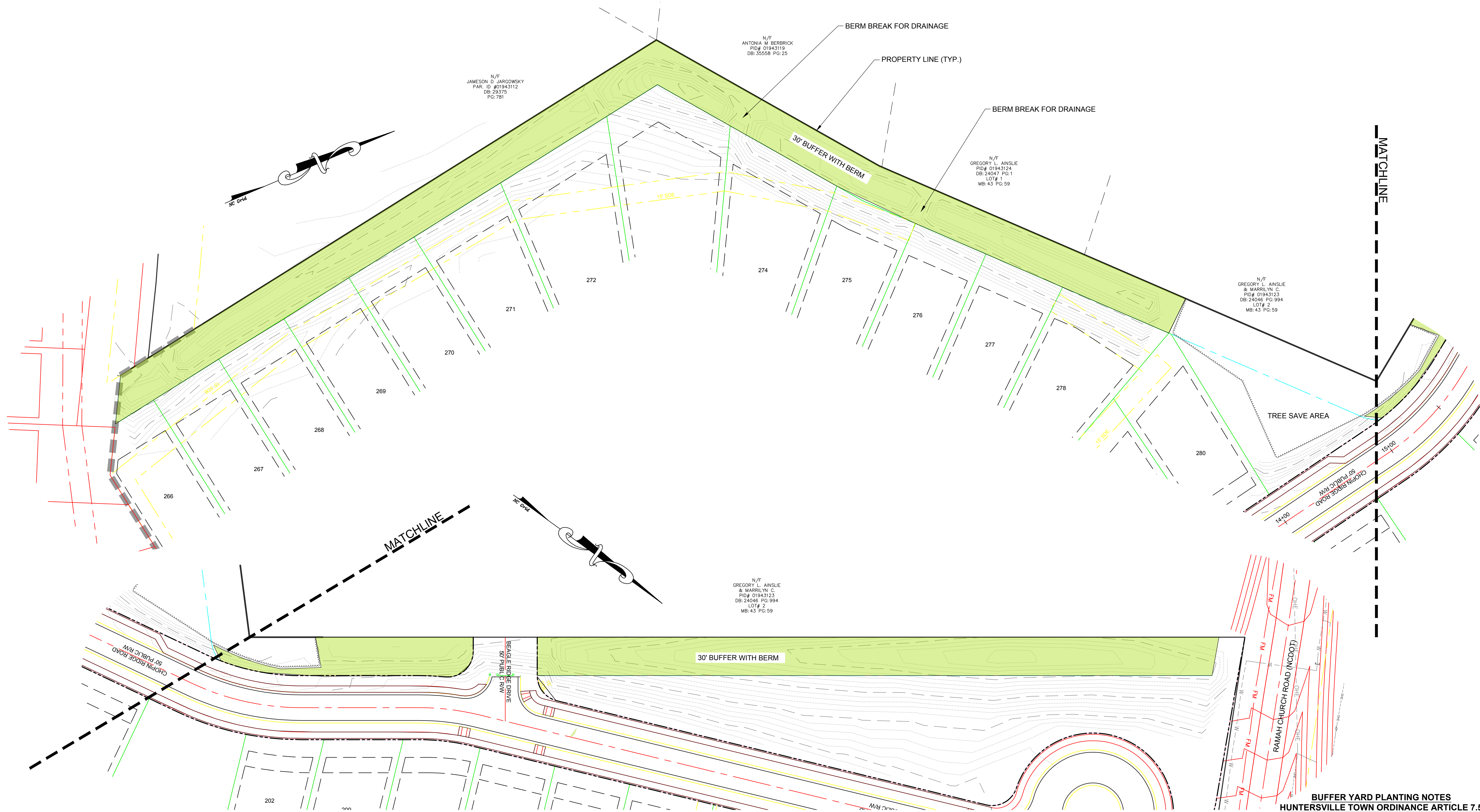
Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application **MUST** be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing 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

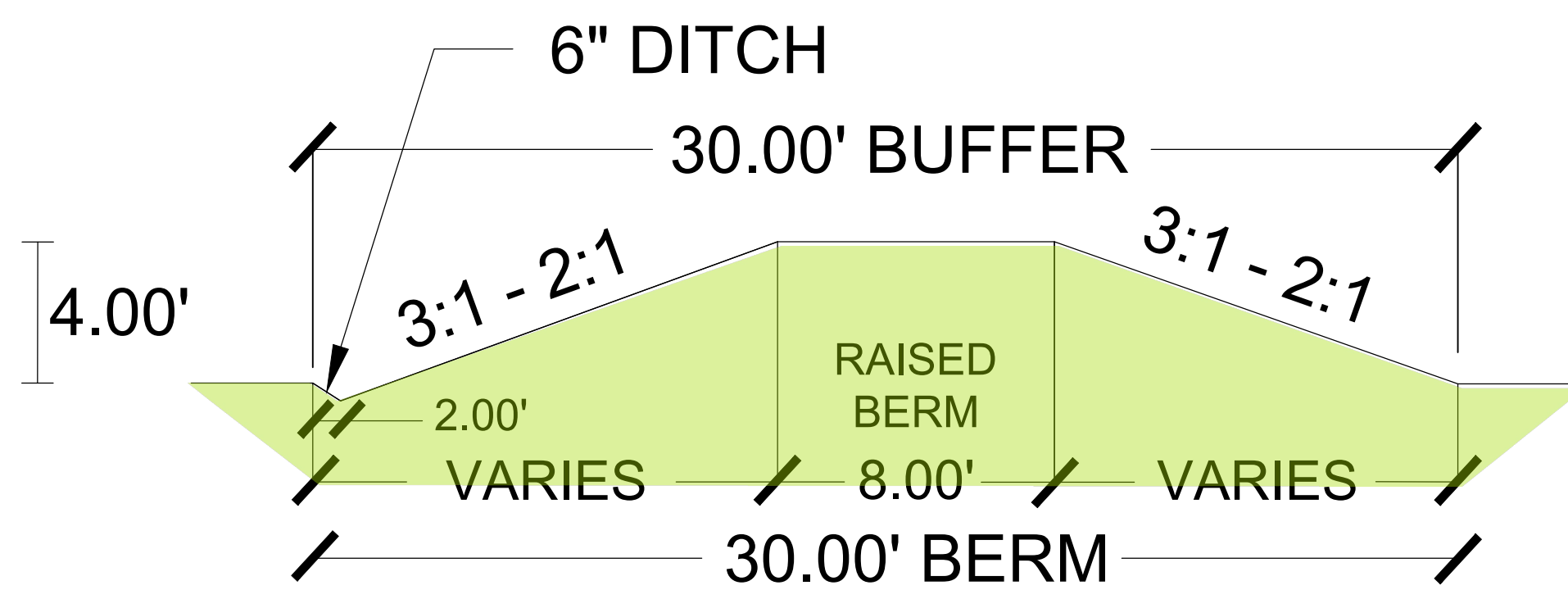
Starwood Land	Craig Campbell	303-720-4436	ccampbell@starwoodland.com
Development Firm	Name of Contact	Phone	Email
R Joe Harris & Associates	Daniel Gates	803-802-1799	dgates@rjoeharris.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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



APPROVED REZONING BERM SECTION



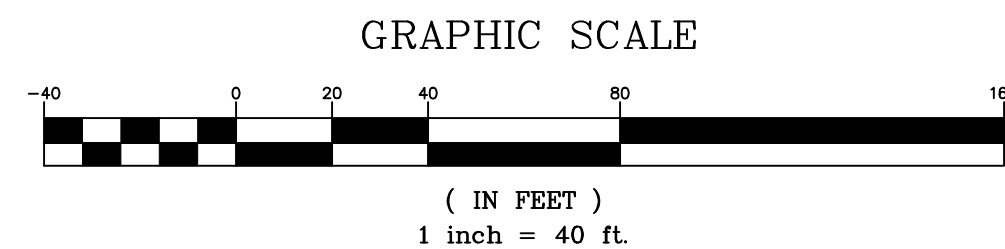
MODIFIED REZONING BERM SECTION

**BUFFER YARD PLANTING NOTES
HUNTERSVILLE TOWN ORDINANCE ARTICLE 7.5**

**30' SUPPLEMENTAL RESIDENTIAL BUFFER YARD
LANDSCAPING ALONG ABUTTING PROPERTIES**

TOTAL LENGTH = 33.33 LINEAR FEET X 30 LINEAR FEET = 1,000 SF

- REQUIRED PLANTING RATIO (30' BUFFER YARD)**
- 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 AND ACTUAL LOCATION MAY VARY.
- EXISTING TREES AND SHRUBS CAN COUNT TOWARDS PLANTING REQUIREMENTS, AS LONG AS THEY MEET THE REQUIRED SIZE.
- BUFFER TO BE INCREASED TO 30' AT THE BACK OF LOT 266, SHALL RUN ALONG THE BACK OF LOTS 266 TO 278, AND SHALL TURN TO RUN ADJACENT TO CHOPIN RIDGE RD. BUFFER SHALL INCLUDE 4' BERM RUNNING ENTIRE LENGTH OF 30' BUFFER, APPROXIMATELY 1,925 LF. BERM SHALL UNDULATE AS NECESSARY TO ALLOW DRAINAGE TO PASS THROUGH, WHERE MATURE TREE VEGETATION EXISTS, SAVING THE MATURE VEGETATION SHALL BE FIRST AND ADDING A BERM IS SECONDARY.



DATE	ISSUED FOR	REV



Engineer:

RJH

R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning
Management

1186 Stonemont Blvd., Tega Cay, 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.

Corporate Seal	Engineer's Seal

Project Manager D. Gates	Drawn D. Gates
Department Manager B. Pridemore	Checked D. Gates
Print/Plot Date November 4, 2024	
Asbuilt Drawn -	Asbuilt Date -
Client TF Walden, LP 8433 Enterprise Cir Suite 100, Bradenton, FL 34202 P: 9413880707	
Project: Walden Phase 8 & 9	
Drawing Title: Rezoning RTAP Berm Modification	
Project No. 2524	Drawing No. BERM
DWG File Name: Walden Berm Rezoning RTAP	

Walden Neighborhood Meeting Summary

Meeting Details:

- **Date:** November 4, 2024
- **Time:** 6:00 PM
- **Location:** Huntersville
- **Attendees:** David Peete (Plan Approval), Developer, Engineers, and Neighbors

Representatives:

- David Peete, PE
- Daniel Gates, PE & Swati Patel (Engineers from RJH), presenting Walden Rezoning RTAP (Modification of Berm)
- Sean T. Calloway, PE, discussing the design with neighbors

Key Discussion Points:

- **Neighbor Concerns:** Neighbors expressed concern that the berm is not functioning as intended. Issues include standing water, which is leading to soil erosion, accumulation of dirt on properties, foul odors, and increased mosquito activity.
- **Questions from Neighbors:** A primary question from the neighbors was regarding the berm's effectiveness. Specifically, they asked if the berm isn't performing as expected, how the development received initial approval.



Request for Board Action

November 19, 2024

To: Board Members

From: Jesse James, Principal Planner

Date: November 19, 2024

Subject: Petition #R24-03 Long Creek Retail

EXPLAIN REQUEST:

Consider a decision on Petition #R24-03 Long Creek Retail, a request by Saleh Moflehi of TA&S Enterprises of NC Inc. to rezone +/- 4.39 acres located at the intersection of Mt. Holly-Huntersville Road and Beatties Ford Road (Parcels 01526434 & 01526435) from Highway Commercial-Conditional District to Highway Commercial-Conditional District for a convenience store and retail/commercial use development.

ACTION RECOMMENDED:

Consider a decision

FINANCIAL IMPLICATIONS:

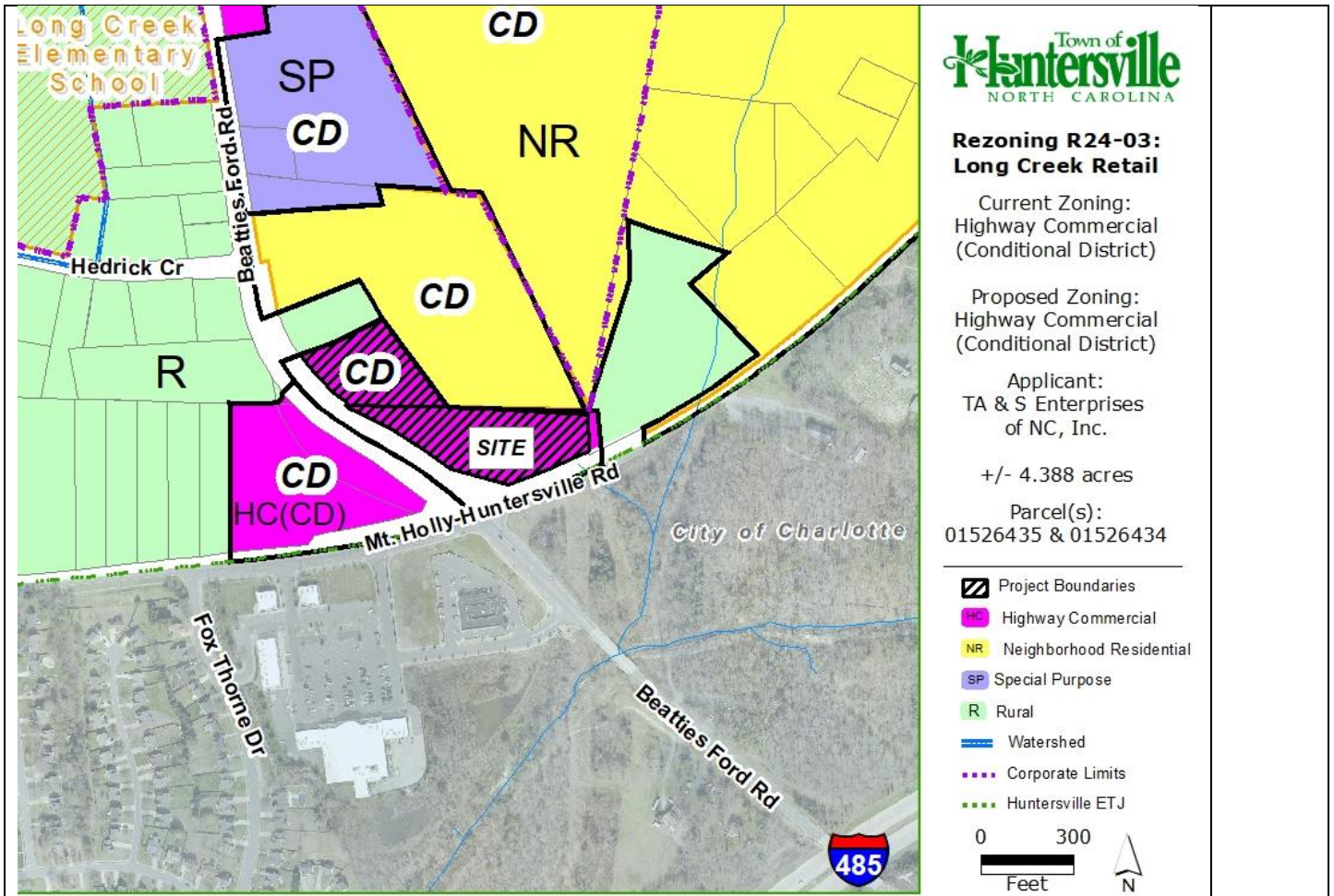
N/A

ATTACHMENTS:

1. R24-03 Final 11-19-24 Staff Report
2. Rezoning Plan-11-5-24
3. General Application - Houston
4. General Application - TAS Enterprises
5. R24-03 Long Creek Retail - Rezoning Engineering Comment Summary
6. R24-03 Community Input Package FULL

Petition R24-03 Long Creek Retail

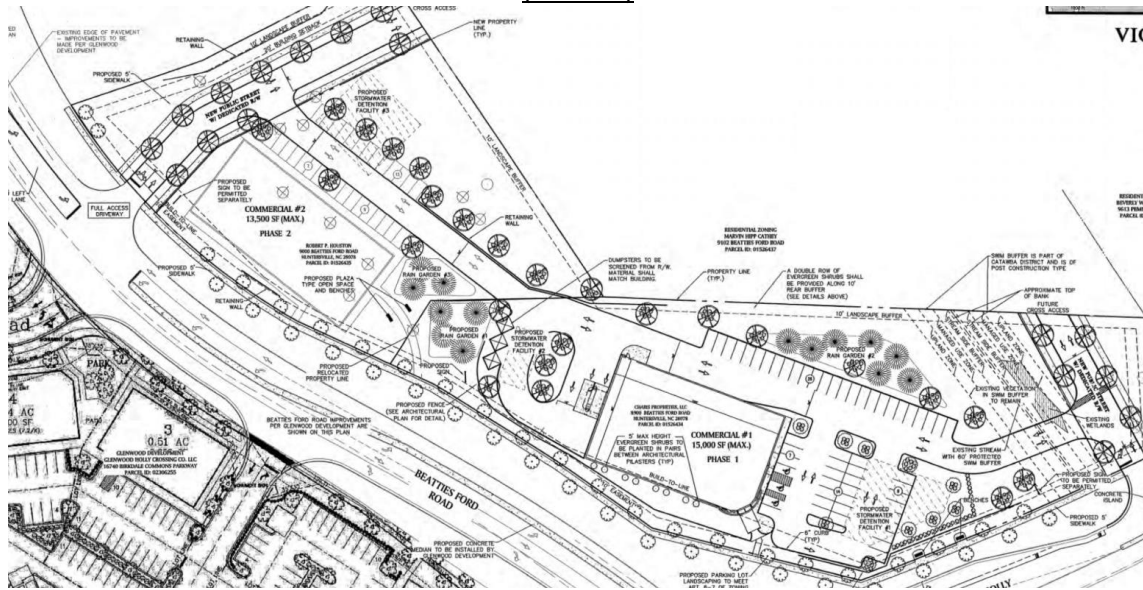
PART 1: PROJECT SUMMARY



1. Purpose: Rezone approximately 4.39-acres at 8900 Beatties Ford Road (PIN 01526434) and 9000 Beatties Ford Road (PIN 01526435) from Highway Commercial-Conditional District (HC-CD) to Highway Commercial-Conditional District (HC-CD) to replace the current CD Rezoning R08-01 to allow for a convenience store with a gas canopy and other commercial buildings where a drug store retail site was previously approved.
2. The current R08-01 Long Creek Commercial rezoning was approved for a drug store with a drive-through and not to exceed 15,000 square feet in a highway commercial building type with a second building for commercial use not to exceed 13,500 square feet of building area. This proposed rezoning that would replace R08-01 is for a convenience store with a gas canopy, with a phase 1 additional building ****Update**** that may permit any of the following uses; commercial uses, amusement facilities (all indoors, religious institutions, civic, cultural, community, or club facilities, temporary mobile food sales, and any other accessory uses permitted by the ordinance. There is also a proposed future building in phase 2 that would permit the same uses as in the phase 1

additional building. ****Update**** There is an existing occupied residential single family home on Parcel 015-264-35 that is proposed to remain until Phase 2 of the development is approved for construction at a later date.

(R-08-01)



3. Adjoining Zoning and Land Uses.

North: Rural(R) Single Family Residential and NR-CD— Age Restricted Multi-Family Development (zoning only-not in for construction-Vacant)

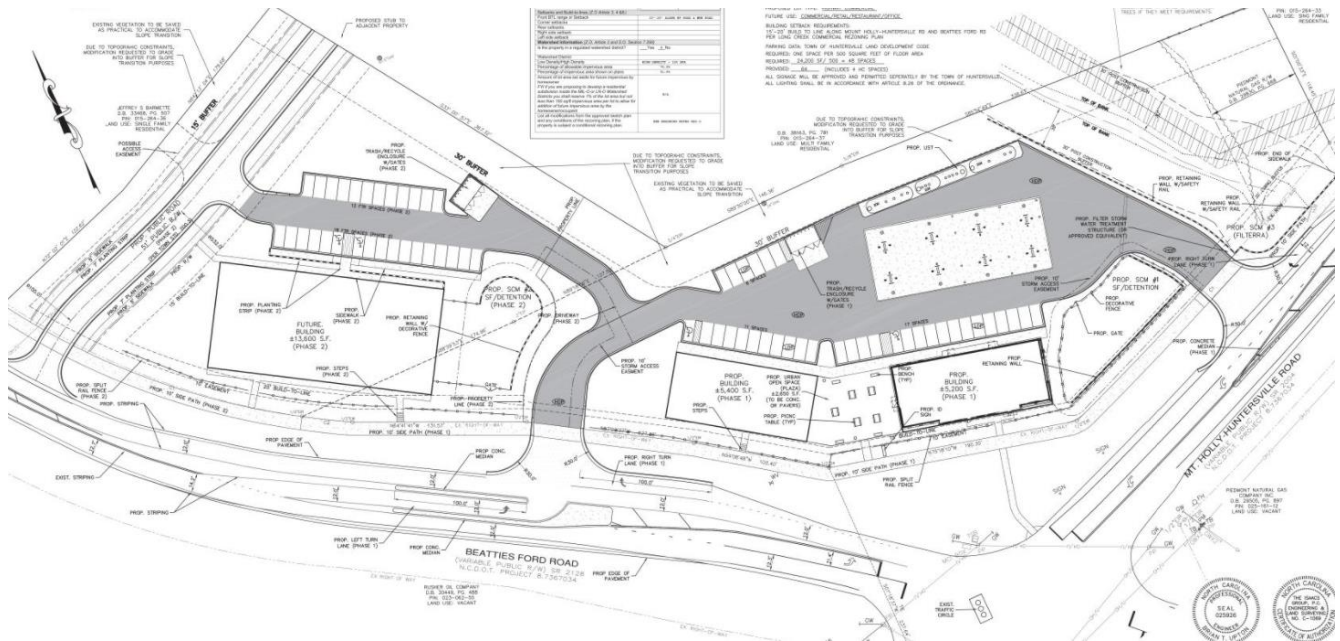
South: City of Charlotte-Vacant and Commercial

East: Rural- Single Family Residential

West: HC-CD-Holly Crossing Approved Rezoning 2006 for retail/office- Vacant

4. A neighborhood meeting was held on Wednesday, May 29, 2024. Questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment).
5. Notice for this rezoning petition was sent via letter to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Mt-Holly Huntersville Rd and Beatties Ford Rd.

PART 2: REZONING/SITE PLAN

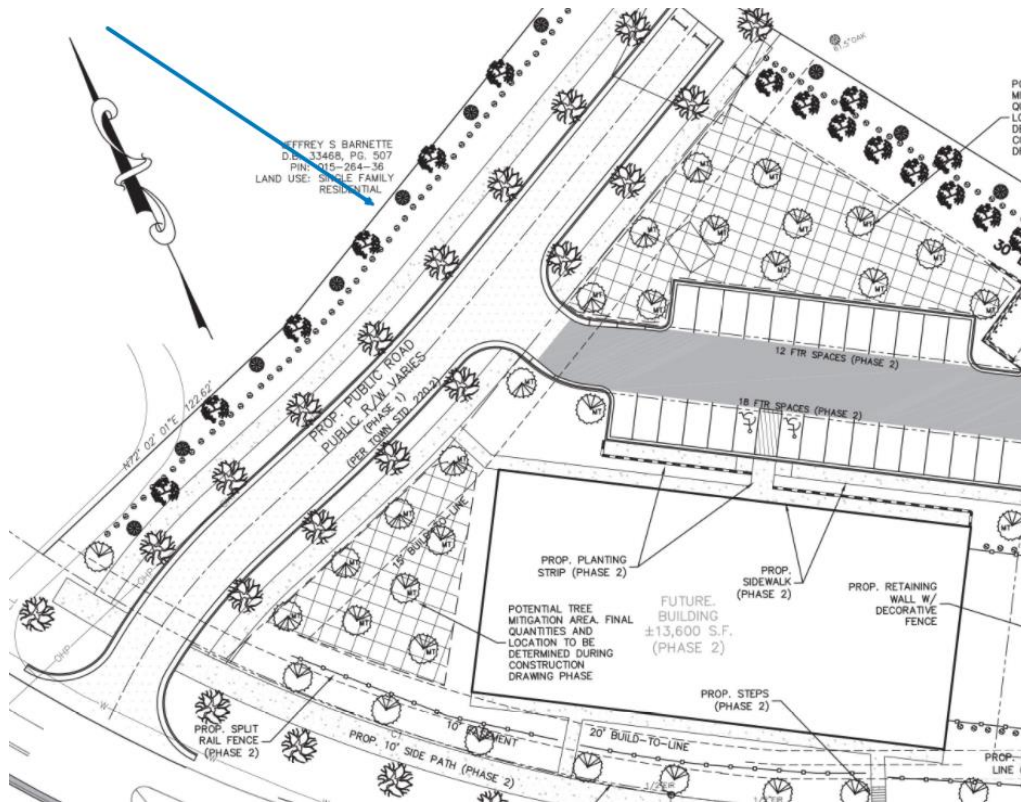


- The proposed Conditional District Rezoning Plan has modification proposals and site standard requests from staff that are presented in the body of this document. Generally, the layout and architecture of these buildings meet ordinance standards. Staff has several concerns with buffering, landscaping, and site details for clarification purposes. Significant elements include:
- Modification Request-The plan proposes a modified 30' buffer to the rear of the buildings adjacent to parcel 015-264-37. The zoning ordinance requires buffers to retain existing vegetation and supplement to ordinance specifications to create an opaque buffer and in this case the buffer is required to be 30 foot in depth. The applicant has requested the ability to grade into the buffer and replant for slope transition purposes.

Staff Comments- **Update**The requested buffer disturbance has a slope that is approximately at a 3:1 slope. Staff will work with the applicant to ensure the maximum 3:1 slope for plantings is met and that the buffer area is able to meet minimum planting standards for healthy growth in order to meet the 30-foot buffer planting requirements. (previous plans showed more of a 2:1 steeper slope that is not permitted under ordinance slope maximum standards of 3:1)

- Modification Request- ****Update**** The proposal for the northwest buffer against the single-family residence is 15-feet (interim conditions with proposed ROW extending to the property line for future connection). The ordinance requirement for buffering against a single-family use in this district is 30-feet.

Staff Comments- **Update** The previous plan called for a modified 15-foot graded buffer with no stub connection to the adjacent parcel for a future connection. The revised plan extends the ROW to the property line and offers a 15-foot modified interim evergreen buffer. This satisfies Town staff request to allow for future connections and meets the intent of the interim buffer by providing an opaque screening to the adjacent property **



- **Building Architecture-** The proposed architecture for the convenience store and the 2nd and 3rd buildings in phase one and two meet the ordinance requirements. (Below is the theme of the architecture for the development)



- ****Update****The proposal includes phase 1 and phase 2 build outs with the Gas Station, Building 2, and public street connection construction included in phase 1 with building 3, the remaining 10-foot side-path along the building frontage, and the driveway connection from the public street to phase 1 included in phase 2. (see the phasing plans RZ1.0A and RZ1.0B) included with this package)

Staff Comment- Previously the applicant had not offered the public street until the phase 2 building out however staff and the planning board recommended this be added to phase 1 to ensure that the viability of phase 2 was possible. Staff would still recommend that the plan accommodates the construction of the entirety of the required side-path along the development frontage during phase 1 of the development to add a key pedestrian connection to the plan.

General Plan Information

- Parking requirements= 1 space per 500 square feet of floor space. +/-24,200 proposed=48 parking spaces required. Provided 64.
- ****Update**** Minimum Tree Preservation (specimen tree save) for Highway Commercial is 30%. The Rezoning Plan saves 1 specimen tree or less than 5%.

Staff Comment- 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. The applicants have stated that they will mitigate the required trees per ordinance standards.

- There are no identified Heritage Trees on site.
- Planning, Transportation, and Storm Water Engineering staff have minor site plan comments outstanding that need to be addressed prior to final plan approval.

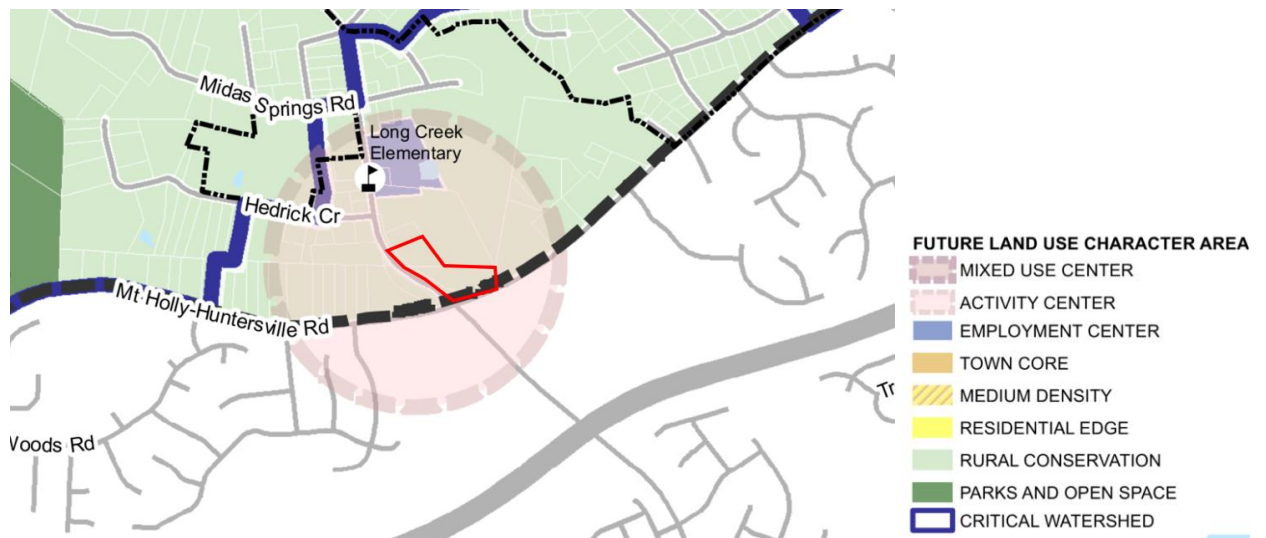
PART 3: TRANSPORTATION ISSUES

See attached analysis

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”.

2040 Huntersville Community Plan (Subject Parcel within “Activity Center”)



STAFF COMMENT – Staff finds the proposed use/project is **consistent** with the following policies of the 2040 Huntersville Community Plan:

- LU-6-Support a mix of land uses in key locations.
 - LU 6.1: A mix of land uses is encouraged in Mixed Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.
 - LU 6.2: Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.
Staff Comment: The proposed commercial development is located within a designated Activity Center (see map above) identified as “Long Creek Village”. The Community Plan describes activity centers as “ a mix of non-residential and residential uses and are usually located at key intersections of major or minor thoroughfares. New non-residential uses are limited in scale and overall footprint (generally less than 40,000 square feet of non-residential).” This plan adds the non-residential component of this description with less than 40,000 square feet of space.

STAFF COMMENT- Staff finds the proposed use/project is ***not consistent*** with the following policies of the 2040 Huntersville Community Plan:

- Policy EOS-3: Prioritize tree canopy preservation in the lower intensity areas (Residential Edge, Rural Conservation, and Critical Watershed areas).
Staff Comment: The applicant proposal has not incorporated any creativity design to save the minimum requirement of specimen trees identified. Staff recommends design that encourages the preservation of a portion of these trees on site. (See the tree save comments in the previous section.)

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 rezoning is consistent with the overall character of the existing development by adding an anchor commercial development in the designated “Activity Center” from the Huntersville 2040 Community Plan with added connections for future developments.

- 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:

There is no indication this project will have a negative impact on public facilities and or services.

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

In considering the proposed rezoning amendment petition R24-03 for Long Creek Retail, staff can recommend approval of the proposed rezoning plan as the development adds a key commercial node to the designated activity center within the Huntersville 2040 Land Use Plan with these conditions:

- 1) The plan accommodates the construction of the entirety of the required side-path along the development frontage during phase 1 of the development to add a key pedestrian connection to the plan.
- 2) Minor staff comments shall be made on the plan prior to final approval.

With these revisions, the plan is consistent with future land use implementation policies LU6.1 and LU 6.2 and it is reasonable and in the public interest to approve the plan.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing was held on August 6, 2024. See the meeting minutes and watch with this [link](https://www.youtube.com/live/5Wx6wgzRyQk) <https://www.youtube.com/live/5Wx6wgzRyQk> to the Youtube feed of the meeting.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting for August 27, 2024 was deferred by the applicant to the September 24, 2024 meeting. At the September meeting the Board voted unanimously 7-0 in favor of the rezoning with the following conditions:

- 1) inclusion of the public street connection during phase 1 to ensure necessary infrastructure to connect to adjacent parcels is developed upfront.
- 2) adding the stub connection to the adjacent property for future connectivity.
- 3) Redesign of the current buffers to stabilize the slopes and ensure healthy growth.

With these revisions made the board agreed that the plan is consistent with future land use implementations, EOS-3, LU 8.2, T3, T3.1 and is reasonable and in the public interest to approve the plan as submitted.

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting was scheduled for September 17, 2024 and was deferred to the November 19 meeting.

PART 9: ATTACHMENTS

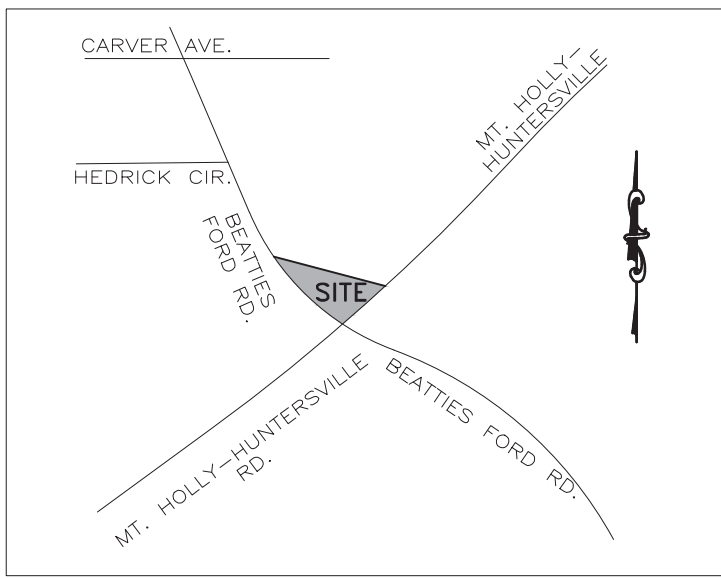
- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C – Transportation/Engineering Report
- D – Neighborhood Meeting Report

E- Elevation Plans

PART 10: CONSISTENCY STATEMENT – R24-03 Long Creek Retail

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning amendment petition R24-03 for Long Creek Retail, staff can recommend approval of the proposed rezoning plan as the development adds a key commercial node to the designated activity center within the Huntersville 2040 Land Use Plan with these conditions: 1) The plan accommodates the construction of the entirety of the required side-path along the development frontage during phase 1 of the development to add a key pedestrian connection to the plan. 2) Minor staff comments shall be made on the plan prior to final approval. <u>With these revisions, the plan is consistent with future land use implementation policies LU6.1 and LU 6.2 and it is reasonable and in the public interest to approve the plan.</u>	APPROVAL: The Planning Board meeting for August 27, 2024 was deferred by the applicant to the September 24, 2024 meeting. At the September meeting the Board voted unanimously 7-0 in favor of the rezoning with the following conditions: 1) inclusion of the public street connection during phase 1 to ensure necessary infrastructure to connect to adjacent parcels is developed upfront. 2) adding the stub connection to the adjacent property for future connectivity. 3) Redesign of the current buffers to stabilize the slopes and ensure healthy growth. <u>With these revisions made the board agreed that the plan is consistent with future land use implementations, EOS-3, LU 8.2, T3, T3.1 and is reasonable and in the public interest to approve the plan as submitted.</u>	APPROVAL: <u>(insert applicable plan reference).</u> <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
		DENIAL: <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>
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VICINITY MAP
NOT TO SCALE

JEFFREY S BARNETTE
D.B. 33468, PG. 507
PIN: 015-264-36
LAND USE: SINGLE FAMILY
RESIDENTIAL

PROPOSED ROAD IMPROVEMENTS:

1. RIGHT TURN LANE FROM MT. HOLLY-HUNTERSVILLE ROAD
2. RIGHT TURN LANE FROM BEATTIES FORD ROAD
3. LEFT-OVER TURN LANE FROM BEATTIES FORD INTO SITE

LONG CREEK RETAIL

8900 BEATTIES FORD ROAD

REZONING/SKETCH PLAN (MULTI BUILDING SITE)

SHEET INDEX

- RZ0.0 - OVERALL PLAN/NOTES PAGE
- RZ1.0 - REZONING PLAN
- RZ1.0A - REZONING PLAN PHASE 1
- RZ1.0B - REZONING PLAN PHASE 2
- RZ1.1 - ROAD IMPROVEMENT PLAN
- RZ1.2 - LANDSCAPE PLAN
- RZ2.0 - UTILITY PLAN
- RZ3.0 - GRADING & STORM WATER PLAN
- RZ3.1 - EXISTING HYDROLOGY PLAN
- RZ3.2 - POST DEVELOPED MAP & CALCULATIONS
- RZ3.3 - WATER QUALITY PLAN & CALCULATIONS
- RZ4.0 - EXISTING CONDITIONS PLAN
- RZ4.1 - SLOPE ANALYSIS PLAN
- A1.2 - CIRCLE K FLOOR PLAN
- A2.1 - CIRCLE K ELEVATIONS
- A-1 - PHASE 1 RETAIL FLOOR PLAN
- A-2 - PHASE 1 RETAIL ELEVATION
- A-1a - PHASE 2 RETAIL FLOOR PLAN
- A-2a - PHASE 2 RETAIL ELEVATION

ZONING PETITION NOTES:

SUBJECT PROPERTY: THE SUBJECT PROPERTY TOTALS APPROX 4.4 AC. (THE SITE). THE SITE CONSISTS OF TWO EXISTING PARCELS. THE APPROVAL OF THIS PETITION WILL RESULT IN THE CREATION OF PARCELS DEPICTED IN THIS REZONING PLAN ("THE PLAN") AND ACCOMPANYING SKETCH PLAN. RECOMBINATION, RECONFIGURATION OR REDUCTION OF PARCELS MAY OCCUR TO ACCOMMODATE THE FINAL DEVELOPMENT/ENGINEERING PLANS PREPARED BY DEVELOPER.

PROPERTY USE(S): PER THE BEATTIES FORD ROAD/MOUNT HOLLY-HUNTERSVILLE ROAD AREA PLAN CALLS FOR RETAIL ON THE SUBJECT PROPERTY. THUS THE PROPOSED PLAN MEETS THE CONFORMITY REQUIREMENTS OF THE ORDINANCE. COMMERCIAL BUILDING #1 IS A CONVENIENCE STORE WITH FUEL CANOPY AREA AND SHALL NOT EXCEED 5,200 SQUARE FEET IN A HIGHWAY COMMERCIAL BUILDING TYPE. COMMERCIAL BUILDING #2 AND ANY ASSOCIATED ACCESSORY USES SHALL NOT EXCEED 5,400 SQUARE FEET AND COMMERCIAL BUILDING #3 AND ANY ASSOCIATED ACCESSORY USES SHALL NOT EXCEED 13,600 SQUARE FEET. PRIMARY USES FOR BUILDINGS #2 AND #3 MAY INCLUDE AMUSEMENT FACILITIES, ALL INDOOR USES, RELIGIOUS INSTITUTIONS, CIVIC, FRATERNAL, CULTURAL, COMMUNITY, OR CLUB FACILITIES, AND TEMPORARY MOBILE FOOD SALES.

BUILDING MATERIAL CONFIGURATION AND DESIGN: ALL BUILDING TYPES AS SPECIFIED HEREIN AND AS PERMITTED IN THE HC DISTRICT WILL BE PERMITTED ON THE SITE AND DESIGNED IN ACCORDANCE WITH THE HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE"). THE ARCHITECTURAL DESIGN OF THE BUILDINGS (I.E. THE BUILDING MATERIALS AND BUILDING SCALE) SHALL BE COMPATIBLE WITH EACH OTHER AND THE ELEVATIONS THAT ARE HEREBY INCORPORATED AS PART OF THIS PETITION. THE SPECIFIC FEATURES THAT MAKE UP THE BUILDING(S) ELEVATIONS (BRICK, BLOCK/CMU, METAL, FABRIC, GLASS, ETC.) MAY BE CHANGED IN ADDITION TO REDUCTIONS TO THE FOOTPRINTS BASED ON FINAL ARCHITECTURAL DESIGN AT THE BUILDING PERMITTING PHASE. HOWEVER, THE CHARACTER OF THE BUILDING(S) ALONG MT. HOLLY-HUNTERSVILLE ROAD AND BEATTIES FORD ROAD SHALL REMAIN CONSISTENT WITH THE APPEARANCE OF THE ELEVATIONS CONTAINED HEREIN.

BUILDING FOOTPRINTS DEPICTED OR INTENDED TO DEFINE THE OVERALL INTENT OF THE RELATIONSHIP THE BUILDINGS WILL HAVE TO BEATTIES FORD ROAD AND MOUNT HOLLY HUNTERSVILLE ROAD. BASED UPON FINAL ENGINEERING DESIGN THE BUILDING FACADES WILL NOT EXCEED A LOCATION THAT IS 15 FT FROM THE LOCATION DEPICTED ON THE PLAN. THE DEVELOPER MAY REDUCE AND OR RECONFIGURE THE SIZE SHAPE AND FOOTPRINTS FROM WHAT IS DEPICTED WITH MINOR MODIFICATIONS AS LONG AS THE REQUIREMENTS OF THE ORDINANCE ARE MET AND THE INTEGRITY OF THE APPROVED PLAN IS ACHIEVED. EXACT DIMENSIONS, ORIENTATION, AND LOCATION OF THE BUILDINGS AND BUILD TO LINES LOADING AND SERVICE AREAS INGRESS AND EGRESS POINTS (BOTH PEDESTRIAN AND VEHICULAR) MAY BE MODIFIED AT THE ENGINEERING PHASE OF PERMITTING TO ACCOMMODATE THE DEVELOPMENT AND OR SITE FEATURES SUCH AS TOPOGRAPHY, EXISTING VARIATIONS AND CHANGES IN THE PROPERTY LINE(S) THAT DO NOT CREATE A CONSISTENTLY SMOOTH LINEAR PROPERTY BOUNDARY. CHANGES TO THE BUILD TO LINES SHALL NOT RESULT IN BUILDINGS BEING LOCATED FURTHER FROM THE FRONTAGE AS DENOTED ON THE PLAN. EXISTING CHANGES IN THE PROPERTY LINE ALONG THE FRONTAGE MAY RESULT IN PORTIONS OF THE BUILDINGS BEING LOCATED OFF THE BUILD TO LINE. THE INTENT OF THE BUILDINGS WITH A PRESENCE ON THE PUBLIC STREET AS GENERALLY DEPICTED ON THE PLAN SHALL BE MET. THE OVERALL SQUARE FOOTAGE OF BUILDINGS SHALL NOT EXCEED THE AMOUNT DEPICTED ON THE PLAN.

LIMITED USES PERMITTED USES: PERMITTED USES SHALL BE IN ACCORDANCE WITH USES PERMITTED IN THE HC ZONING DISTRICT WITH THE EXCEPTION OF THE FOLLOWING: ARMORIES, AUDITION SALES, BOARDING OR ROOMING HOUSES FOR UP TO SIX ROOMS, CONTRACTOR OFFICES (AS REFERENCED IN THE PERMITTED USES), MULTIFAMILY HOMES, BARS AS PRINCIPLE USE (AND SIMILAR USES AS REFERENCED IN THE PERMITTED USES), PAWNSHOPS, SINGLE FAMILY HOMES, WHOLESALE SALES (AS REFERENCED IN THE PERMITTED USES), ADULT ESTABLISHMENTS, COMMERCIAL MARKAS, AND ESSENTIAL SERVICES 1 AND 2 AS PRINCIPLE USES.

LANDSCAPING/SCREENING/PARKING/SIGNAGE: DEVELOPER REQUESTS TOWN BOARD APPROVAL FOR A WAIVER OF THE ORDINANCE REQUIRED BUFFER WIDTH AND PLANTINGS TO THOSE DEPICTED ON THE PLAN ALONG THE ADJOINING BARNETTE PROPERTY LINE DUE TO THE CONSTRAINTS RESULTING FROM THE PRE-EXISTING PARCEL BOUNDARY AND TOPOGRAPHIC CONFIGURATIONS OF THE SITE. A WAIVER IS ALSO REQUESTED TO DISTURB THE 30 FOOT BUFFER WHICH ADJOINS THE CATHEY PROPERTY ON THE NORTH SIDE OF THE PROPERTY DUE TO TOPOGRAPHIC CONSTRAINTS. AREAS OF THE BUFFER NOT NEEDED FOR GRADING PURPOSES SHALL REMAIN UNDISTURBED. MOREOVER, THE BEATTIES FORD ROAD/MOUNT HOLLY-HUNTERSVILLE ROAD AREA PLAN CALLS FOR RETAIL ON THE PROPERTY AND THE ADJOINING TRACTS AS WELL. IT IS ANTICIPATED THAT THE BUFFER, AS DEPICTED ON THE PLAN, ALONG WITH STORMWATER MANAGEMENT FEATURES, SCREENING, AND LANDSCAPING WILL BE MAINTAINED WITHIN WHAT WILL IN THE FUTURE BECOME A LARGER NONRESIDENTIAL DEVELOPMENT OF THE NORTHEAST QUADRANT OF BEATTIES FORD ROAD AND MOUNT HOLLY-HUNTERSVILLE ROAD.

THE LANDSCAPING COMPONENT OF THE SITE (STREET TREES, SCREENING, PARKING LOT LANDSCAPING, AND BUFFERS) AS THEY MAY BE REQUIRED (THE "LANDSCAPING") WILL BE DESIGNED IN ACCORDANCE WITH THE STANDARDS OF THE ORDINANCE AND THE PLAN. THE LANDSCAPING DEPICTED ON THE SITE PLAN ARE CONDITIONS OF THIS PETITION AND ARE PERMITTED AS DEPICTED. ALL MECHANICAL EQUIPMENT, WHETHER ROOFTOP OR GROUND MOUNTED WILL BE SCREENED AS REQUIRED.

PARKING LOT LANDSCAPING WILL BE DESIGNED IN ACCORDANCE WITH THE ORDINANCE AND WHERE BUFFERS AND SCREENING ARE REQUIRED AND OR WHEN EXISTING VEGETATION CAN BE SAVED, DEVELOPER MAY USE IT TO SATISFY THE PARKING LOT LANDSCAPING, BUFFER, AND STREET TREE REQUIREMENTS. RETAINING WALL(S), KNEE WALL(S), AND WALLS MAY BE USED IN CONJUNCTION WITH MEETING BUFFERING REQUIREMENTS ON THE SITE AS OUTLINED IN THE WAIVER REQUEST ABOVE. ADDITIONALLY, TO REINFORCE THE DESIGN FEATURES OF THE AREA PLAN RECOMMENDATIONS, PARKING LOCATED TO THE EAST OF BUILDING 1 SHALL BE SCREENED WITH THE SPLIT RAIL FENCE AND STONE PILASTER AS DEPICTED IN THE PLAN IN LIEU OF A KNEE WALL.

BEATTIES FORD ROAD
(VARIABLE PUBLIC R/W) SR 2128
N.C.D.O.T. PROJECT 8.7367034

RUSHER OIL COMPANY
D.B. 30449, PG. 488
PIN: 023-062-55
LAND USE: VACANT

PARKING SPACES AND MANEUVERING AREAS MAY BE MODIFIED TO ACCOMMODATE THE LANDSCAPING, BUILDINGS, STORM WATER MEASURES, AND OTHER FEATURES OF THE PROJECT WHICH WILL BE FULLY ENGINEERED/DESIGNED AT THE PRELIMINARY PLAN STAGE AND AS A RESULT MAY CHANGE THEIR SHAPE, SIZE, LOCATION, AND NUMBER, IN NO EVENT SHALL MORE THAN 45% OF THE PROJECT FRONTAGE MEASURED ALONG THE RIGHT OF WAY BE CONSUMED WITH PARKING LOTS.

SIGNS TO BE PERMITTED SEPARATELY AND IN ACCORDANCE WITH ARTICLE 10 OF THE ZONING ORDINANCE.

SPECIMEN AND HERITAGE TREES: DEVELOPERS TREE SURVEYS COMPLETED BY R.B. PHARR AND ASSOCIATES SHOWS 23 SPECIMEN TREES (CANOPY TREES THAT HAVE A DBH OF 24" OR GREATER OR UNDERSTORY TREES THAT HAVE A DBH OF 12" OR GREATER). IF 30% OF THE SPECIMEN TREES AND THEIR DRIPLINES CANNOT BE SAVED DUE TO TOPOGRAPHIC CONDITIONS AND FINAL SITE DESIGN AND GRADES, DEVELOPER WILL CONTRIBUTE FUNDS TO THE TREE FUND IN ACCORDANCE WITH THE ORDINANCE.

OPEN SPACE: DEVELOPER WILL INSTALL TABLES, BENCHES, PLANTER BOXES, PERGOLA, ETC. AS PART OF THE URBAN OPEN SPACE. OPEN SPACE MAY BE MODIFIED DURING THE FINAL ENGINEERING DESIGN. THE MODIFICATIONS MAY INCLUDE ADJUSTING THE NUMBER, SIZE, AND OR PLACEMENT OF TABLES, BENCHES, PLANTER BOXES, ETC. AS NECESSARY TO ACCOMMODATE TENANT NEEDS. THE SIZE OF THE OPEN SPACE AREA SHALL NOT BE ADJUSTED.

SITE ACCESS/CONNECTIVITY: DEVELOPER WILL BE REQUIRED TO SECURE NCDOT DRIVEWAY PERMITS TO SERVE THE SITE AND CONSTRUCT THE ROAD IMPROVEMENTS ASSOCIATED WITH ISSUANCE OF DRIVEWAY PERMITS.

DEVELOPER WILL ATTEMPT ENGINEERING OF 10' SIDE PATH AND PLANTING STRIP ALONG THE EAST SIDE OF THE SWIM BUFFER. IF DURING DESIGN, THE SWIM BUFFER WILL BECOME ADVERSELY AFFECTED, DEVELOPER AND STAFF WILL WORK TOGETHER TO ACHIEVE PEDESTRIAN CONNECTIVITY. THIS MAY BE ACHIEVED BY A REDUCTION IN PLANTING STRIP OR SIDEPATH MODIFICATIONS AS TO BE DETERMINED BY STAFF AT THE PRELIMINARY PLAN STAGE.

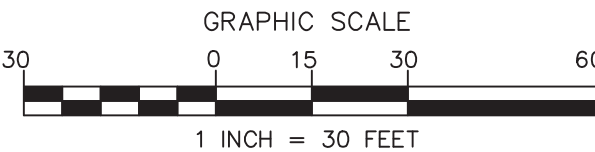
WHERE INSTALLED, SIDEWALKS ALONG THE NEW PUBLIC STREET SHALL BE 7' WIDE AS DEPICTED ON THE PLAN.

DEVELOPERS SURVEY INDICATES THAT BOTH MT. HOLLY-HUNTERSVILLE ROAD AND BEATTIES FORD ROAD HAVE AN EXISTING RIGHT OF WAY WIDTH OF AT LEAST 100' THEREIN MEETING THE SUBDIVISION ORDINANCE REQUIREMENTS FOR DEDICATION OF MINIMUM RIGHT OF WAY REQUIRED.

STORMWATER MANAGEMENT: THE PRELIMINARY STORMWATER MANAGEMENT PLAN SHOWN WITH THIS PETITION MAY BE MODIFIED DURING THE FINAL ENGINEERING DESIGN. THE MODIFICATIONS MAY INCLUDE ADJUSTING THE NUMBER, SIZE, LOCATION, LAYOUT, AND TYPE OF STORMWATER MANAGEMENT PRACTICES BEING UTILIZED. DEVELOPER MAY UTILIZE ABOVE OR BELOW GROUND DESIGNS TO ACCOMMODATE STORMWATER REQUIREMENTS OF THE SITE.

APPLICABILITY OF PETITION AND AMENDMENTS: OWNER RESERVES THE RIGHT TO MODIFY THE ZONING PETITION IN ACCORDANCE WITH HUNTERSVILLE ZONING STANDARDS AND NCGS. MODIFICATIONS TO THIS PETITION/ZONING PLAN MAY OCCUR TO ACCOMMODATE FINAL SITE DESIGN. IN THE INSTANCE THAT THIS PETITION/ZONING PLAN LACKS CLARITY OR IS CONTRARY TO THE INTENT OR STANDARDS OF THE ORDINANCE, THE ORDINANCE SHALL RULE.

VOLUNTARY ANNEXXATION: UPON THE ISSUANCE OF GRADING PERMITS FOR DEVELOPMENT OF THE PROPERTY BY DEVELOPER, DEVELOPER AGREES TO COOPERATE WITH THE TOWN TO EFFECTUATE THE VOLUNTARY ANNEXXATION OF THE PROPERTY INTO THE TOWN OF HUNTERSVILLE.



NO.	BY	DATE	REVISION
1	BTU	7/15/24	PER REVIEW COMMENTS
2	BTU	8/12/24	PER REVIEW COMMENTS
3	CBH	11/9/24	PER REVIEW COMMENTS

NOTE:

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.

PURPOSE:

TO REZONE EXISTING PROPERTY TO HIGHWAY COMMERCIAL HC-CD IN ORDER TO ALLOW A CONVENIENCE STORE WITH FUEL CANOPY AS WELL AS A FUTURE RETAIL/RESTAURANT/OFFICE BUILDING

ZONING PETITION: R24-03
RECORD: CSP-500014

Project: **LONG CREEK RETAIL**
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078, MECKLENBURG COUNTY

Title: **OVERALL PLAN**

File #: 18048-PB.DWG Date: 03/27/24 Project Egr: BTU

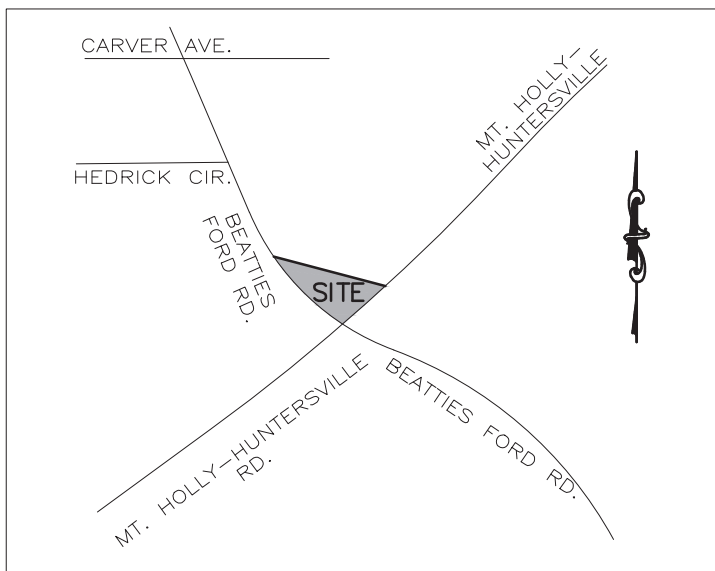
Design By: BTU

Drawn By: RKS

Scale: 1"=30'

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

RZ0.0



VICINITY MAP
NOT TO SCALE

Total Area (acres, square feet)	4.388 AC./191,141 SF
Proposed Disturbed Area (acres, square feet)	4.32 AC./191,141 SF
River Basin	CATAWBA
Stream Classification	C
Principal Use(s) (Z.O. Article 3)	COMMERCIAL RETAIL
Building Type (Z.O. Article 3, 4 and 8.10)	RETAIL & CONVENIENCE STORE
Zoning District (Z.O. Article 3)	HC-CD/R-08-01
Overlay District, if applicable (Article 3 Z.O.)	N/A
Percentage of Impervious Allowed (Article 3 Z.O.)	75.5%
Percentage of Impervious Shown	51.9%
Lot Count	3
Total number of dwellings (detached/ attached)	N/A
Mixed-use/ff of live/work units	N/A
Total area of residential	N/A
Total area of non-residential (square feet)	N/A
Lot size range	N/A
Number of lots within each range	
(Use more lines if needed)	
Lot widths range (Z.O. Article 3)	
Number of lots within each width	
(Use more lines if needed)	
Setbacks and Build-to-lines (Z.O. Article 3, 4 & 8.10)	
From BTL, range or Setback	15'-20' ALONG RP ROAD & NEW ROAD
Corner setbacks	
Rear setbacks	
Right side setback	
Left side setback	
Watershed Information (Z.O. Article 3 and S.O. Section 7.200)	
Is the property in a regulated watershed district?	Yes X No
Watershed District	
Low Density/High Density	HIGH DENSITY > 12% RWA
Percentage of allowable impervious area	75.0%
Percentage of impervious area shown on plans	51.9%
Amount of lot area set aside for future impervious by homeowner	N/A
FW If you are proposing to develop a residential subdivision inside the MLO or LPO Watershed Districts you shall reserve 1% of the lot area but not less than 150 sqft impervious area per lot to allow for addition of future impervious area by the homeowner/occupant.	
List all modifications from the approved sketch plan and any conditions of the rezoning plan, if the property is subject a conditional rezoning plan.	SEE RECORDING NOTES R20.0

DEVELOPMENT DATA:

PROJECT NAME: LONG CREEK RETAIL

PLANS PREPARED BY: THE ISAACS GROUP, P.C.

ZONING: HC-CD R-08-01

JURISDICTION: TOWN OF HUNTERSVILLE

PARCEL ADDRESS: 8900 BEATTIES FORD RD

TAX PARCEL NUMBER: 01526434, 01526435

RIVER BASIN: CATAWBA WATERSHED: LONG

STREAM CLASSIFICATION: C (TRIBUTARY TO LONG CREEK)

TOTAL PARCEL SIZE: 191,141/4,388 SQ. FEET/ACRES

PRE-DEVELOPED IMPERVIOUS: 4,877/0.107 SQ. FEET/ACRES

POST-DEVELOPED IMPERVIOUS: 57,660/1.324 SQ. FEET/ACRES

BUILT UPON AREA: 51.9 %

EXISTING USE: VACANT AND SINGLE FAMILY HOUSE

PROPOSED USE: COMMERCIAL - CONV. STORE/RETAIL

PROPOSED BUILDING TYPE: HIGHWAY COMMERCIAL

PROPOSED LOT TYPE: HIGHWAY COMMERCIAL

FUTURE USE: COMMERCIAL/RETAIL/RESTAURANT/OFFICE

BUILDING SETBACK REQUIREMENTS:

15'-20' BUILD TO LINE ALONG MOUNT HOLLY-HUNTERSVILLE RD AND BEATTIES FORD RD

PER LONG CREEK COMMERCIAL REZONING PLAN

PARKING DATA: TOWN OF HUNTERSVILLE LAND DEVELOPMENT CODE

REQUIRED: ONE SPACE PER 500 SQUARE FEET OF FLOOR AREA

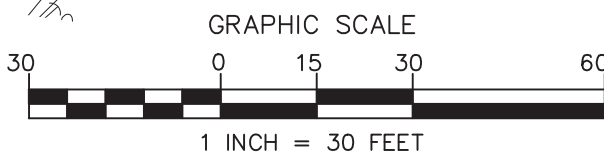
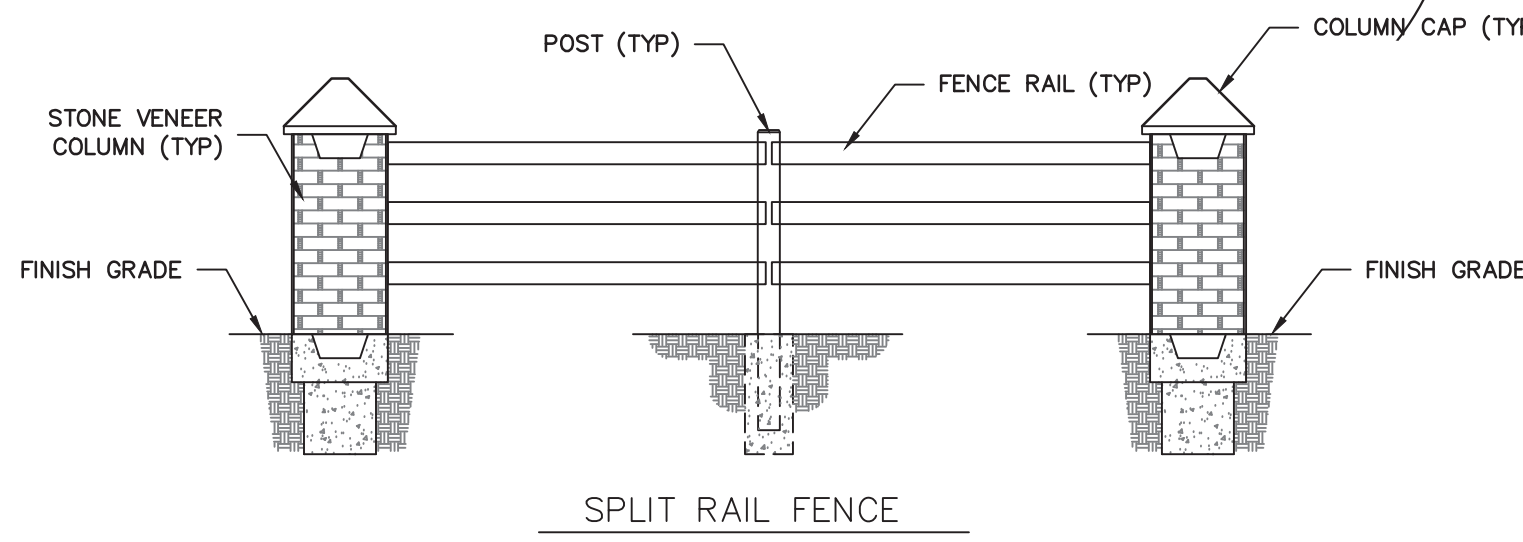
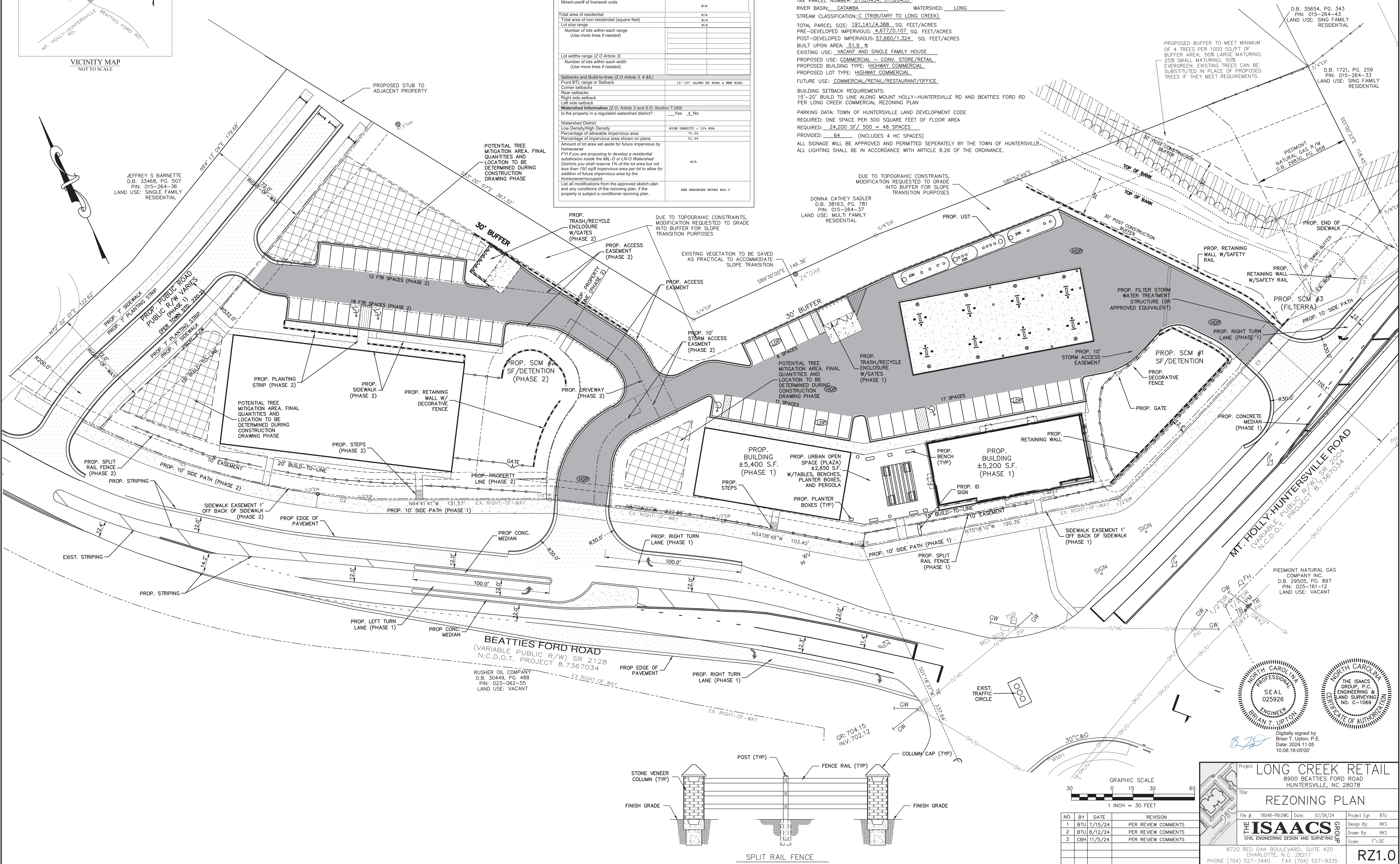
REQUIRED: 24,200 SF/ 500 = 48 SPACES

PROVIDED: 64 (INCLUDES 4 HC SPACES)

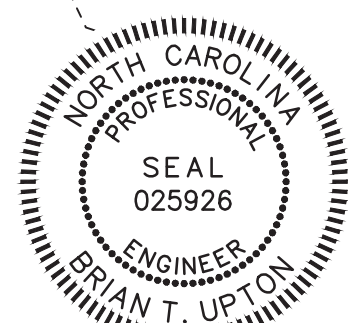
ALL SIGNAGE WILL BE APPROVED AND PERMITTED SEPARATELY BY THE TOWN OF HUNTERSVILLE.

ALL LIGHTING SHALL BE IN ACCORDANCE WITH ARTICLE 8.26 OF THE ORDINANCE.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	2804.79'	283.24'	S67°41'38"W	283.12'
C2	548.11'	38.23'	N58°20'31"W	38.22'



NO.	BY	DATE	REVISION
1	BTU	7/15/24	PER REVIEW COMMENTS
2	BTU	8/12/24	PER REVIEW COMMENTS
3	CBH	11/9/24	PER REVIEW COMMENTS



Project: LONG CREEK RETAIL
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: REZONING PLAN

File #: 18048-PB.DWG Date: 03/26/24 Project Egr: BTU

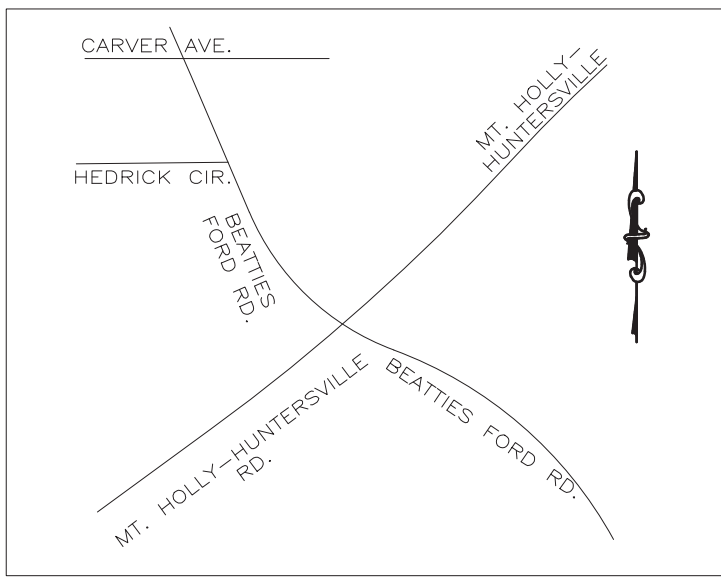
Design By: RKS

Drawn By: RKS

Scale: 1"=30'

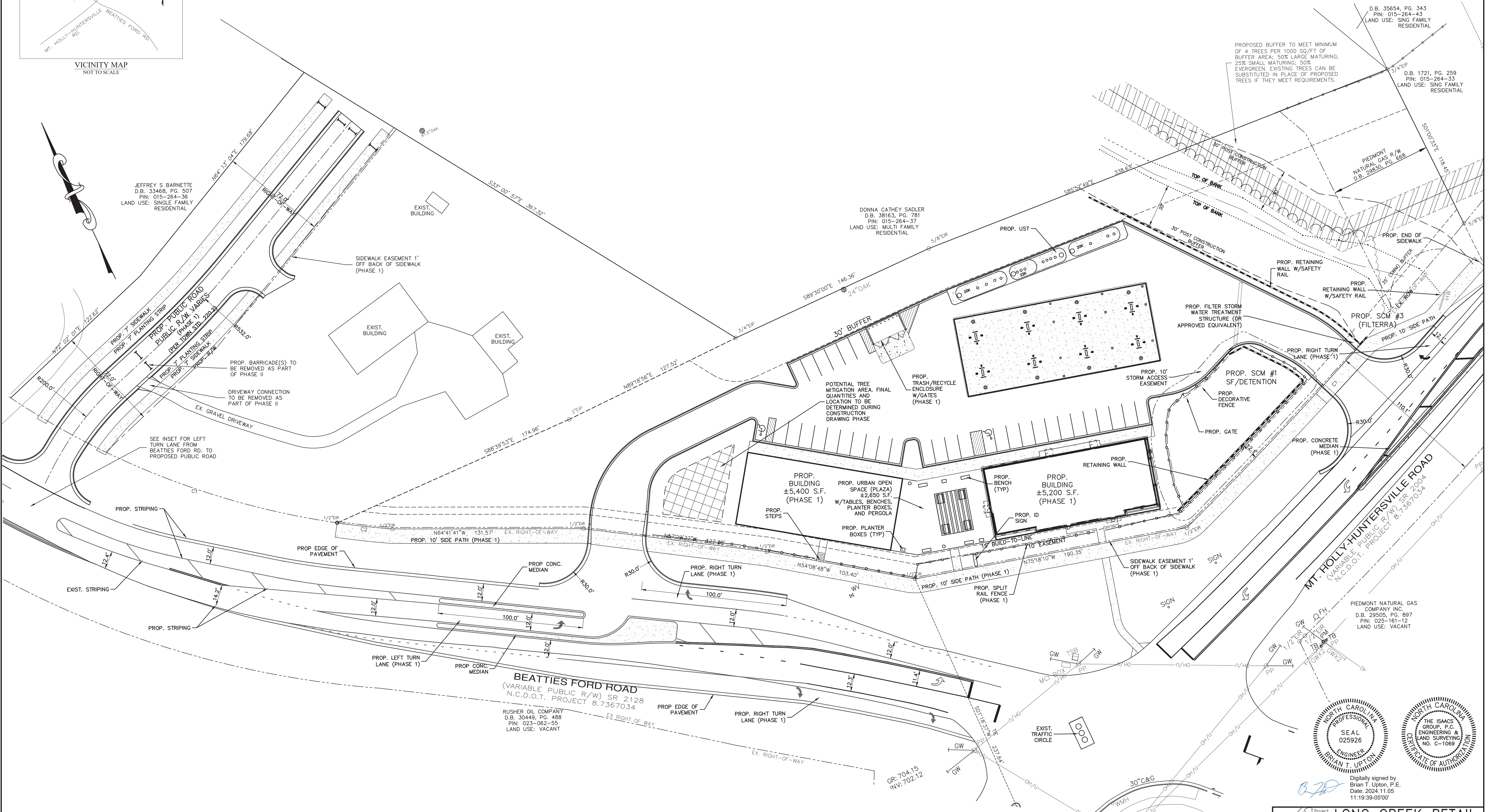
8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

RZ1.0



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
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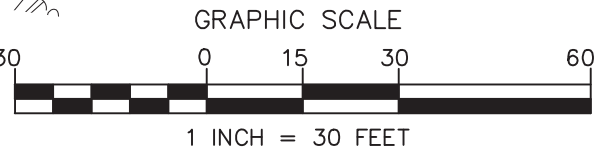
VICINITY MAP
NOT TO SCALE



PHASE I ROAD IMPROVEMENTS:

MT. HOLLY-HUNTERSVILLE ROAD
-WEST BOUND RIGHT TURN LANE AT DRIVEWAY

BEATTIES FORD ROAD
-NORTH BOUND LANE RIGHT TURN LANE AT DRIVEWAY
-SOUTH BOUND LEFT TURN LANE AT DRIVEWAY
-EXTEND SOUTH BOUND LEFT TURN LANE AT MT. HOLLY-HUNTERSVILLE ROAD
-SOUTH BOUND RIGHT TURN LANE AT MT. HOLLY-HUNTERSVILLE ROAD



NO.	BY	DATE	REVISION
1	CBH	11/5/24	PER REVIEW COMMENTS



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Brian T. Upton, P.E.
Date: 2024.11.05
11:19:39-05'00'

Project: **LONG CREEK RETAIL**
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: **REZONING PLAN
(PHASE 1)**

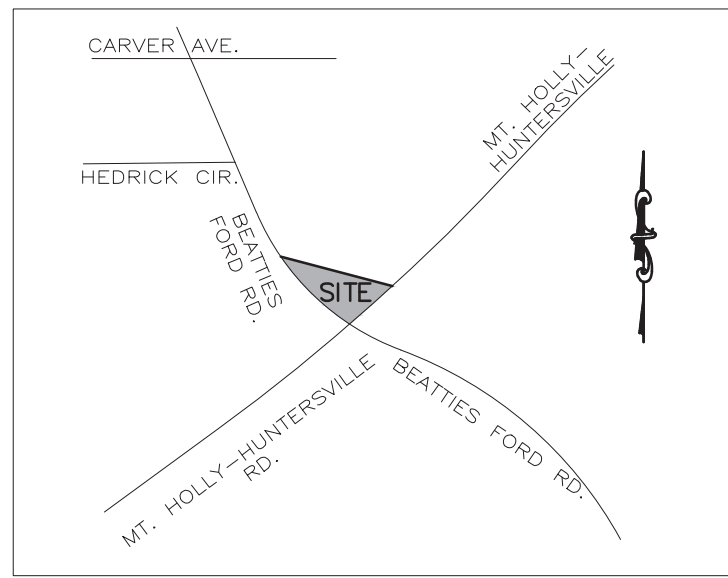
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Design By: RKS
Drawn By: RKS
Scale: 1"=30'

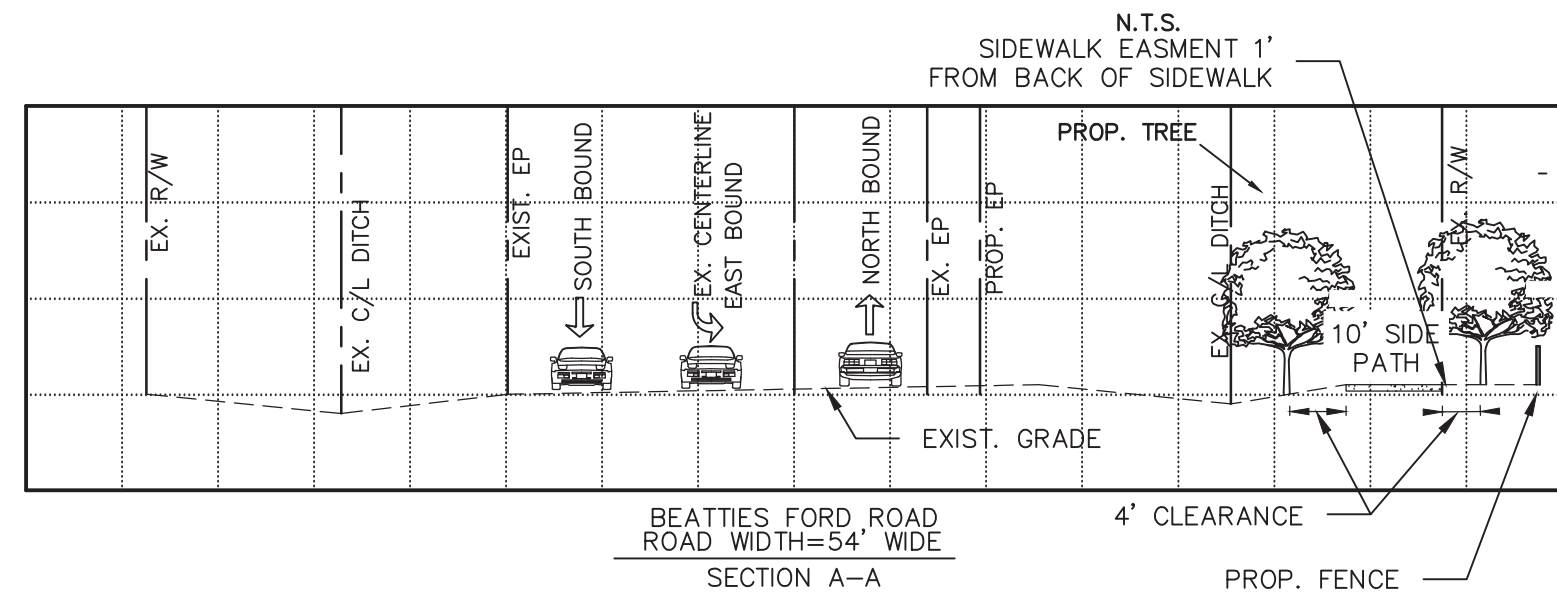
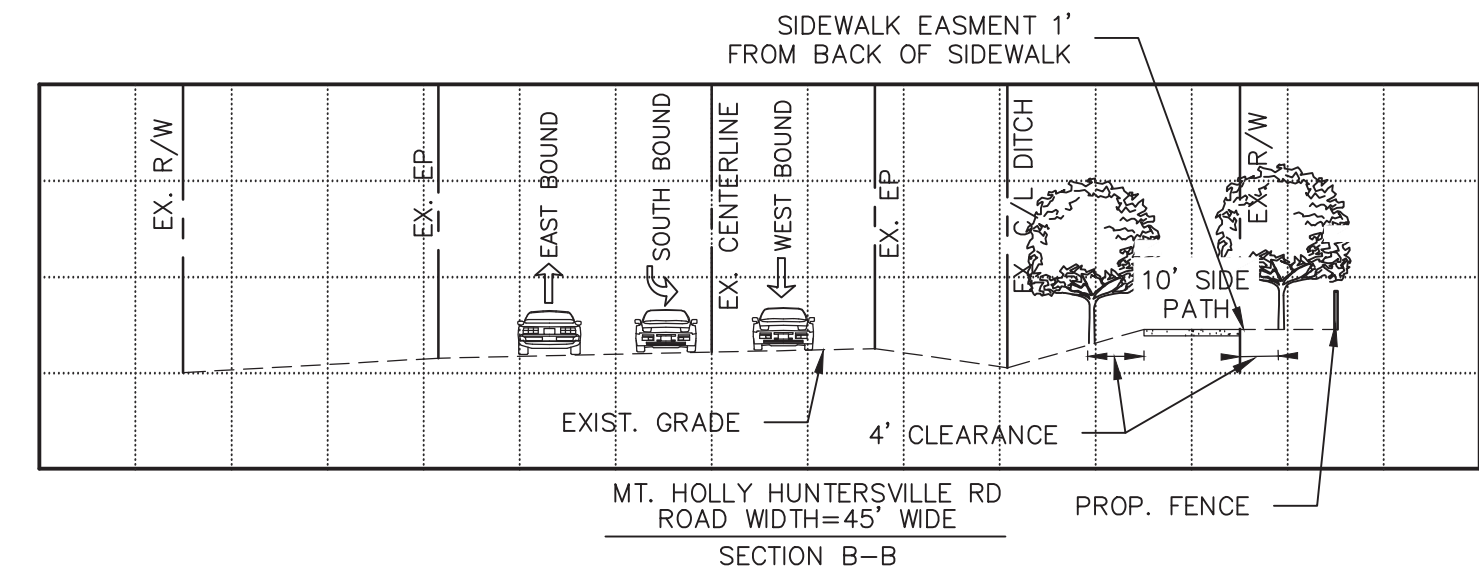
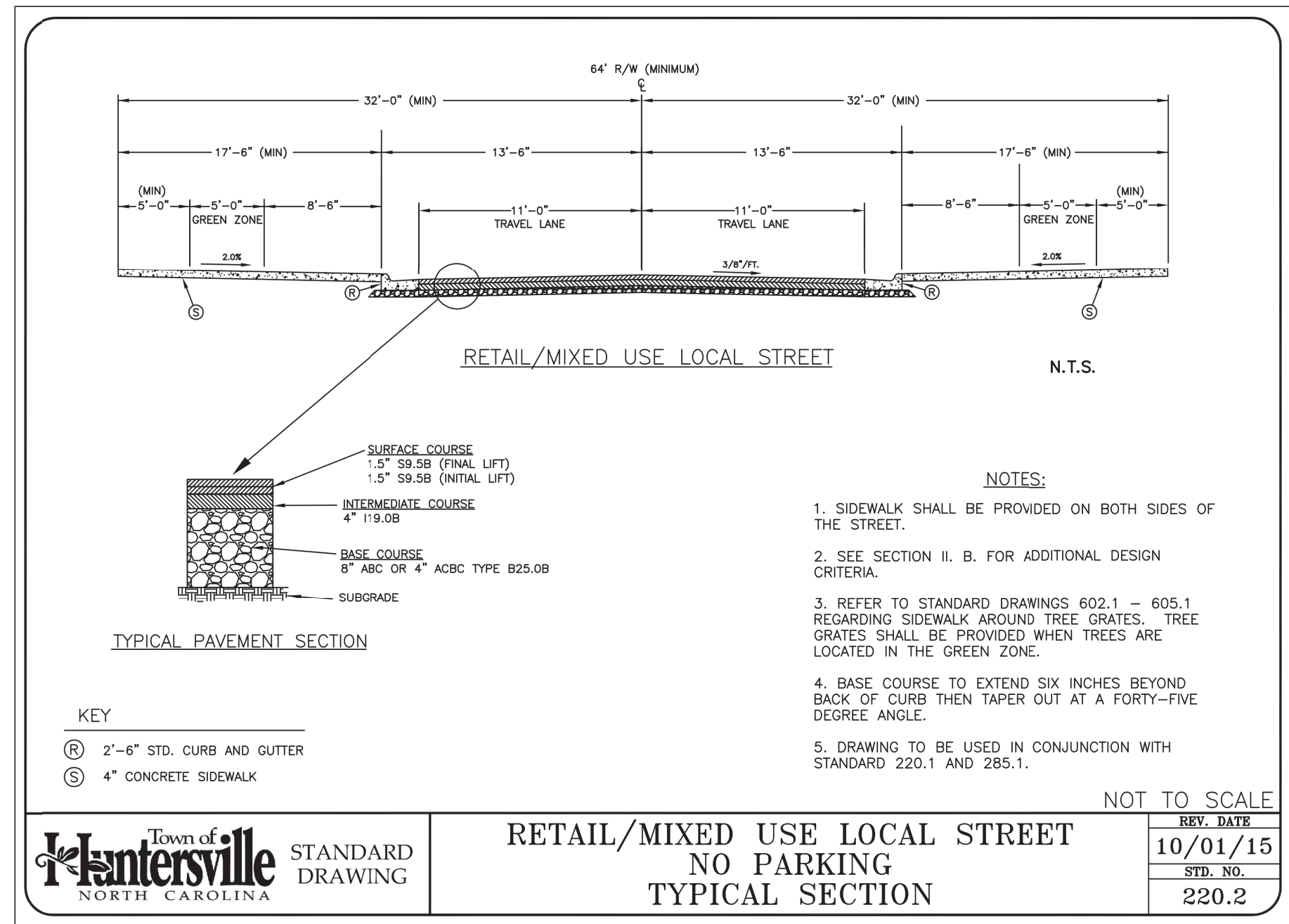
THE ISAACS GROUP
CIVIL ENGINEERING DESIGN AND SURVEYING

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CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

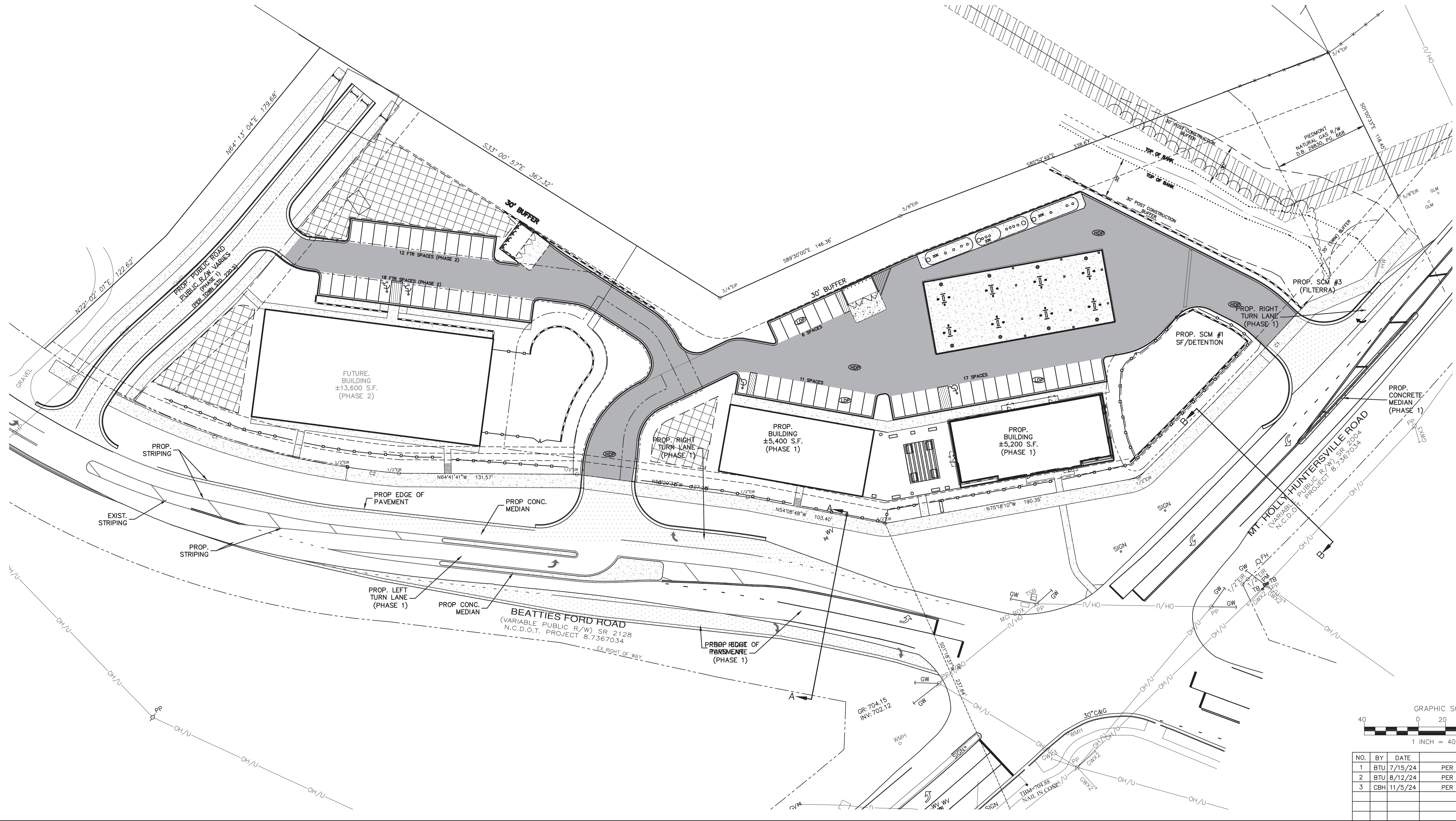
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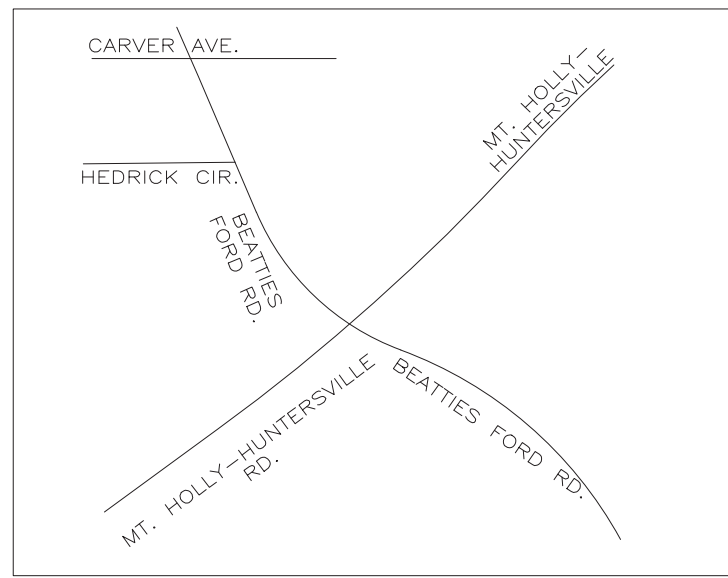


VICINITY MAP
NOT TO SCALE



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	2804.79'	283.24'	S67°41'38"W	283.12'
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VICINITY MAP
NOT TO SCALE

TREE MITIGATION: PHASE 1

MITIGATION TREES PLANTED= 4 TREES= 8 CALIPER INCHES
CALIPER INCHES TO BE MITIGATED= 36-8=28 CALIPER INCHES

TREE MITIGATION: PHASE 2

MITIGATION TREES PLANTED= 27 TREES= 54 CALIPER INCHES
CALIPER INCHES TO BE MITIGATED=252.5-54=198.50 CALIPER INCHES

LANDSCAPE LEGEND SPECIES	
	SOUTHERN RED OAK QUERCUS FALCATA (MIN. 2" CALIPER AND 8' AT THE TIME OF PLANTING)
	DECODAR CEDAR CEDRUS DEODARA (MIN. 2" CALIPER AND 8' AT THE TIME OF PLANTING)
	TULIP-POPLAR LIRIODENDRON TULIPIFERA (MIN. 2" CALIPER AND 8' AT THE TIME OF PLANTING)
	FOSTER HOLLY ILEX ATTENUATA "FOSTER" (MIN. 2" CALIPER AND 8' AT TIME OF PLANTING)
	DWARF BURFORD HOLLY LEX CORNUTA 'BURFORDI NANA' (MIN. 3' AT TIME OF PLANTING, MIN. 6' AT MATURITY)
MT	MITIGATION TREE

* THE SPECIES SPECIFIED ON THE PLANS MAY BE SUBSTITUTED WITH SOMETHING ELSE AS LONG AS THEY MEET THE TOWN'S CRITERIA

- BUFFER PLANTING - REQUIRED 30' BUFFER
- 4 TREES / 1000 SF BUFFER
 - 23354/1000*4= 94 TREES
 - 50% LARGE MATURING TREE, 50% SMALL MATURING TREE, 25% EVERGREEN
 - 1 EXISTING + 93 PROPOSED= 94 TREES PROVIDED
- 7 SHRUBS / 1000 SF, 100% EVERGREEN
- 23354/1000=7*164 SHRUBS
 - 164 SHRUBS PROVIDED

STREET TREE-BEATTIES FORD RD. (PHASE I)
REQUIRED: 1 TREE PER 40 LF (591/40=15 TREES REQUIRED)
STREET TREES PROVIDED: 15 PROP. TREES

STREET TREE-BEATTIES FORD RD. (PHASE II)
REQUIRED: 1 TREE PER 40 LF (242/40=6 TREES REQUIRED)
STREET TREES PROVIDED: 6 PROP. TREES

STREET TREE-MT. HOLLY-HUNTERSVILLE RD.
REQUIRED: 1 TREE PER 40 LF (283/40=7 TREES REQUIRED)
STREET TREES PROVIDED: 7 PROP. TREES

STREET TREE-PROPOSED PUBLIC ROAD
REQUIRED: 1 TREE PER 40 LF (299/40=8 TREES REQUIRED)
STREET TREES PROVIDED: 8 PROP. TREES

PROPOSED BUFFER TO MEET MINIMUM OF 4 TREES PER 1000 SQ/FT OF BUFFER AREA; 50% LARGE MATURING; 25% SMALL MATURING; 50% EVERGREEN. EXISTING TREES CAN BE SUBSTITUTED IN PLACE OF PROPOSED TREES IF THEY MEET REQUIREMENTS.

D.B. 35654, PG. 343
PIN: 015-264-43
LAND USE: SING FAMILY RESIDENTIAL

D.B. 1721, PG. 259
PIN: 015-264-33
LAND USE: SING FAMIL RESIDENTIAL

PEDMONT NATURAL GAS R/W
D.B. 29830, PG. 668

PROP. SCM #3 (FILTERRA)

PROP. SCM #1 SF/DETENTION

DONNA CATHEY SADLER
D.B. 38163, PG. 781
PIN: 015-264-37
LAND USE: MULTI FAMILY RESIDENTIAL

POTENTIAL TREE MITIGATION AREA. FINAL QUANTITIES AND LOCATION TO BE DETERMINED DURING CONSTRUCTION DRAWING PHASE

PROP. BUILDING ±5,400 S.F. (PHASE 1)

PROP. URBAN OPEN SPACE (PLAZA) ±2,650 S.F. W/TABLES, BENCHES, PLANTER BOXES, AND PERGOLA

PROP. BENCH (TYP)

PROP. BUILDING ±5,200 S.F. (PHASE 1)

PROP. PLANTER BOXES (TYP)

PROP. PLANTING STRIP (PHASE 2)

POTENTIAL TREE MITIGATION AREA. FINAL QUANTITIES AND LOCATION TO BE DETERMINED DURING CONSTRUCTION DRAWING PHASE

FUTURE BUILDING ±13,600 S.F. (PHASE 2)

PROP. RETAINING WALL W/ DECORATIVE FENCE

PROP. SIDEWALK (PHASE 2)

PROP. SCM #2 SF/DETENTION (PHASE 2)

PROP. DRIVEWAY (PHASE 2)

PROP. TRASH/RECYCLE ENCLOSURE W/GATES (PHASE 2)

PROP. ACCESS EASEMENT (PHASE 2)

PROP. ACCESS EASEMENT (PHASE 2)

POTENTIAL TREE MITIGATION AREA. FINAL QUANTITIES AND LOCATION TO BE DETERMINED DURING CONSTRUCTION DRAWING PHASE

PROP. TRASH/RECYCLE ENCLOSURE W/GATES (PHASE 2)

PROP. ACCESS EASEMENT (PHASE 2)

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PROP. ACCESS EASEMENT (PHASE 2)

PROP. TRASH/RECYCLE ENCLOSURE W/GATES (PHASE 2)

PROP. ACCESS EASEMENT (PHASE 2)

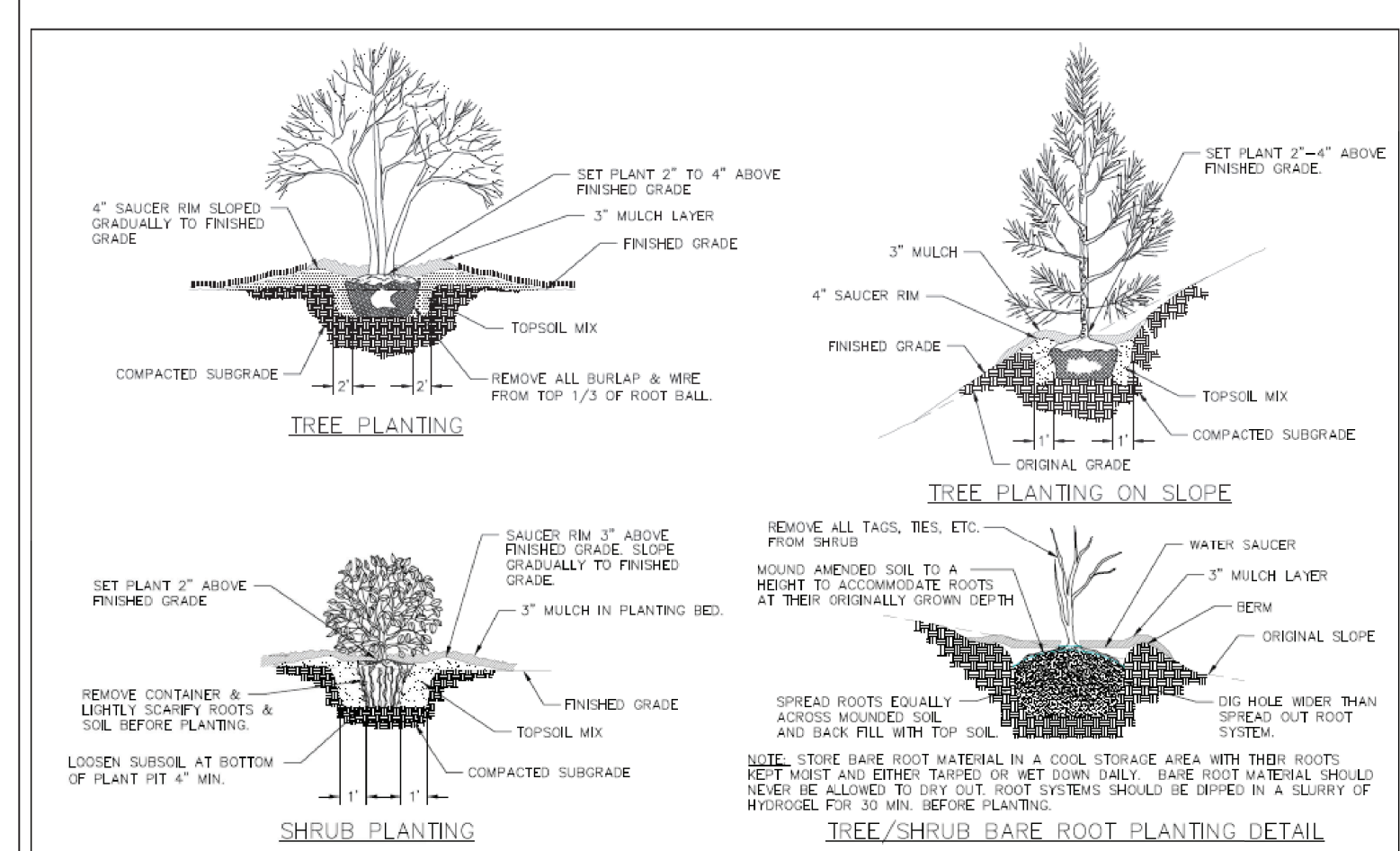
PROP. TRASH/RECYCLE ENCLOSURE W/GATES (PHASE 2)

PROP. ACCESS EASEMENT (PHASE 2)

PROP. TRASH/RECYCLE ENCLOSURE W/GATES (PHASE 2)

PROP. ACCESS EASEMENT (PHASE 2)

3.22F Tree & Shrub Planting



TREE & SHRUB PLANTING DETAIL

STD. NO. 3.22F

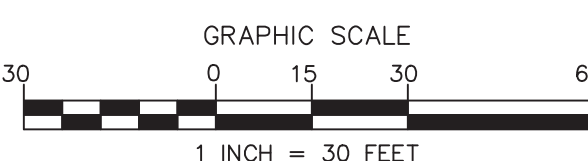
STREET TREE NOTE:

STREET TREE LOCATIONS ARE SUBJECT TO CHANGE DURING CONSTRUCTION PHASE TO MEET REQUIREMENTS OF THE TOWN'S ENGINEERING STANDARDS AND PROCEDURES MANUAL AND NCDOT PLANTING GUIDELINES

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	2804.79'	283.24'	S67°41'38" W	283.12'
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Digitally signed by
Brian T. Upton, P.E.
Date: 2024.11.05
10:10:56-0500'



NO.	BY	DATE	REVISION
1	BTU	7/15/24	PER REVIEW COMMENTS
2	CBH	11/9/24	PER REVIEW COMMENTS

Project: **LONG CREEK RETAIL**
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: **LANDSCAPE PLAN**

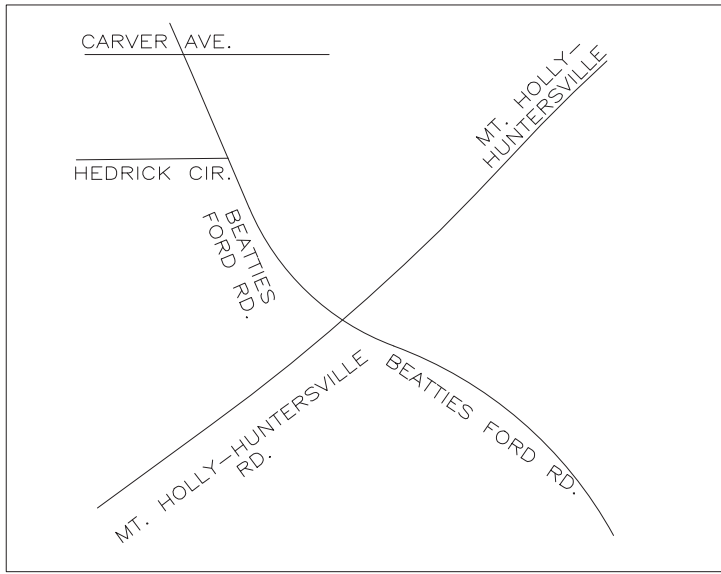
File #: 18048-PB.DWG Date: 03/27/24 Project Egr: BTU

Design By: RKS
Drawn By: RKS
Scale: 1"=30'

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RZ1.2



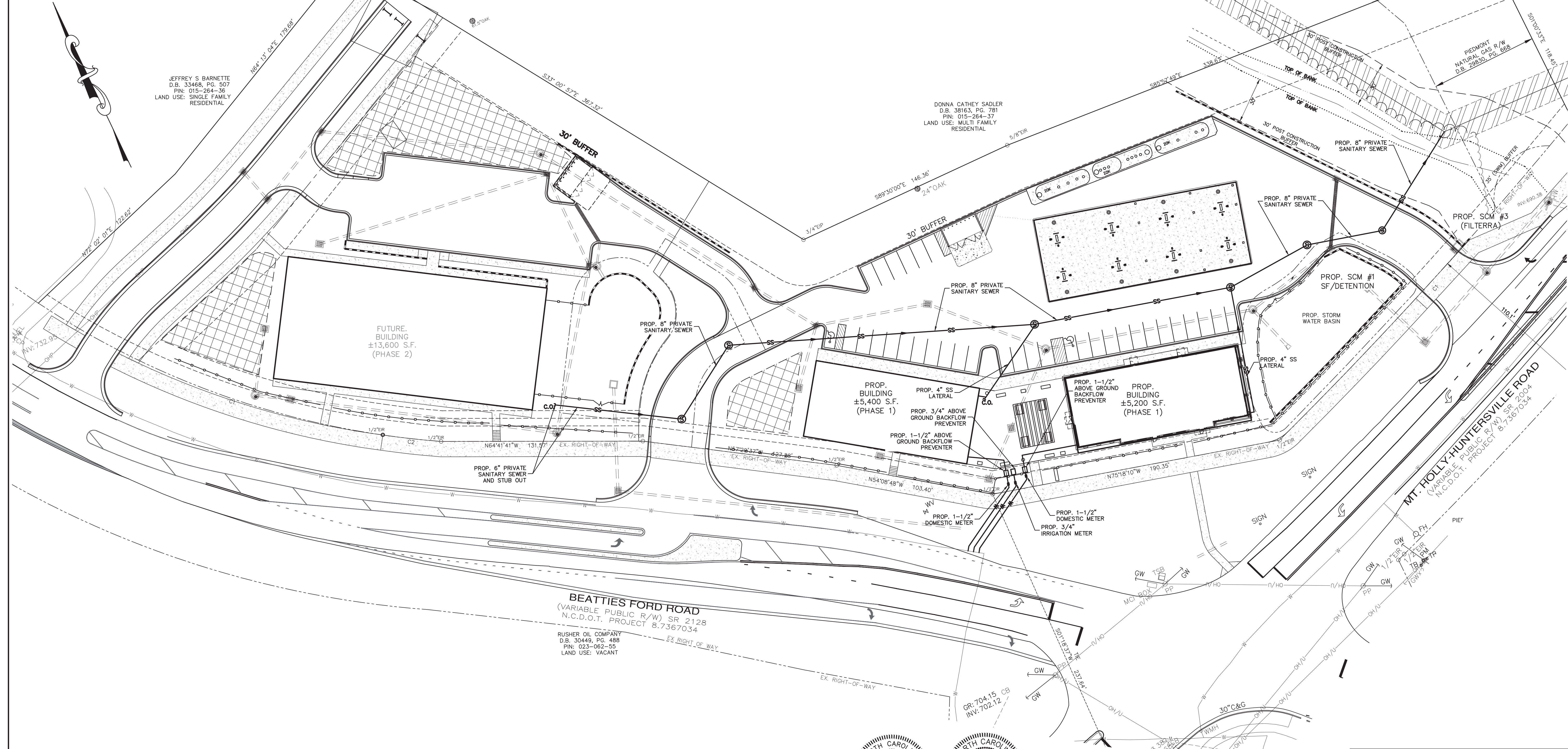
VICINITY MAP
NOT TO SCALE

JEFFREY S. BARNETTE
D.B. 33468, PG. 507
PIN: 015-264-36
LAND USE: SINGLE FAMILY
RESIDENTIAL

DONNA CATHEY SADLER
D.B. 38163, PG. 781
PIN: 015-264-37
LAND USE: MULTI FAMILY
RESIDENTIAL

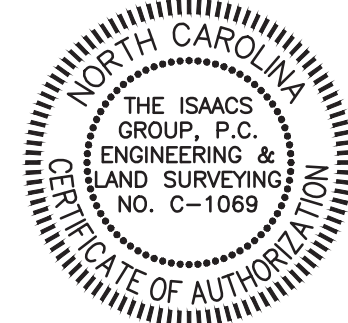
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RESIDENTIAL

D.B. 1721, PG. 259
PIN: 015-264-33
LAND USE: SING FAMIL
RESIDENTIAL



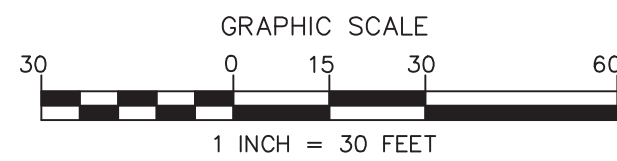
BEATTIES FORD ROAD
(VARIABLE PUBLIC R/W) SR 2128
N.C.D.O.T. PROJECT 8.7367034

RUSHER OIL COMPANY
D.B. 30449, PG. 488
PIN: 023-082-55
LAND USE: VACANT



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Brian T. Upton, P.E.
Date: 2024.11.05
10:11:33-05'00'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
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NO.	BY	DATE	REVISION
1	BTU	7/15/24	PER REVIEW COMMENTS
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3	CBH	11/9/24	PER REVIEW COMMENTS

Project: **LONG CREEK RETAIL**
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: **UTILITY PLAN**

File #: 18048-PB.DWG Date: 03/27/24 Project Egr: BTU

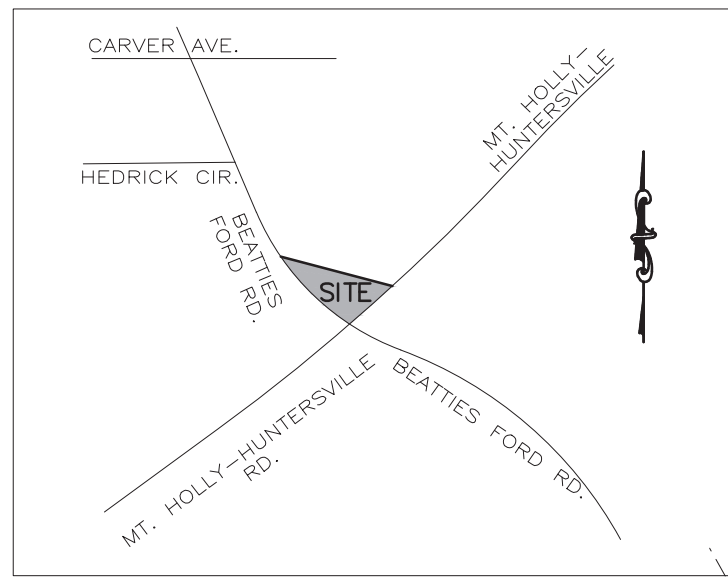
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Drawn By: RKS

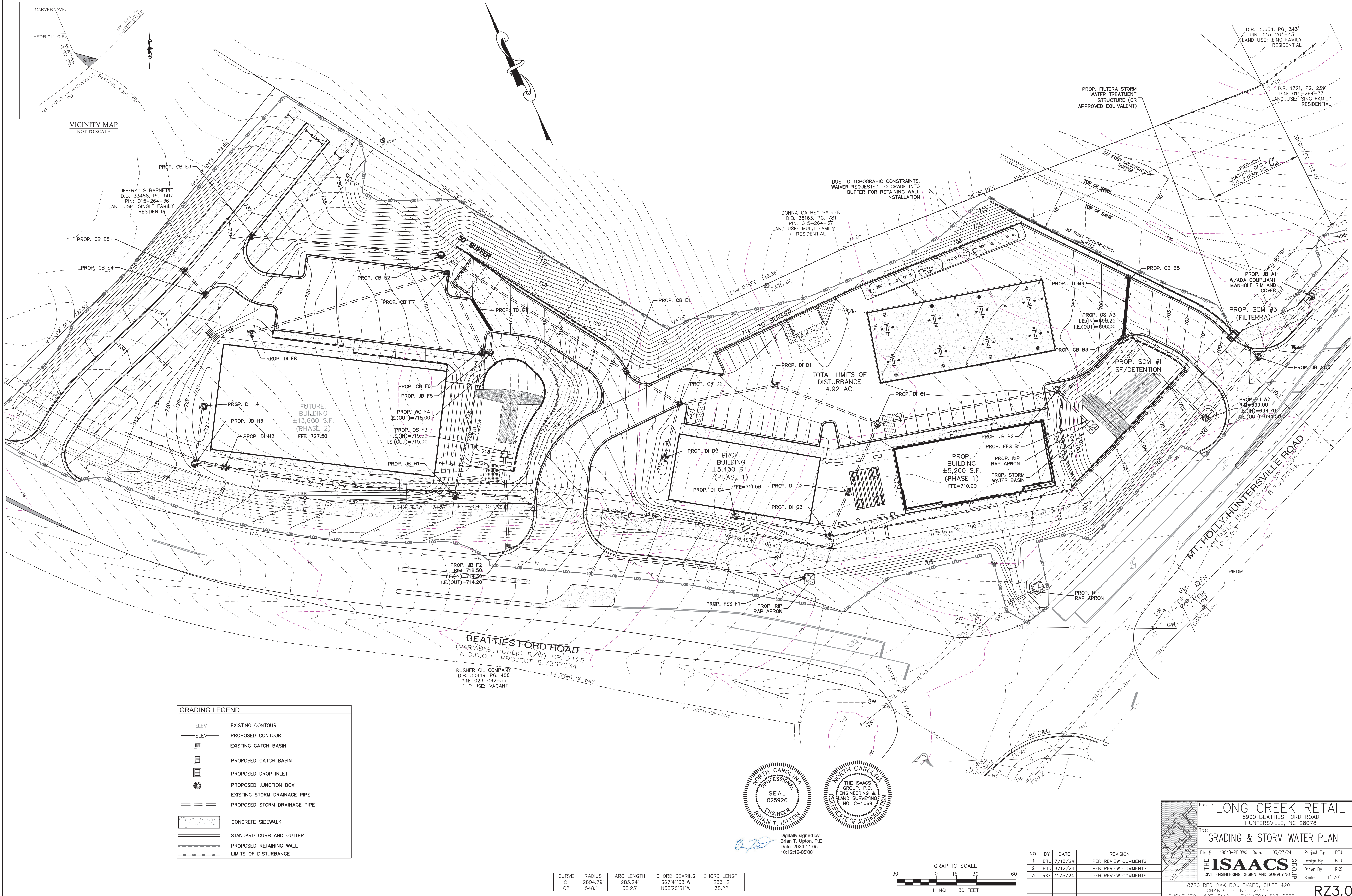
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8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

RZ2.0

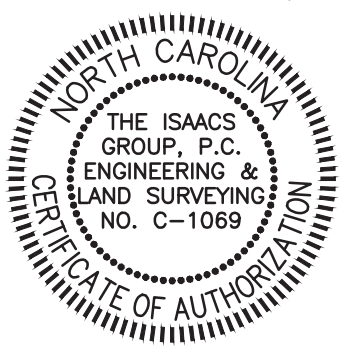


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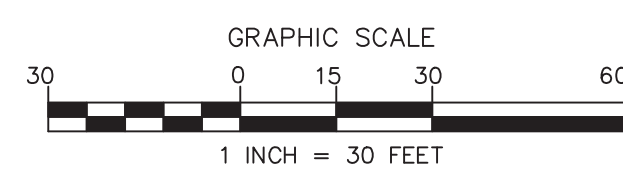


GRADING LEGEND	
	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING CATCH BASIN
	PROPOSED CATCH BASIN
	PROPOSED DROP INLET
	PROPOSED JUNCTION BOX
	EXISTING STORM DRAINAGE PIPE
	PROPOSED STORM DRAINAGE PIPE
	CONCRETE SIDEWALK
	STANDARD CURB AND GUTTER
	PROPOSED RETAINING WALL
	LIMITS OF DISTURBANCE

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Brian T. Upton, P.E.
Date: 2024.11.05
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NO.	BY	DATE	REVISION
1	BTU	7/15/24	PER REVIEW COMMENTS
2	BTU	8/12/24	PER REVIEW COMMENTS
3	RKS	11/9/24	PER REVIEW COMMENTS

Project: **LONG CREEK RETAIL**
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: **GRADING & STORM WATER PLAN**

File #: 18048-PB.DWG Date: 03/27/24 Project Egr: BTU

Design By: BTU

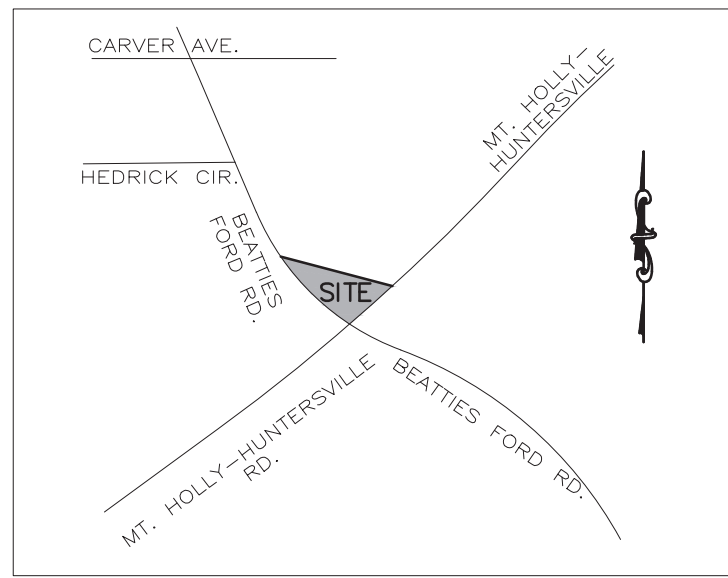
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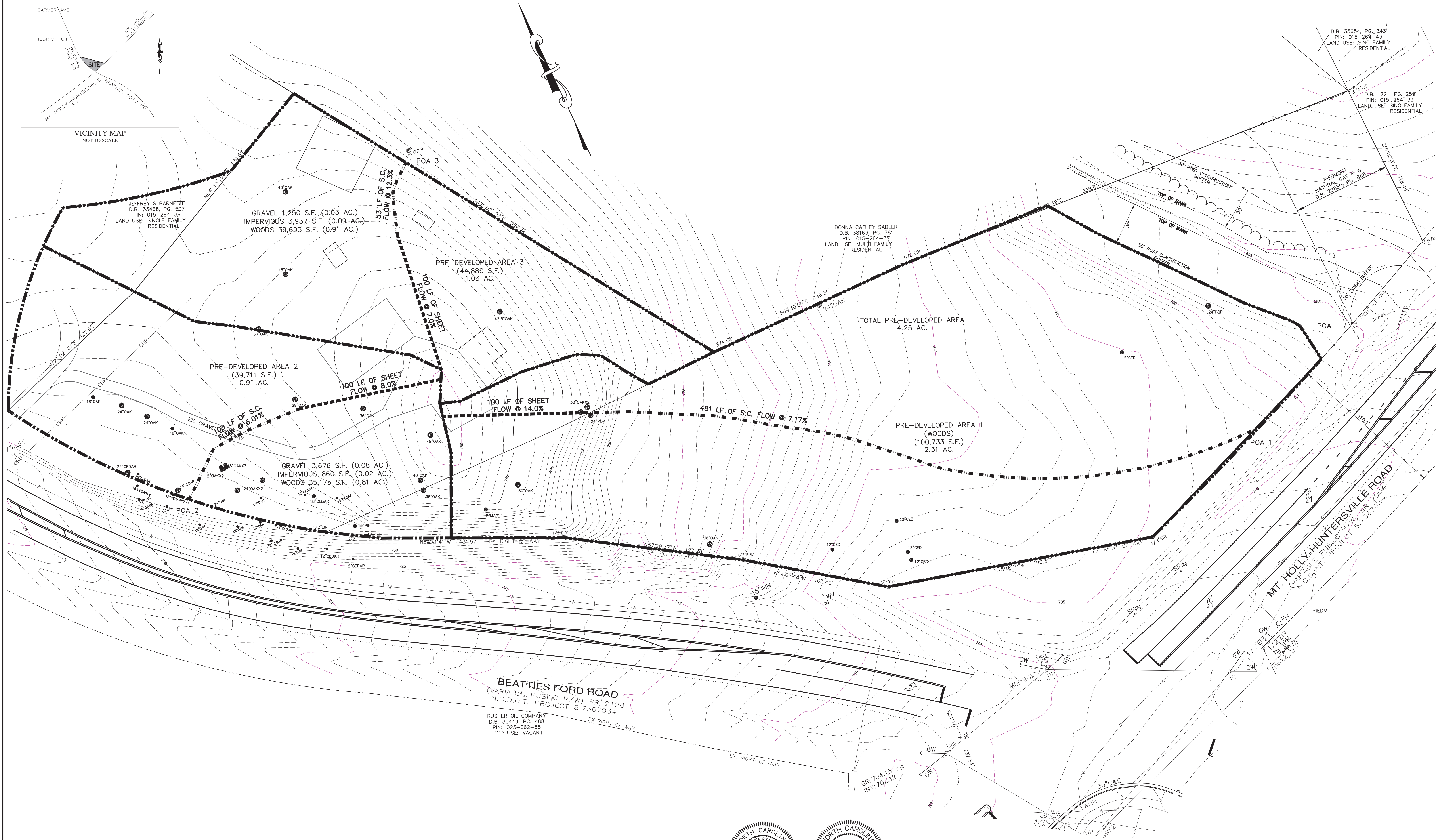
8720 RED OAK BOULEVARD, SUITE 420
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PHONE (704) 527-3440 FAX (704) 527-8335

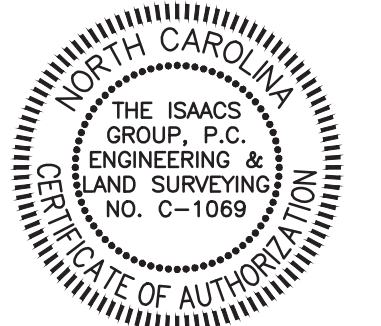
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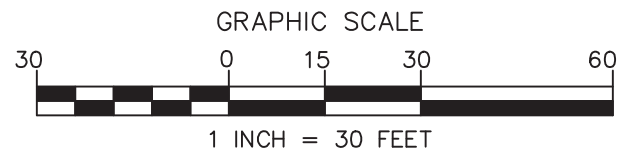
VICINITY MAP
NOT TO SCALE



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Digitally signed by
Brian T. Upton, P.E.
Date: 2024.11.05
10:12:42-05'00'



NO.	BY	DATE	REVISION
1	RKS	7/15/24	PER REVIEW COMMENTS
2	RKS	11/9/24	PER REVIEW COMMENTS

Project: **LONG CREEK RETAIL**
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: **EXISTING HYDROLOGY PLAN**

File #: 18048-PB.DWG Date: 03/27/24 Project Egr: BTU

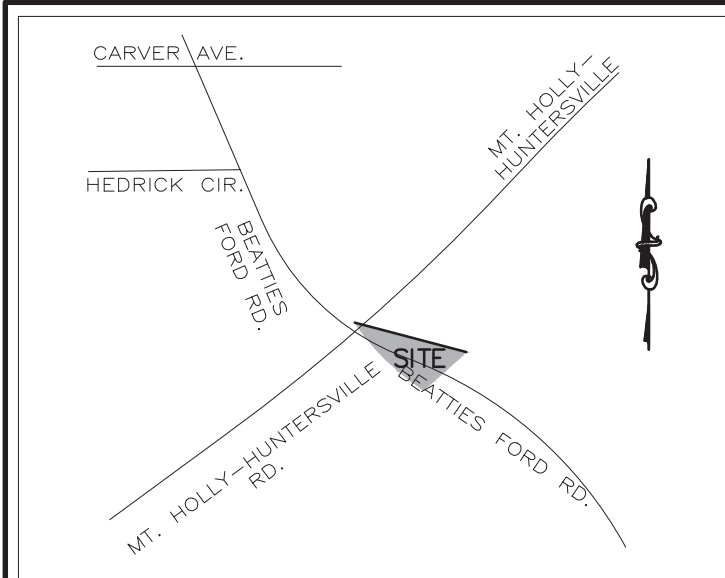
Design By: BTU

Drawn By: RKS

Scale: 1"=30'

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

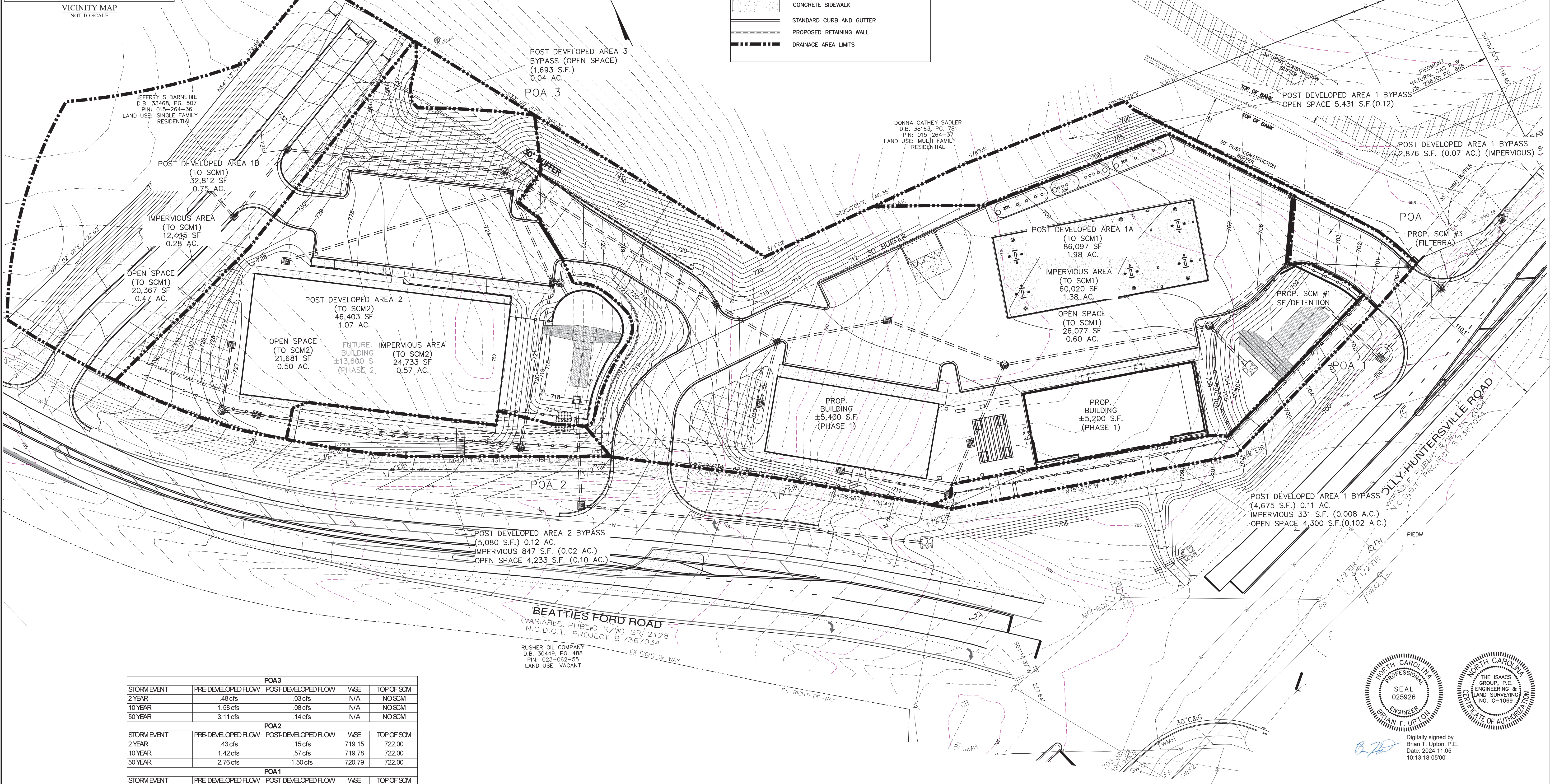
RZ3.1



VICINITY MAP
NOT TO SCALE

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING CATCH BASIN
- PROPOSED CATCH BASIN
- PROPOSED DROP INLET
- PROPOSED JUNCTION BOX
- EXISTING STORM DRAINAGE PIPE
- CONCRETE SIDEWALK
- STANDARD CURB AND GUTTER
- PROPOSED RETAINING WALL
- DRAINAGE AREA LIMITS



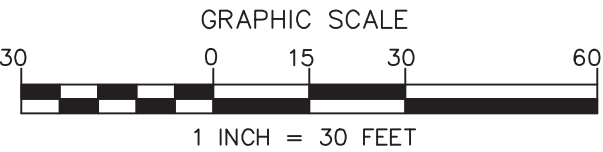
POA 3				
STORM EVENT	PRE-DEVELOPED FLOW	POST-DEVELOPED FLOW	WSE	TOP OF SCM
2 YEAR	.48 cfs	.03 cfs	N/A	NO SCM
10 YEAR	1.58 cfs	.08 cfs	N/A	NO SCM
50 YEAR	3.11 cfs	.14 cfs	N/A	NO SCM

POA 2				
STORM EVENT	PRE-DEVELOPED FLOW	POST-DEVELOPED FLOW	WSE	TOP OF SCM
2 YEAR	.43 cfs	.15 cfs	719.15	722.00
10 YEAR	1.42 cfs	.57 cfs	719.78	722.00
50 YEAR	2.76 cfs	1.50 cfs	720.79	722.00

POA 1				
STORM EVENT	PRE-DEVELOPED FLOW	POST-DEVELOPED FLOW	WSE	TOP OF SCM
2 YEAR	.47 cfs	.70 cfs	703.82	706.00
10 YEAR	2.55 cfs	3.56 cfs	704.97	706.00
50 YEAR	5.65 cfs	24.07 cfs	705.01	706.00

POA (ACCUMULATIVE)			
STORM EVENT	PRE-DEVELOPED FLOW	POST-DEVELOPED FLOW	PREV POST CHECK
2 YEAR	1.38 cfs	.88 cfs	0.88 < 1.38 THEREFORE OK
10 YEAR	5.55 cfs	4.21 cfs	4.21 < 5.55 THEREFORE OK
50 YEAR	11.52 cfs	25.71 cfs	N/A

DETENTION SUMMARY CHART



NO.	BY	DATE	REVISION
1	BTU	8/12/24	PER REVIEW COMMENTS
2	RKS	11/9/24	PER REVIEW COMMENTS

Project: **LONG CREEK RETAIL**
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: **POST DEVELOPED MAP & CALCULATIONS**

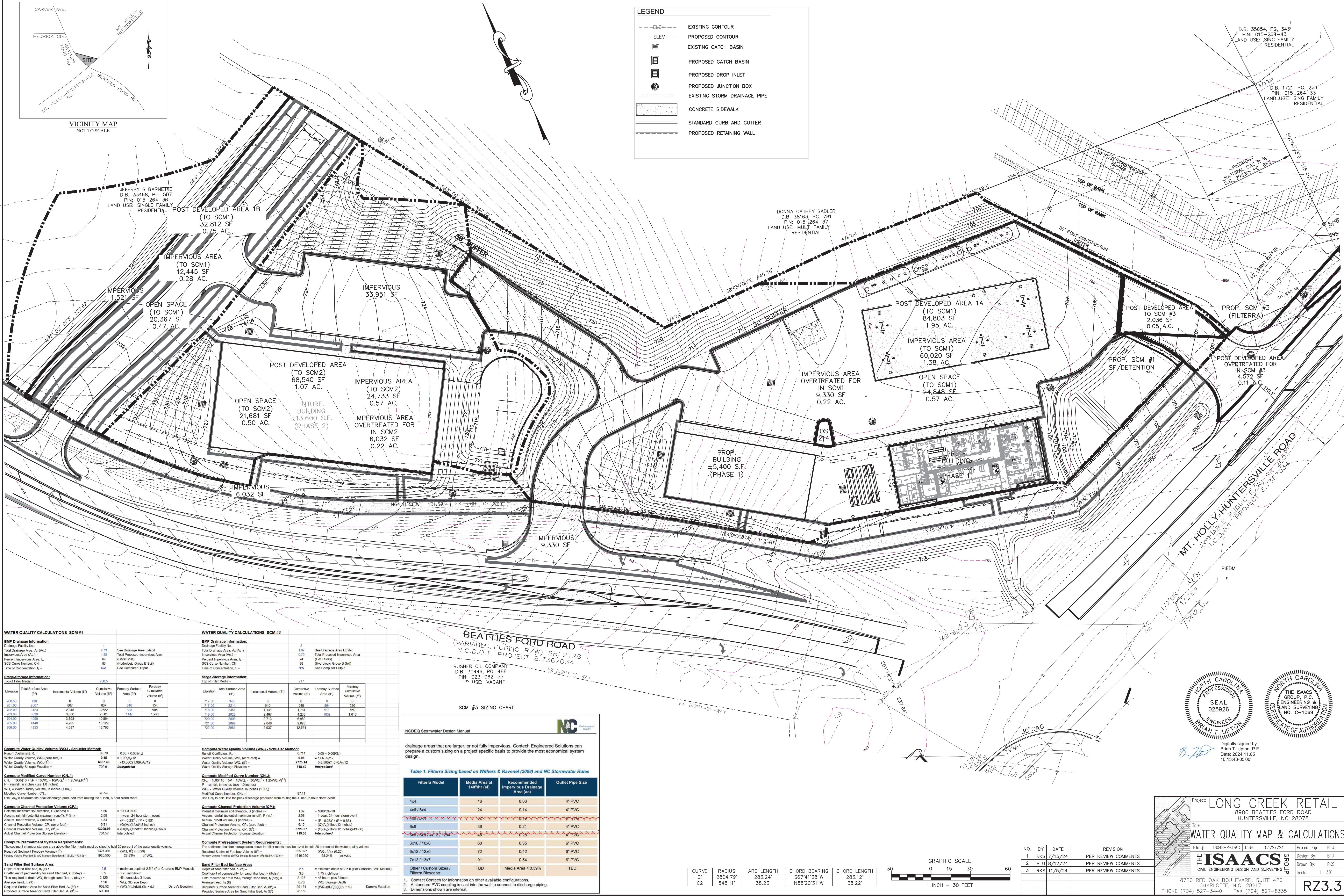
File #: 18048-PB.DWG Date: 07/15/24 Project Egr: BTU

THE **ISAACS** GROUP, P.C.
ENGINEERING & SURVEYING
NO. C-1069

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

Scale: 1"=30'

RZ3.2



WATER QUALITY CALCULATIONS SCM #1				
BMP Drainage Information:				
Drainage Facility No.	1			
Total Drainage Area, A _T (Ac.) =	2.73	See Drainage Area Exhibit		
Impervious Area (Ac.) I _p =	1.88	Total Proposed Impervious Area		
Percent Impervious Area, I _p =	69	(Coastal Slope)		
SCS Curve Number, CN =	69	(hydrologic Group B Soil)		
Time of Concentration, t _c =	N/A	See Computer Output		
Storm-Storage Information:				
Top of Filter Media =	700.5			
Elevation	Total Surface Area (ft ²)	Incremental Volume (ft ³)	Cumulative Volume (ft ³)	Forebay Surface Area (ft ²)
700.00	0	0	0	0
701.00	250	807	807	504
702.00	3123	2,815	3,622	885
703.00	3838	3,380	6,901	1,147
704.00	4390	3,983	10,884	1,521
705.00	4440	4,265	15,149	
706.00	4533	4,637	19,786	

Compute Water Quality Volumes (WQV) - Schueler Method:	
Runoff Coefficient, R _r =	0.65 = 0.05 + 0.009(I _p)
Water Quality Volume, WQV ₁ (acre-feet) =	0.15 = 1.0(I _p)/12
Water Quality Volume, WQV ₂ (ft ³) =	6637.45 = (43,560)(1.0(I _p)/12)
Water Quality Storage Elevation =	702.91 <i>Interpolated</i>
Compute Modified Curve Number (CN ₂):	
CN ₂ = 100(10/(10 - P)) = 100(10/(10 - 0.05)) = 100(10/9.95) = 100.5	
P = rainfall, in inches (use 1.0 inches)	
WQV ₂ = Water Quality Volume, in inches (1.0 in)	
Modified Curve Number, CN ₂ =	96.54
Use CN ₂ to calculate the peak discharge produced from routing the 1-inch, 6-hour storm event.	
Compute Channel Protection Volume (CPV):	
Potential maximum soil retention, S (inches) =	1.56 = 1000/CN ₂ - 10
Accum. rainfall (potential maximum runoff), P (in.) =	2.58 = 1-year, 24-hour storm event
Accum. runoff volume, Q (inches) =	1.34 = (P - 0.25) / (P + 0.85)
Channel Protection Volume, CPV ₁ (acre-feet) =	0.21 = (Q(A _T)/12 inches)
Channel Protection Volume, CPV ₂ (ft ³) =	1209.83 = (Q(A _T)/12 inches)(43,560)
Actual Channel Protection Storage Elevation =	704.57 <i>Interpolated</i>
Compute Pre-treatment System Requirements:	
The sediment chamber storage area above the filter media must be sized to hold 20 percent of the water quality volume.	
Required Sediment Forebay Volume (ft ³) =	1327.491 = (WQV ₂ / 2) x (0.20)
Forebay Volume Provided @ 10' Storage Elevation (ft ³) (31.21' x 103.0' x 10') =	1920.500
SAND FILTER BED SURFACE AREA:	
Depth of sand filter bed, d (ft) =	2.5 = minimum depth of 2.5 ft (Per Charlotte BMP Manual)
Coefficient of permeability for sand filter bed, k (ft/day) =	3.5 = 1.75 inch/hour
Time required to drain WQV through sand filter, t _d (day) =	2.125 = 48 hours plus 3 hours
Average head, h _a (ft) =	1.20 = WQV ₂ Storage Depth
Required Surface Area for Sand Filter Bed, A _s (ft ²) =	602.52 = (WQV ₂)(k)(h _a) / (d)
Provided Surface Area for Sand Filter Bed, A _p (ft ²) =	600.00

WATER QUALITY CALCULATIONS SCM #2							
BMP Drainage Information:							
Drainage Facility No.	2						
Total Drainage Area, A _T (Ac.) =	1.07	See Drainage Area Exhibit					
Impervious Area (Ac.) I _p =	0.79	Total Proposed Impervious Area					
Percent Impervious Area, I _p =	74	(Coastal Slope)					
SCS Curve Number, CN =	69	(Hydrologic Group B Soil)					
Time of Concentration, T _c =	N/A	See Computer Output					
Storm-Storage Information:							
Top of Filter Media = 717							
Elevation	Total Surface Area (ft ²)	Incremental Volume (ft ³)	Cumulative Volume (ft ³)	Forebay Surface Area (ft ²)			
717.00	0	0	0	0			
718.00	345	0	0	0			
719.00	2351	1,141	1,781	911			
720.00	2523	2,467	4,268	1,000			
721.00	2603	2,713	6,980				
722.00	2682	2,849	9,829				
723.00	2681	2,937	12,764				

Compute Water Quality Volumes (WQV) - Schueler Method:	
Runoff Coefficient, R _r =	0.74 = 0.05 + 0.009(I _p)
Water Quality Volume, WQV ₁ (acre-feet) =	0.16 = 1.0(I _p)/12
Water Quality Volume, WQV ₂ (ft ³) =	2775.14 = (43,560)(1.0(I _p)/12)
Water Quality Storage Elevation =	716.40 <i>Interpolated</i>
Compute Modified Curve Number (CN ₂):	
CN ₂ = 100(10/(10 - P)) = 100(10/(10 - 0.05)) = 100(10/9.95) = 100.5	
P = rainfall, in inches (use 1.0 inches)	
WQV ₂ = Water Quality Volume, in inches (1.0 in)	
Modified Curve Number, CN ₂ =	97.11
Use CN ₂ to calculate the peak discharge produced from routing the 1-inch, 6-hour storm event.	
Compute Channel Protection Volume (CPV):	
Potential maximum soil retention, S (inches) =	1.32 = 1000/CN ₂ - 10
Accum. rainfall (potential maximum runoff), P (in.) =	2.58 = 1-year, 24-hour storm event
Accum. runoff volume, Q (inches) =	1.47 = (P - 0.25) / (P + 0.85)
Channel Protection Volume, CPV ₁ (acre-feet) =	0.13 = (Q(A _T)/12 inches)
Channel Protection Volume, CPV ₂ (ft ³) =	572.67 = (Q(A _T)/12 inches)(43,560)
Actual Channel Protection Storage Elevation =	716.56 <i>Interpolated</i>
Compute Pre-treatment System Requirements:	
The sediment chamber storage area above the filter media must be sized to hold 20 percent of the water quality volume.	
Required Sediment Forebay Volume (ft ³) =	555.027 = (WQV ₂ / 2) x (0.20)
Forebay Volume Provided @ 10' Storage Elevation (ft ³) (31.21' x 103.0' x 10') =	1920.500
SAND FILTER BED SURFACE AREA:	
Depth of sand filter bed, d (ft) =	2.5 = minimum depth of 2.5 ft (Per Charlotte BMP Manual)
Coefficient of permeability for sand filter bed, k (ft/day) =	3.5 = 1.75 inch/hour
Time required to drain WQV through sand filter, t _d (day) =	2.125 = 48 hours plus 3 hours
Average head, h _a (ft) =	0.70 = WQV ₂ Storage Depth
Required Surface Area for Sand Filter Bed, A _s (ft ²) =	291.51 = (WQV ₂)(k)(h _a) / (d)
Provided Surface Area for Sand Filter Bed, A _p (ft ²) =	287.50

SCM #3 SIZING CHART			
Filterra Model	Media Area at 140°/hr (sq ft)	Recommended Impervious Drainage Area (ac)	Outlet Pipe Size
4x4	16	0.06	4" PVC
4x6 / 6x4	24	0.14	4" PVC
4x8 / 8x4	32	0.19	4" PVC
6x6	36	0.21	4" PVC
6x8 / 8x6 / 4x12 / 12x4	48	0.28	4" PVC
6x10 / 10x6	60	0.35	6" PVC
6x12 / 12x6	72	0.42	6" PVC
7x13 / 13x7	91	0.54	6" PVC
Other / Custom Sizes / Filterra Bioscape	TBD	Media Area = 0.39%	TBD

1. Contact Contech for information on other available configurations.
2. A standard PVC coupling is cast into the wall to connect to discharge piping.
3. Dimensions shown are internal.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	2804.79'	283.24'	S67°41'38"W	283.12'
C2	548.11'	38.23'	N58°20'31"W	38.22'

Project: LONG CREEK RETAIL
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: WATER QUALITY MAP & CALCULATIONS

File #: 18048-PB.DWG Date: 03/27/24 Project Egr: BTU

Design By: BTU

Drawn By: RKS

Scale: 1"=30'

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, NC 28217
PHONE (704) 527-3440 FAX (704) 527-8335

R23.3



OAK =19
POPLAR=2
CEDAR=2
TOTAL EXISTING TREES=23
*NOT SPECIFIED ON TREE SURVEY

FOR HC ZONING, TREE SAVE = 30% OF SPECIMEN TREES
(CANOPY TREES > 24" OR UNDERSTORY TREES > 18")

MITIGATE FOR 2 TREES
SPECIMEN TREE = CALIPER INCHES = 36 INCHES = 18 (2") TREES

<u>SPECIES</u>	<u>SIZE</u>	<u>SAVED</u>
OAK	36	N
POPLAR	24	N
OAK	30	N
OAK	36	N
OAK	24	Y
POPLAR	24	N

FOR HC ZONING, TREE SAVE = 30% OF SPECIMEN TREES
(CANOPY TREES > 24" OR UNDERSTORY TREES > 18")

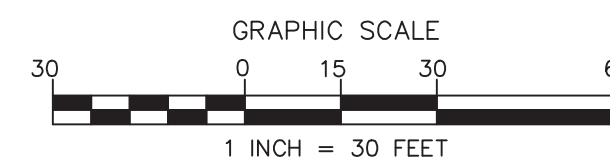
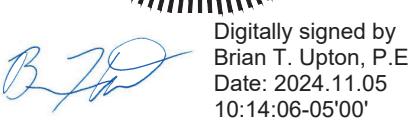
MITIGATE FOR 6 TREES
SPECIMEN TREE = CALIPER INCHES = 252.5 INCHES = 126 (2") TREES

SPECIES	SIZE	SAVED
OAK	40	N
OAK	45	N
OAK	37	N
OAK	24	N
OAK	24	N
OAK	24	N

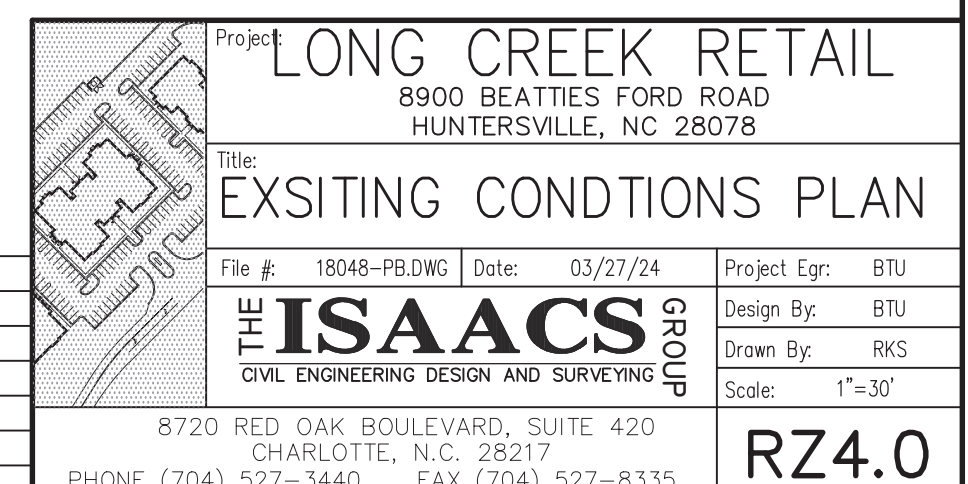
MITIGATION TREES PLANTED= 4 TREES= 8 CALIPER INCHES
CALIPER INCHES TO BE MITIGATED= 36-8=28 CALIPER INCHES

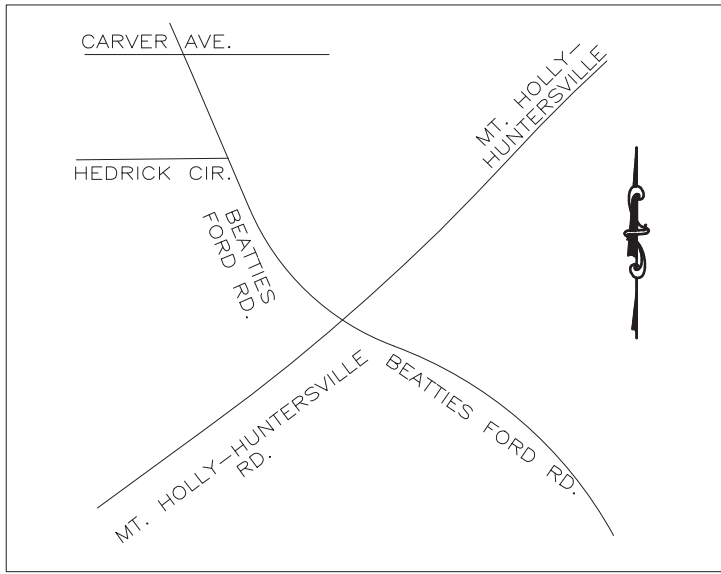
MITIGATION TREES PLANTED= 27 TREES= 54 CALIPER INCHES
CALIPER INCHES TO BE MITIGATED=252.5-54=198.50 CALIPER INCHES

<u>PARCEL #</u>	<u>PARCEL I.D.</u>	<u>PARCEL OWNER</u>	<u>MAILING ADDRESS</u>	<u>ZONING</u>
1	01526436	JEFFREY BARNETTE	1900 OLD BRIAR LN. CHARLOTTE, NC 28216	R
2	01526435	ROBERT HOUSTON JUDY JAMIESON DAVID HOUSTON JANET HOUSTON	6548 JIM KIDD RD., HUNTERSVILLE, NC 28078	HC(CD)
3	01526434	TA & S ENTERPRISES OF NC INC	1900 OLD BRIAR LN. CHARLOTTE, NC 28216	HC(CD)
4	01526437	DONNA CATHY CHRISTOPHER AND CANDACE KIDD ROGER AND SYLVIA CATHEY	8218 RAINIER DR., DENVER, NC 28037 4237 MCCLURE RD., CHARLOTTE, NC 28216 PO BOX 5096 N. MYRTLE BEACH, SC 29597	NR(CD)
5	01526443	CARVER BOWMAN LLC	13815 CINNABAR PL HUNTERSVILLE, NC 28078	NR(CD)
6	01526433	CONRAD DEWEY PUCKETT JR	8411 MT. HOLLY--HUNTERSVILLE RD	R

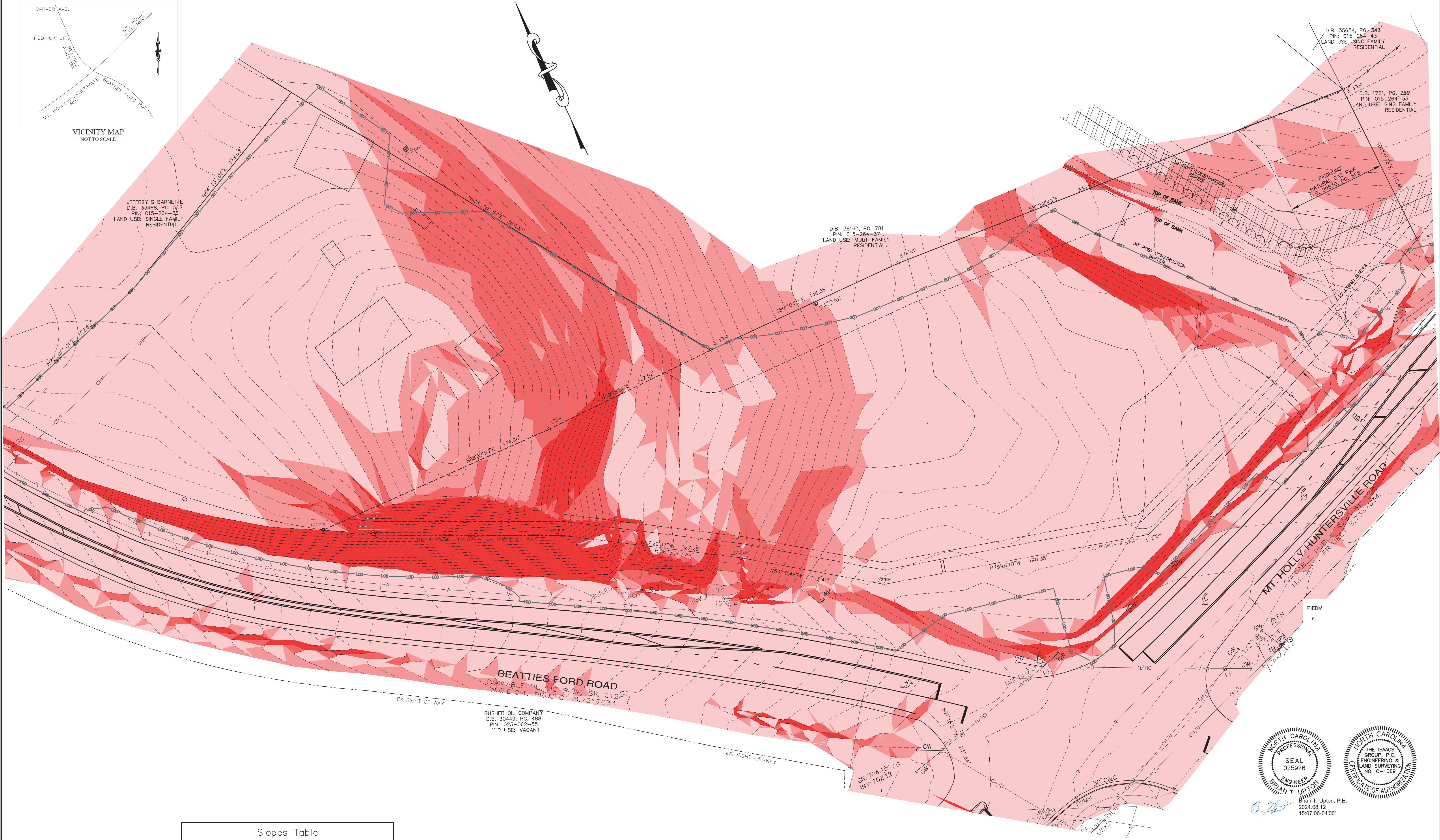


NO.	BY	DATE	REVISION
1	BTU	7/15/24	PER REVIEW COMMENTS
2	BTU	8/12/24	PER REVIEW COMMENTS
3	CBH	11/5/24	PER REVIEW COMMENTS



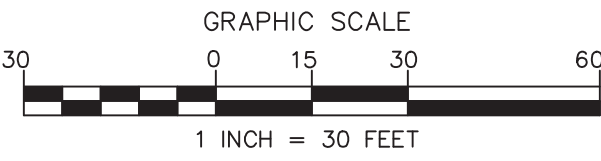


VICINITY MAP
NOT TO SCALE



Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	
2	10.00%	15.00%	
3	15.00%	25.00%	
4	25.00%	100.00%	

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	2804.79'	283.24'	S67°41'38"W	283.12'
C2	548.11'	38.23'	N58°20'31"W	38.22'



NO.	BY	DATE	REVISION
1	BTU	7/15/24	PER REVIEW COMMENTS

Project: **LONG CREEK RETAIL**
8900 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078

Title: **SLOPE ANALYSIS PLAN**

File #: 18048-PB.DWG Date: 03/27/24 Project Egr: BTU

THE ISAACS GROUP

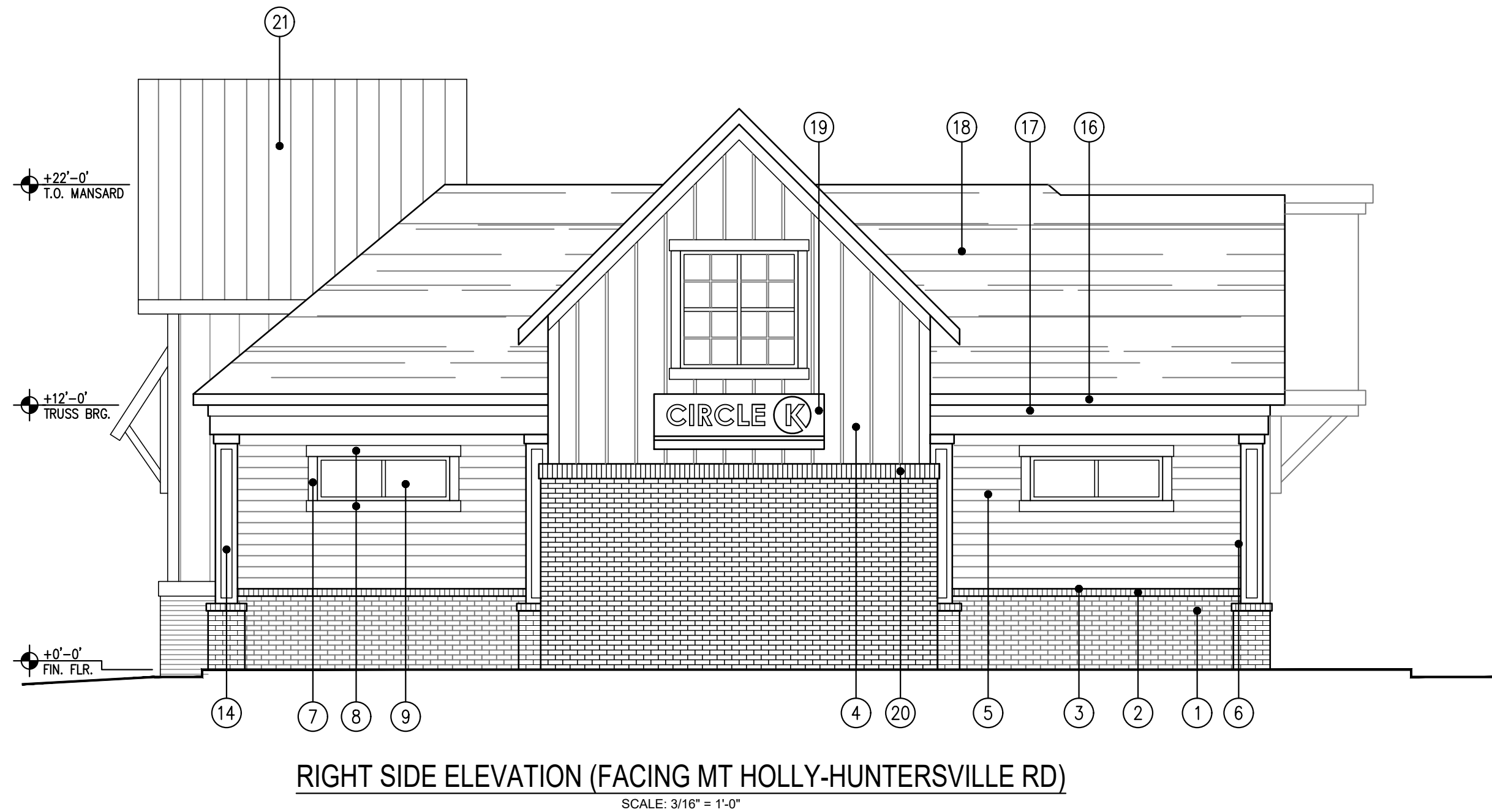
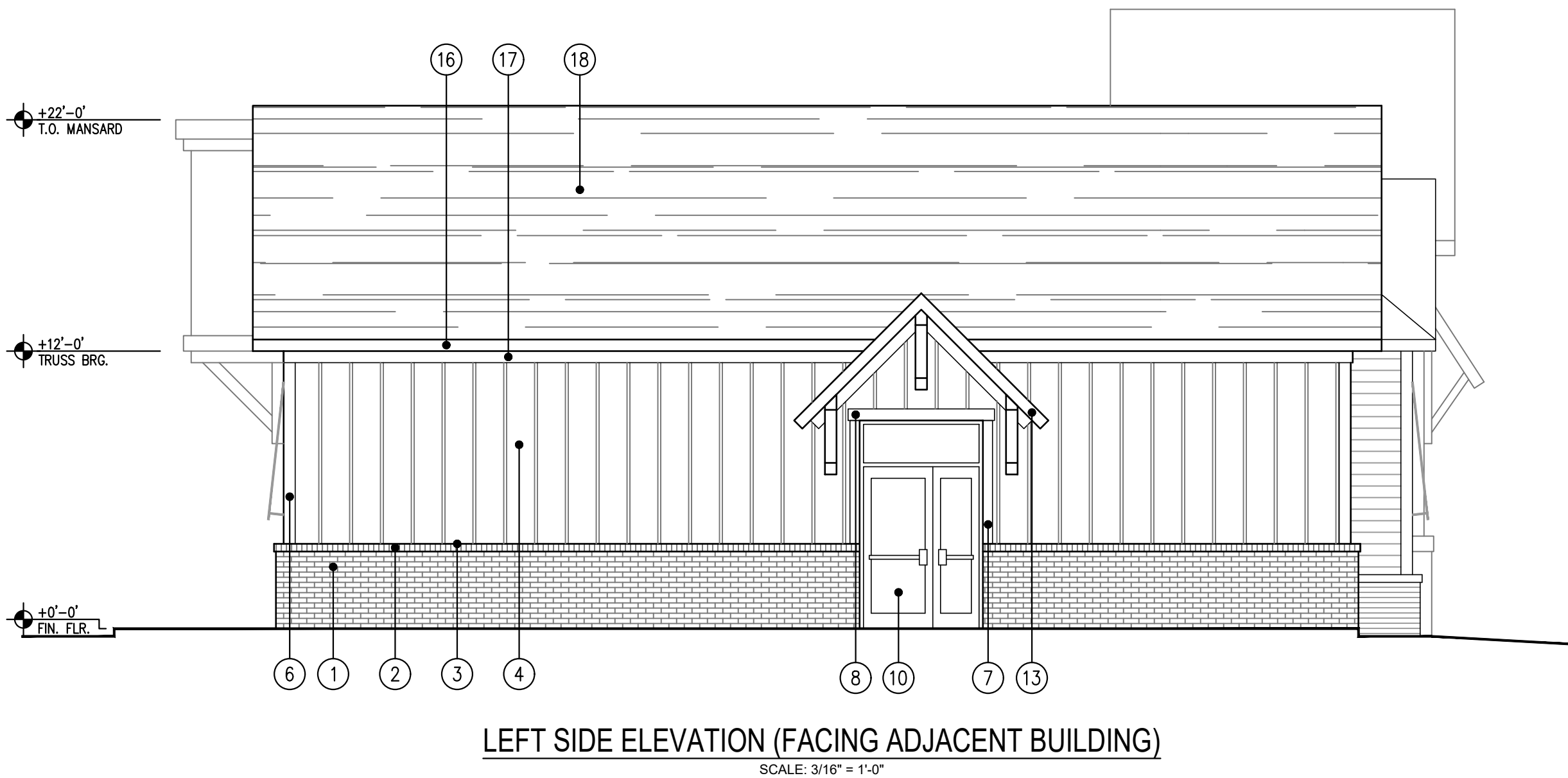
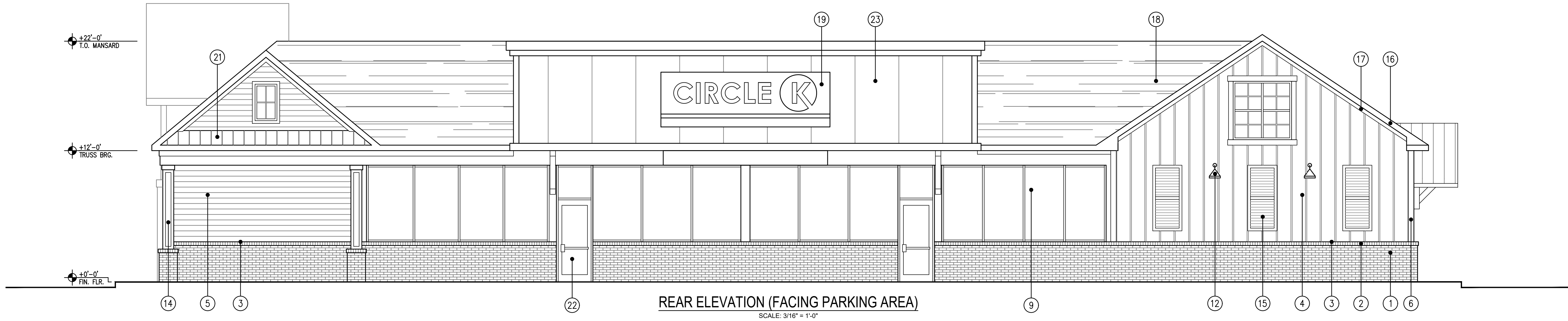
CIVIL ENGINEERING DESIGN AND SURVEYING

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

Design By: BTU
Drawn By: RKS
Scale: 1"=30'

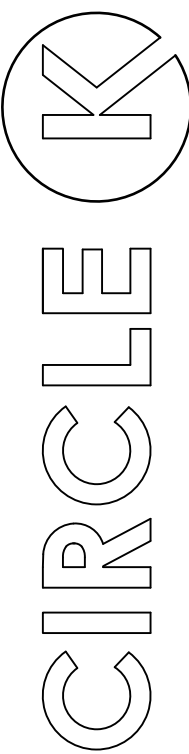
RZ4.1

Brian T. Upton, P.E.
2024.08.12
15:07:06-04'00"



- NOTES**
1. ALL MATERIALS AND FINISHES TO BE INSTALLED PER THE MANUFACTURER'S WRITTEN INSTRUCTIONS.
 2. GENERAL CONTRACTOR TO VERIFY ALL EXTERIOR COLORS AND FINISHES WITH THE OWNER PRIOR TO CONSTRUCTION.
 3. REFER TO WOOD ROOF TRUSS SEALED DRAWINGS.
 4. REFER TO SHOP DRAWINGS BY CANOPY MANUFACTURER'S ENGINEER.
 5. REFER TO STRUCTURAL ENGINEERING DRAWINGS.
- EXTERIOR FINISH NOTES**
- 1 BRICK WAINSCOT - RUNNING BOND
 - 2 SLOPING BRICK ROWLOCK
 - 3 CONTINUOUS METAL FLASHING - UNDER W.R. BARRIER AT SIDING, ON TOP OF
 - 4 BOARD AND BATTEN SIDING WITH 1X2 BATTENS ON CEDAR TEXTURE PANELS
 - 5 PAINTED CEDAR TEXTURE HORIZONTAL LAP SIDING: 6"-8" EXPOSURE
 - 6 1" X 5.5" PAINTED CEDAR TEXTURE CORNER TRIM
 - 7 1" X 4.5" PAINTED CEDAR TEXTURE VERTICAL TRIM
 - 8 1" X 5.5" PAINTED CEDAR TEXTURE HORIZONTAL WINDOW TRIM
 - 9 STOREFRONT WINDOW - 1" CLEAR, INSULATED GLASS IN ANODIZED ALUMINUM
 - 10 STOREFRONT DOOR WITH CLEAR, INSULATED GLASS IN ANODIZED ALUMINUM
 - 11 ENTRY DOOR WITH CLEAR, INSULATED GLASS IN ANODIZED ALUMINUM
 - 12 MOUNT DECORATIVE LIGHT
 - 13 STANDING SEAM METAL AWNING SUPPORTED BY OVERSIZED PAINTED BRACKETS
 - 14 PAINTED CEDAR TEXTURE DECORATIVE PILASTER ON BRICK BASE
 - 15 DECORATIVE METAL SHUTTERS
 - 16 METAL FASCIA TRIM
 - 17 1" X 4.5" PAINTED CEDAR TEXTURE FRIEZE BOARD
 - 18 ARCHITECTURAL STYLE FIBERGLASS ROOF SHINGLES ON WEATHER RESISTANT
 - 19 STANDARD CIRCLE K COLORS - ALL SIGNAGE TO MEET LOCAL ZONING
 - 20 AWNING COURSE
 - 21 STANDING SEAM METAL ROOF ON WEATHER RESISTANT BARRIER
 - 22 3' X 7'-6" ENTRY DOOR WITH CLEAR, INSULATED GLASS IN ANODIZED ALUMINUM FRAME
 - 23 PAINTED CEDAR TEXTURE PANELS INSTALLED VERTICALLY, CAULK SEAMS

NEW CONVENIENCE STORE FOR:



BEATTIES FORD ROAD &
HUNTERSVILLE, NORTH CAROLINA 28759

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

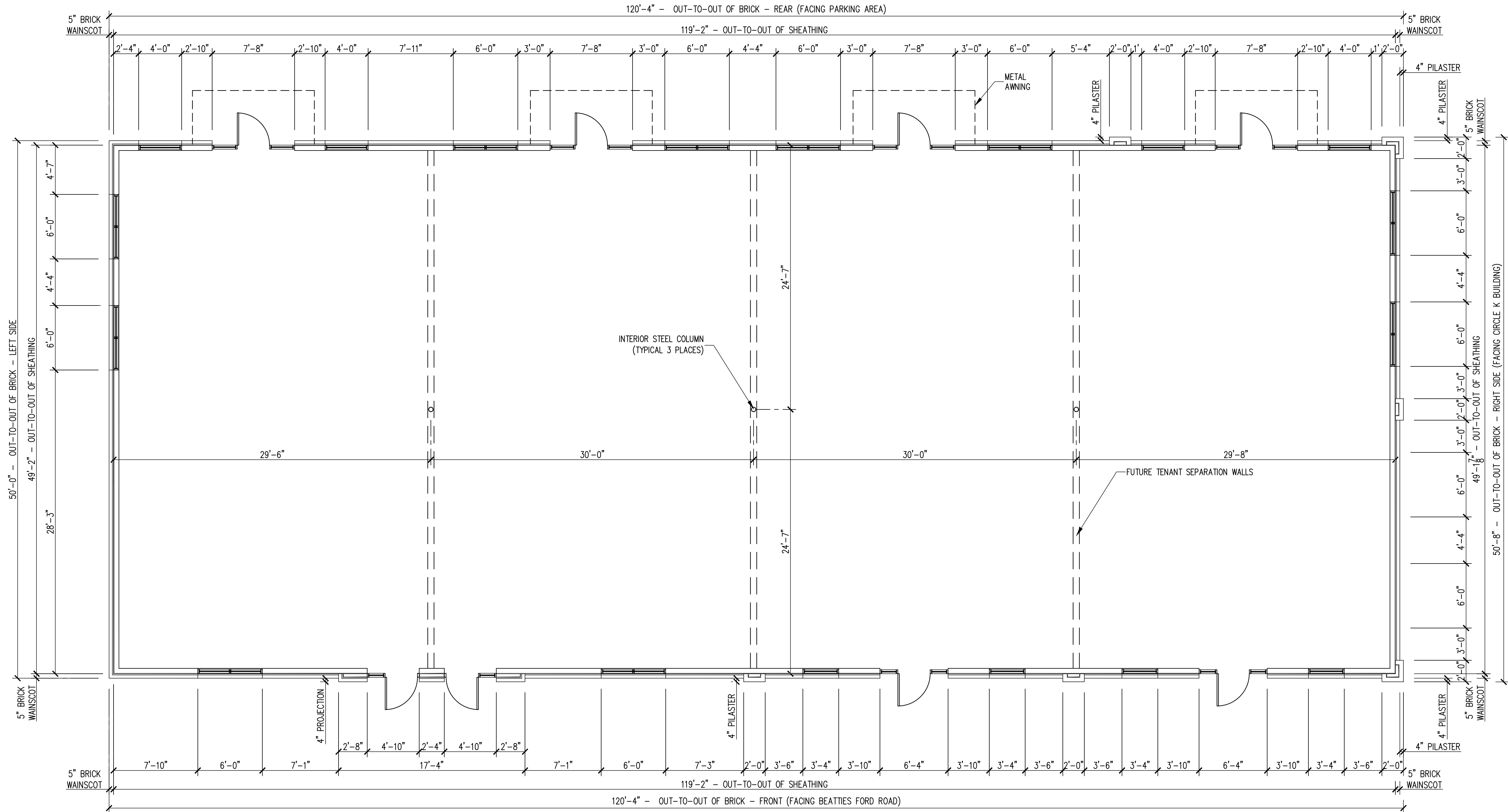
Revisions	
Scale	AS NOTED
Drawn By	CTC
Checked By	TRB
Date	2/28/2024
Job No	????24

**EXTERIOR
ELEVATIONS**

A2.1

Ted Richard Brown, PLLC
CHIEF ARCHITECT
Post Office Box 2070, Mount Airy, North Carolina 28551
Telephone: (704) 334-1111

CHRIS HOPE/PROFESSIONAL ENGINEER/2617 ROLLING HILLS DRIVE/MONROE, NC 28110/(704) 882-1500



PRELIMINARY FLOOR PLAN
SCALE: 3/16" = 1'-0"

Ted Richard Brown, PLLC
Architectural Services
Post Office Box 2070, Matthews, North Carolina 28106
Telephone: (704) 330-1111

Revisions	
Scale	AS NOTED
Drawn By	CTC
Checked By	TRB
Date	2/28/2024
Job No	????24

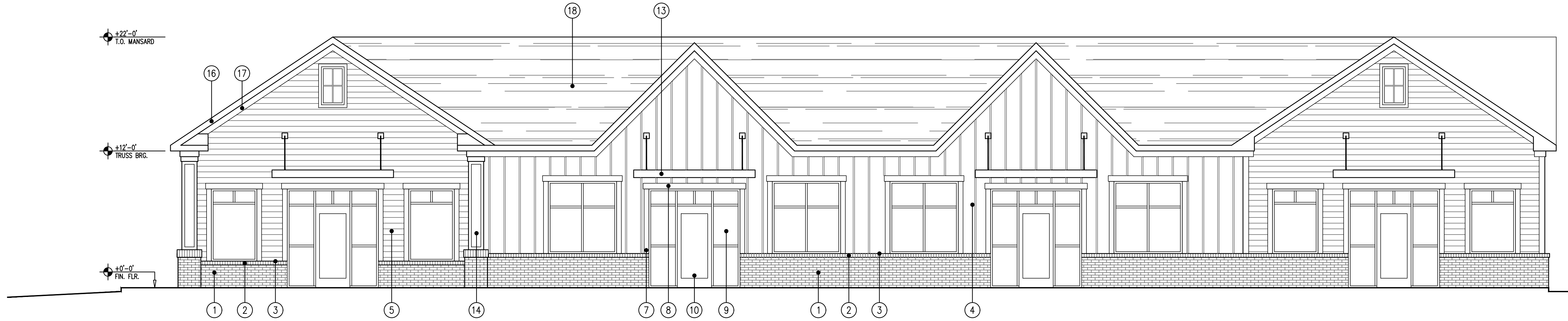
A-1
OF 2

PROPOSED RETAIL LEASE BUILDING FOR:
LONG CREEK RETAIL
BEATTIES FORD ROAD
CHARLOTTE, NORTH CAROLINA

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

CUMMINGS
CONSTRUCTION CORPORATION
POST OFFICE BOX 692
MATTHEWS, NC 28106
(704) 846-9868
www.cummingscc.com

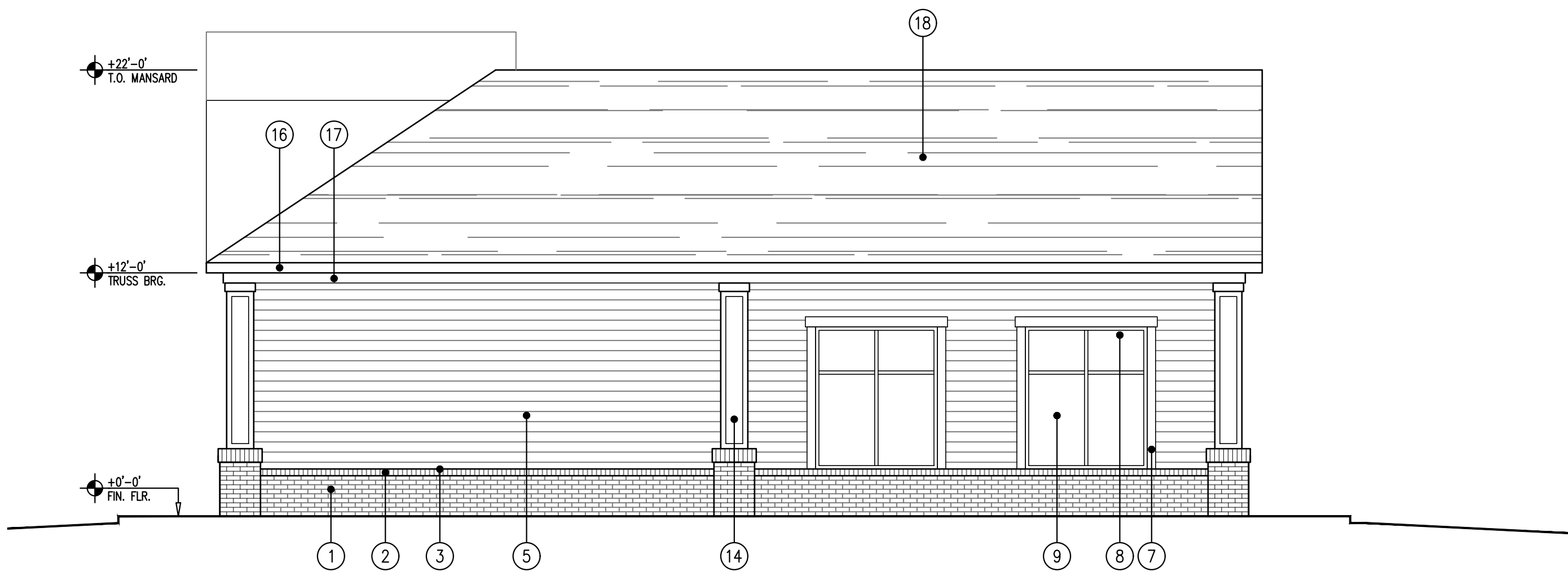
CHRIS HOPE/LICENSE #5044/PROFESSIONAL ENGINEER/2617 ROLLING HILLS DRIVE/MONROE, NC 28110/(704) 882-1500



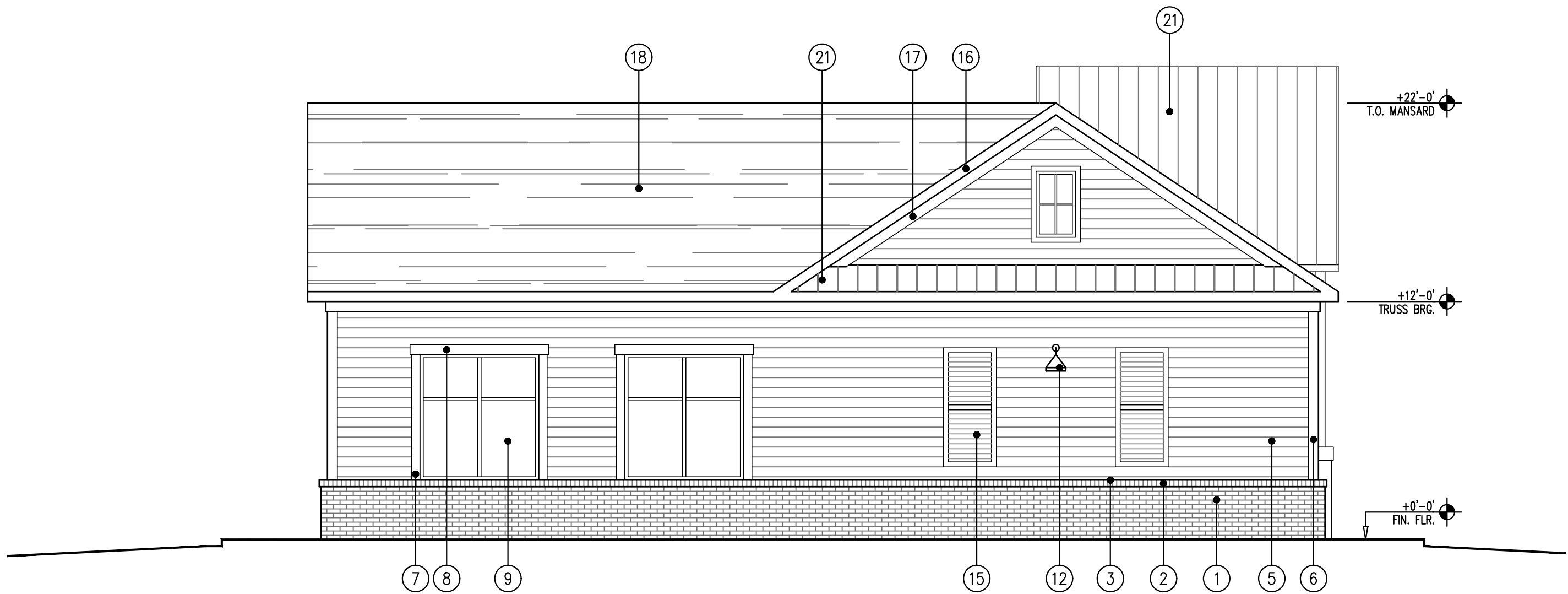
REAR ELEVATION (FACING PARKING AREA)
SCALE: 3/16" = 1'-0"

- NOTES
1. ALL MATERIALS AND FINISHES TO BE INSTALLED PER THE MANUFACTURER'S WRITTEN INSTRUCTIONS.
 2. GENERAL CONTRACTOR TO VERIFY ALL EXTERIOR COLORS AND FINISHES WITH THE OWNER PRIOR TO CONSTRUCTION.
 3. REFER TO WOOD ROOF TRUSS SEALED DRAWINGS.
 4. REFER TO SHOP DRAWINGS BY CANOPY MANUFACTURER'S ENGINEER.
 5. REFER TO STRUCTURAL ENGINEERING DRAWINGS.

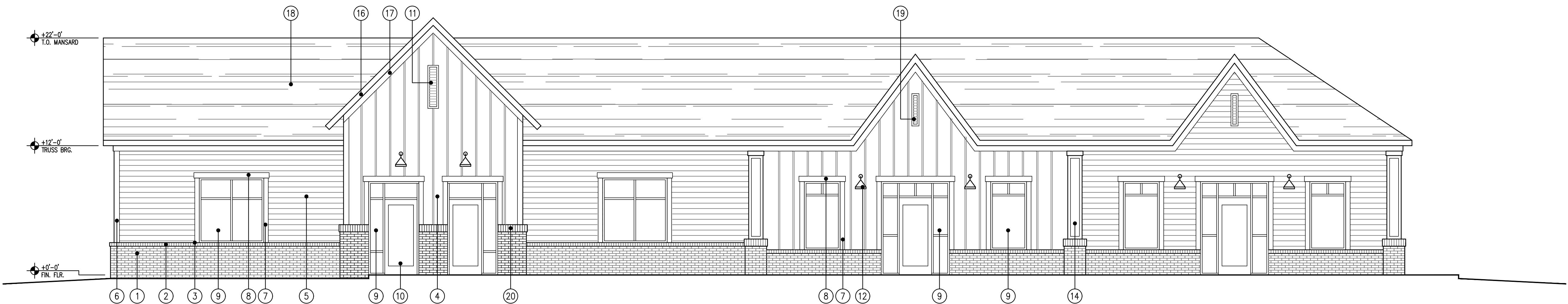
- EXTERIOR FINISH NOTES
- 1 BRICK WAINSCOT - RUNNING BOND
 - 2 SLOPING BRICK ROWLOCK
 - 3 CONTINUOUS METAL FLASHING - UNDER W.R. BARRIER AT SIDING, ON TOP OF ROWLOCK
 - 4 PAINTED BOARD AND BATTEN SIDING WITH 1X2 BATTENS ON CEDAR TEXTURE PANELS
 - 5 PAINTED CEDAR TEXTURE HORIZONTAL LAP SIDING: 6"-8" EXPOSURE
 - 6 1" X 5.5" PAINTED CEDAR TEXTURE CORNER TRIM
 - 7 1" X 4.5" PAINTED CEDAR TEXTURE VERTICAL WINDOW TRIM
 - 8 1" X 5.5" PAINTED CEDAR TEXTURE HORIZONTAL WINDOW TRIM
 - 9 STOREFRONT WINDOW - 1" CLEAR, INSULATED GLASS IN ANODIZED ALUMINUM FRAME
 - 10 3' X 7' STOREFRONT DOOR WITH CLEAR, INSULATED GLASS IN ANODIZED ALUMINUM FRAME
 - 11 12" X 48" DECORATIVE VERTICAL VENT
 - 12 WALL MOUNT DECORATIVE LIGHT
 - 13 METAL AWNING SUPPORTED BY DECORATIVE METAL RODS WITH UNDERMOUNT LIGHTING
 - 14 PAINTED CEDAR TEXTURE DECORATIVE PLASTER ON BRICK BASE
 - 15 DECORATIVE METAL SHUTTERS
 - 16 METAL FASCIA TRIM
 - 17 1" X 4.5" PAINTED CEDAR TEXTURE FRIEZE BOARD
 - 18 ARCHITECTURAL STYLE FIBERGLASS ROOF SHINGLES ON WEATHER RESISTANT BARRIER
 - 19 8" X 36" DECORATIVE VERTICAL VENT
 - 20 BRICK SOLDIER COURSE
 - 21 STANDING SEAM METAL ROOF ON WEATHER RESISTANT BARRIER



RIGHT SIDE ELEVATION (FACING CIRCLE K BUILDING)
SCALE: 3/16" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION (FACING BEATTIES FORD ROAD)
SCALE: 3/16" = 1'-0"

Ted Richard Brown, PLLC
Architectural Services
Post Office Box 2070, Matthews, North Carolina 28106
Telephone: (704) 330-1111

PROPOSED RETAIL LEASE BUILDING FOR:

LONG CREEK RETAIL
BEATTIES FORD ROAD
CHARLOTTE, NORTH CAROLINA

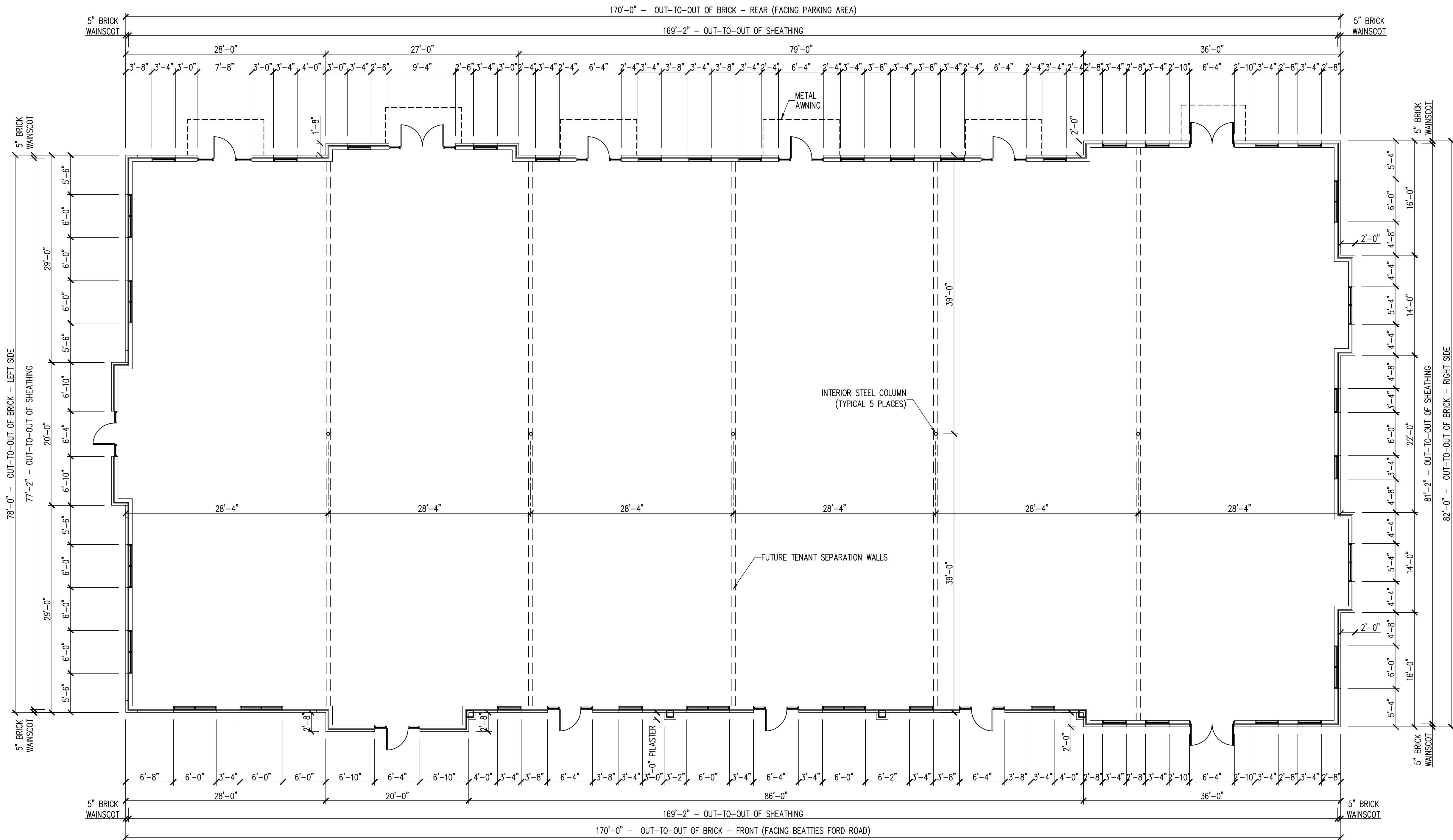
PRELIMINARY PLANS
NOT FOR CONSTRUCTION

Revisions 7/16/2024
Scale AS NOTED
Drawn By CTC
Checked By TRB
Date 2/28/2024
Job No. ???24

A-2
OF 2

CHRIS HOPE/LICENSE #5044/PROFESSIONAL ENGINEER/2617 ROLLING HILLS DRIVE/MONROE, NC 28110/(704) 882-1500

CUMMINGS
CONSTRUCTION CORPORATION
POST OFFICE BOX 672
MATTHEWS, NC 28106
(704) 846-9868
www.cummingscorp.com



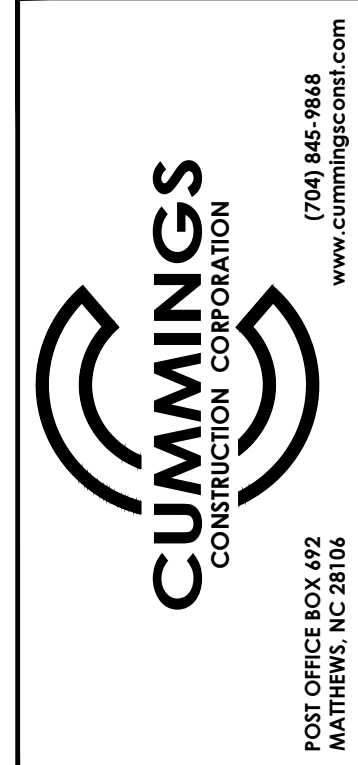
PRELIMINARY FLOOR PLAN
SCALE: 1/8" = 1'-0"

Ted Richard Brown, PLLC
Architectural Services
Post Office Box 2070, Matthews, North Carolina 28106
Telephone: (704) 330-1111

Revisions	
Scale	AS NOTED
Drawn By	CTC
Checked By	TRB
Date	8/26/2024
Job No	??24

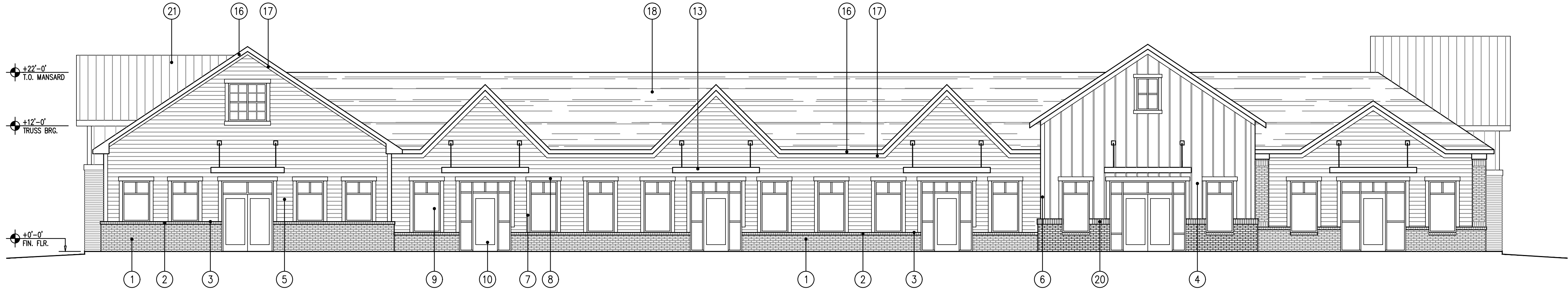
PRELIMINARY PLANS
NOT FOR CONSTRUCTION

PROPOSED RETAIL LEASE BUILDING FOR:
LONG CREEK RETAIL - FUTURE
BEATTIES FORD ROAD
CHARLOTTE, NORTH CAROLINA



CHRIS HOPE/LICENSE #5044/PROFESSIONAL ENGINEER/2617 ROLLING HILLS DRIVE/MONROE, NC 28110/(704) 882-1500

A-1a
OF 2



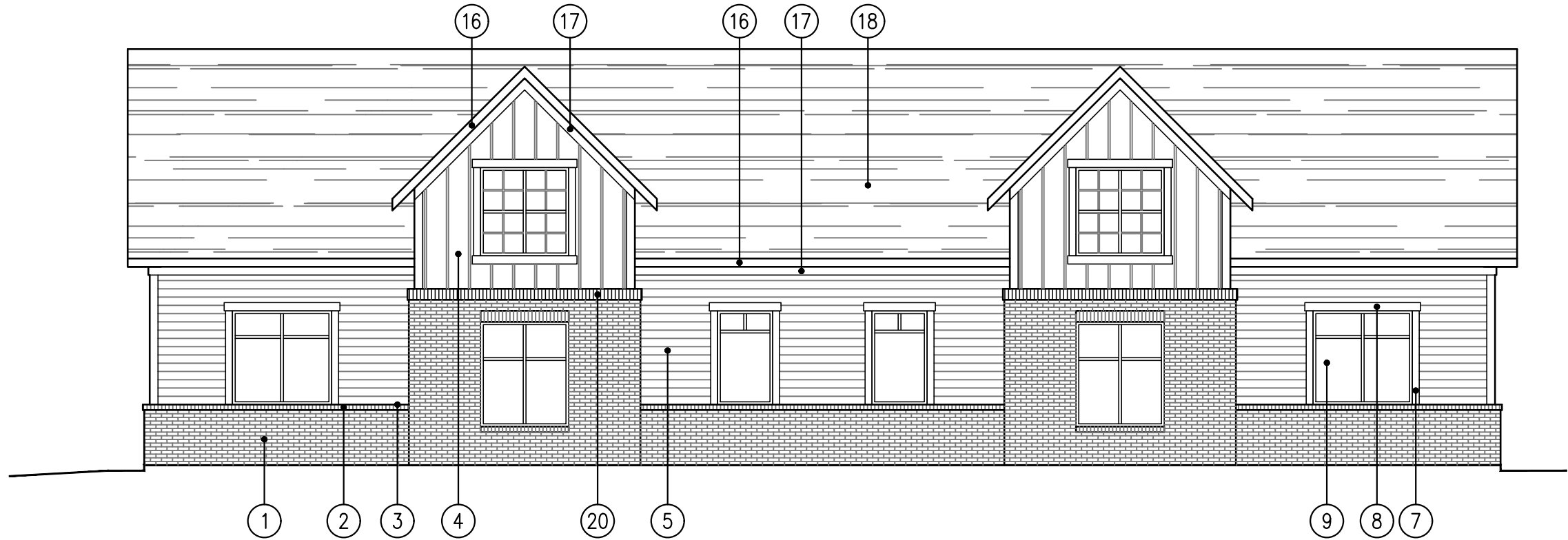
REAR ELEVATION (FACING PARKING AREA)

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



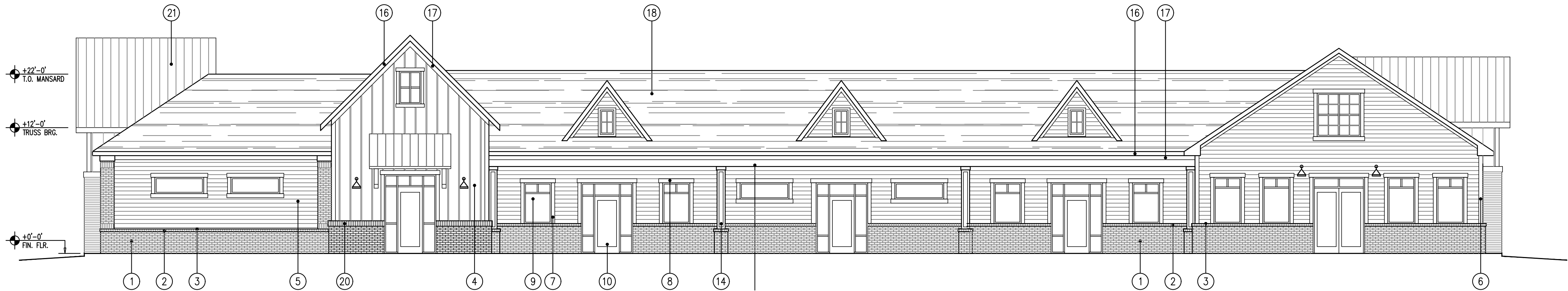
LEFT SIDE ELEVATION

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



RIGHT SIDE ELEVATION

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



FRONT ELEVATION (FACING BEATTIES FORD ROAD)

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

NOTES

1. ALL MATERIALS AND FINISHES TO BE INSTALLED PER THE MANUFACTURER'S WRITTEN INSTRUCTIONS.
2. GENERAL CONTRACTOR TO VERIFY ALL EXTERIOR COLORS AND FINISHES WITH THE OWNER PRIOR TO CONSTRUCTION.
3. REFER TO WOOD ROOF TRUSS SEALED DRAWINGS.
4. REFER TO SHOP DRAWINGS BY CANOPY MANUFACTURER'S ENGINEER.
5. REFER TO STRUCTURAL ENGINEERING DRAWINGS.

EXTERIOR FINISH NOTES

- 1 BRICK WAINSCOT - RUNNING BOND
- 2 SLOPING BRICK ROWLOCK
- 3 CONTINUOUS METAL FLASHING - UNDER W.R. BARRIER AT SIDING, ON TOP OF ROWLOCK
- 4 PAINTED BOARD AND BATTEN SIDING WITH 1X2 BATTENS ON CEDAR TEXTURE PANELS
- 5 PAINTED CEDAR TEXTURE HORIZONTAL LAP SIDING: 6"-8" EXPOSURE
- 6 1" X 5.5" PAINTED CEDAR TEXTURE CORNER TRIM
- 7 1" X 4.5" PAINTED CEDAR TEXTURE VERTICAL WINDOW TRIM
- 8 1" X 5.5" PAINTED CEDAR TEXTURE HORIZONTAL WINDOW TRIM
- 9 STOREFRONT WINDOW - 1" CLEAR, INSULATED GLASS IN ANODIZED ALUMINUM FRAME
- 10 3' X 7' STOREFRONT DOOR WITH CLEAR, INSULATED GLASS IN ANODIZED ALUMINUM FRAME
- 11 12" X 48" DECORATIVE VERTICAL VENT
- 12 WALL MOUNT DECORATIVE LIGHT
- 13 METAL AWNING SUPPORTED BY DECORATIVE METAL RODS WITH UNDERMOUNT LIGHTING
- 14 PAINTED CEDAR TEXTURE DECORATIVE PILASTER ON BRICK BASE
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- 16 METAL FASCIA TRIM
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- 18 ARCHITECTURAL STYLE FIBERGLASS ROOF SHINGLES ON WEATHER RESISTANT BARRIER
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- 20 BRICK SOLDIER COURSE
- 21 STANDING SEAM METAL ROOF ON WEATHER RESISTANT BARRIER

PROPOSED RETAIL LEASE BUILDING FOR:

LONG CREEK RETAIL - FUTURE

BEATTIES FORD ROAD
CHARLOTTE, NORTH CAROLINA

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

Revisions

Scale AS NOTED

Drawn By CTC

Checked By TRB

Date 8/26/2024

Job No. ???24

Ted Richard Brown, PLLC

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Post Office Box 2070, Matthews, North Carolina 28106
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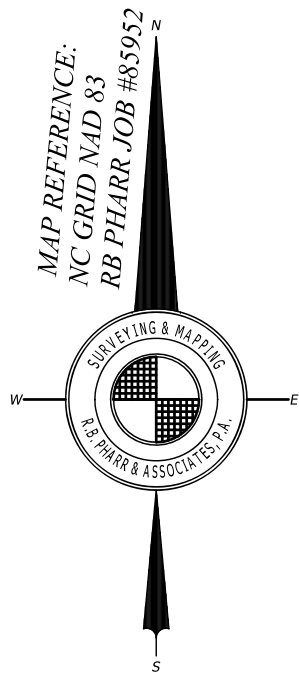
A-2a

OF 2



POST OFFICE BOX 492
MATTHEWS, NC 28106
(704) 846-9868
www.cummingscc.com

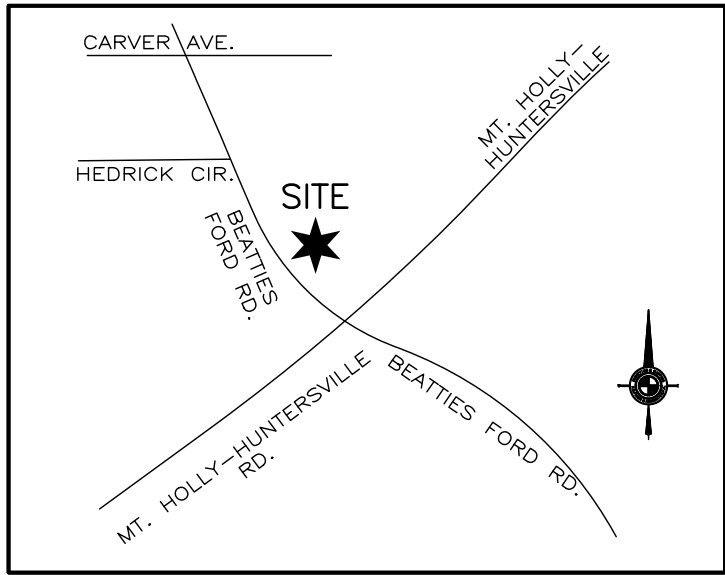
CHRIS HOPE/LICENSE #5044/PROFESSIONAL ENGINEER/2617 ROLLING HILLS DRIVE/MONROE, NC 28110/(704) 882-1500



JEFFREY S. BARNETTE
D.B. 33468, PG. 507
PIN: 015-264-36

1/2" EIP
(IN CONCRETE)

- LEGEND**
- D.B. - DEED BOOK
 - EIP - EXISTING IRON PIPE
 - EIR - EXISTING IRON ROD
 - EMM - EXISTING METAL MONUMENT
 - EN - EXISTING NAIL
 - M.B. - MAP BOOK
 - N.G.S. - NATIONAL GEODETIC SURVEY
 - NIR - NEW IRON ROD
 - PIN - PARCEL IDENTIFICATION NUMBER
 - PG. - PAGE
 - R/W - RIGHT-OF-WAY



VICINITY MAP
NOT TO SCALE

NOTES

- BROKEN LINES UNLESS THEY HAVE A METES AND BOUNDS DESCRIPTION, INDICATE PROPERTY LINES NOT SURVEYED.
- BEATTIES FORD ROAD IS SHOWN AS A "MINOR THOROUGHFARE" ON THE CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CRTPO) COMPREHENSIVE TRANSPORTATION PLAN DATED JANUARY 18, 2017 (REVISED JANUARY 15, 2020).
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
- PHYSICAL IMPROVEMENTS EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.

ZONING DISCLAIMER

SUBJECT PROPERTY ZONED: HC(CD)

NO ZONING REPORT WAS PROVIDED AT TIME OF SURVEY. PURCHASER/DEVELOPER TO VERIFY ZONING REQUIREMENT PRIOR TO FURTHER DEVELOPMENT OF SITE.

FOR FURTHER INFORMATION CONTACT THE CHARLOTTE-MECKLENBURG ZONING DEPARTMENT AT 704-336-3569.

BOUNDARY AND TREE SURVEY PREPARED FOR:

DOUG SUTHERLAND

9000 BEATTIES FORD ROAD
HUNTERSVILLE, MECKLENBURG, NC
DEED REFERENCE: 746, PG. 254
TAX PARCEL NO: 015-264-35

R.B. PHARR & ASSOCIATES, P.A.

SURVEYING & MAPPING
LICENSURE NO: C-1471
969 E. 7TH ST., #100 CHARLOTTE, N.C. 28204 TEL: (704) 376-2186

REVISIONS			SCALE: 1" = 30'			DATE: FEB 07, 2024			JOB NO. 95664		
CREW:	DRAWN:	REVISED:									
JMB	MMM										



SIGNED *C. Clark Neilson*

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED SEPTEMBER 2, 2015.
MAP NUMBER: 3710453800K; ZONE X

THIS IS TO CERTIFY THAT ON THE 27TH DAY OF FEBRUARY 2024 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	548.11'	242.43'	N43°40'21"W	240.46'
C2(TIE)	548.11'	38.23'	S58°20'31"E	38.22'

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

UTILITY CONTACT INFORMATION

POWER:
DUKE ENERGY: 1-800-777-9898

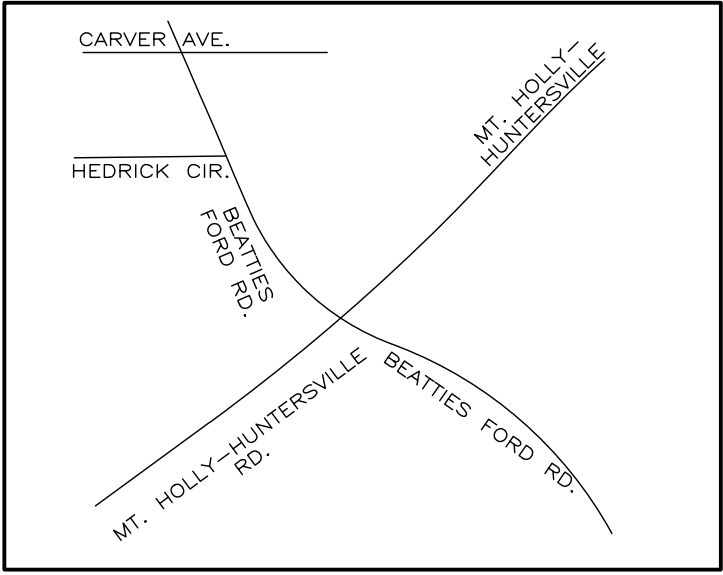
TELEPHONE:
AT&T: 1-888-757-6500

WATER & SEWER:
CHARLOTTE WATER: (704) 336-2564

GAS:
PIEDMONT NATURAL GAS CO.: 1-800-752-7504

CABLE TELEVISION:
SPECTRUM: 1-800-892-2253

NC ONE CALL:
811 (CALL BEFORE YOU DIG)



VICINITY MAP
NOT TO SCALE

NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
5. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
6. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
7. BEATTIES FORD ROAD IS SHOWN AS A "MINOR THOROUGHFARE" OUTSIDE OF ROUTE 4 ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 35' FROM CENTERLINE.
8. MT HOLLY HUNTERSVILLE ROAD IS SHOWN AS A "MAJOR THOROUGHFARE" OUTSIDE OF ROUTE 4 ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE.
8. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.

LEGEND:

- BFP - BACK FLOW PREVENTOR
C&G - CURB & GUTTER
CB - CATCH BASIN
CP - CALCULATED POINT
C/O - CLEAN OUT
D.B. - DEED BOOK
ECM - EXISTING CONCRETE MONUMENT
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EMM - EXISTING METAL MONUMENT
EN - EXISTING NAIL
EU - END UNKNOWN
FH - FIRE HYDRANT
FP - FLAG POLE
GM - GAS METER
GP - GATE POST
GV - GAS VALVE
GW - GUY WIRE
HVAC - HEATING, VENTILATION, AIR COND.
ICV - IRRIGATION CONTROL VALVE
LP - LIGHT POLE
- LP - LIGHT POLE
M.B. - MAP BOOK
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
NN - NEW NAIL
O/HANG - OVERHANG
PB - POWER BOX
PIN - PARCEL IDENTIFICATION NUMBER
PM - POWER METER
PP - POWER POLE
PG - PAGE
PVC - PLASTIC PIPE
R/W - RIGHT-OF-WAY
RCP - REINFORCED CONCRETE PIPE
SDMH - STORM DRAIN MANHOLE
SSMH - SANITARY SEWER MANHOLE
TB - TELEPHONE BOX
TERR. - TERRACOTTA PIPE
TMH - TELEPHONE MANHOLE
WB - WATER BOX
WM - WATER METER
WV - WATER VALVE

LINE LEGEND:

- EASEMENT
FENCE
PROPERTY LINE
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)
SETBACK
POWER LINE
SANITARY SEWER PIPE
STORM DRAIN PIPE
WATER LINE

TREE LEGEND:

- CED - CEDAR
PIN - PINE
POP - POPLAR

R.P. HOUSTON
D.B. 746, PG. 254

M.H. CATHEY &
M.L. CATHEY
D.B. 2061, PG. 008

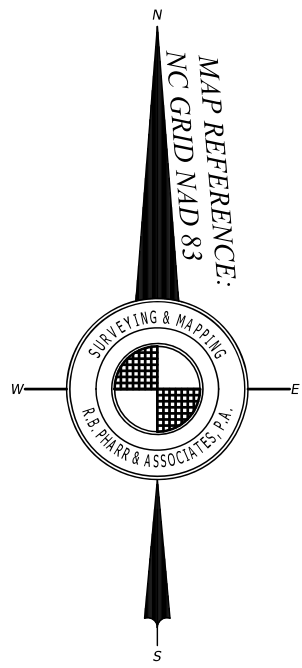
C.D. PUCKETT, JR.
D.B. 1721, PG. 259



Know what's below.
Call before you dig.

UTILITIES:

- POWER
DUKE POWER ENERGY
1-800-777-9898
- TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-757-6500
- WATER & SEWER
CHAR.-MECK. UTILITY DEPT. (CMUD)
(704) 336-2564 WATER
(704) 357-6064 SEWER
- GAS
PIEDMONT NATURAL GAS CO.
1-800-752-7504
- CABLE TELEVISION
TIME WARNER CABLE
1-800-892-2253



MT. HOLLY-HUNTERSVILLE ROAD
(VARIABLE PUBLIC R/W) SR 2004
N.C.D.O.T. PROJECT 8.7367034

MT. HOLLY-HUNTERSVILLE ROAD
(VARIABLE PUBLIC R/W) SR 2004
N.C.D.O.T. PROJECT 8.7367034

ZONING:

ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: HC(CD)

- MINIMUM SETBACK: 25'
MINIMUM SIDE YARD: NONE
MINIMUM REAR YARD: 30'
MAXIMUM BUILDING HEIGHT: 3 STORIES

FOR FURTHER INFORMATION CONTACT THE
CHARLOTTE-MECKLENBURG ZONING
DEPARTMENT AT 704-336-3569.

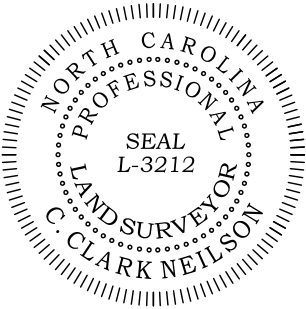
119,271 SQ. FT. OR 2.7381 ACRES

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON
MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED
SEPTEMBER 2, 2015

MAP NUMBER: 3710453800K; ZONE 'X'

THIS IS TO CERTIFY THAT ON THE 14th DAY OF NOVEMBER 2016 AN ACTUAL SURVEY WAS MADE UNDER
MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF
ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH
CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF
ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF
ANGLES TURNED.

SIGNED *C. Clark Neilson*



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

REVISIONS			SURVEY PREPARED FOR:		
4.26.23: JOB NO. 95064 ADDED TREES			T A & S ENTERPRISES OF NC, INC.		
			8900 BEATTIES FORD ROAD CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C. DEED REFERENCE: 27719-853 TAX PARCEL NO: 015-264-34		
			R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING		
			420 HAWTHORNE LANE CHARLOTTE, NC. 28204 TEL. (704) 376-2186		
CREW:	DRAWN:	REVISED:	SCALE:	DATE:	FILE NO.
JR	BZM	KPM	1" = 50'	NOV. 14, 2016	XX-4389
			JOB NO. 85952		



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 August 1, 2023

Name of Project Long Creek Retail CD Revision Phase # (if subdivision) _____

Project Address 8900 & 9000 Beatties Ford Road

Parcel Identification Number(s) (PIN) 01526434 & 01526435

Current Zoning District HC Proposed District (for rezoning only) HC-CD (revising plan)
678 (Beatties Ford) &

Property Size (acres) 4.39 acres Street Frontage (feet) 422 (Mt Holly-Huntersville)

Current Land Use Vacant land and a single family house

Proposed Land Use(s) Retail/Office

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.

This request is to change the approved 2008 conditional rezoning to allow
a 5,200 sf convenience store with fuel canopy, a 6000 sf retail/office
building and a 13,500 sf retail/office building.

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 Robert P. Houston, Jr. David Lewis Houston Phone (980) 721-3750
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☒ 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 Robert P. Houston, Jr. Printed Name: Robert P. Houston, Jr.

Title Co-Owner Email pdehouston@gmail.com

Address of Applicant 6548 Jim Kidd 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
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

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 TA & S Enterprises of NC INC Phone 704-232-3600
☒ 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: _____

Title _____ Email moflehi@quickne-z.com

Address of Applicant 7801 Bridle Court, Charlotte, NC 28216

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.

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8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
Design Firm	Name of Contact	Phone	Email

Contact Information

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



General Application Owner/Applicant Signature Addendum

Application Information

Date of Application August 1, 2023 Application Number _____
Name of Project Long Creek Retail CD Revision Phase # (If subdivision) _____

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

* ^ Printed Name David Lewis Houston Phone Number 980-358-5530
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual
☒ 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)

(X) Signature David Houston Parcel ID(s): 01526435
Title Co-Owner Email dexy7500@hotmail.com
Address of Property Owner/Applicant 6548 Jim Keadle Rd, Huntersville, NC 28078

* ^ Printed Name Janet Houston Booker Phone Number (706) 614-8961
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual
☒ 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 Janet Houston Booker Parcel ID(s): 01526435
Title Co-Owner Email janethbooker@gmail.com
Address of Property Owner/Applicant 80 Kingston Rd, Colbert, GA 30628

* ^ Printed Name Judy Houston Jamieson Phone Number (205) 790-2559
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual
☒ 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 Judy Houston Jamieson Parcel ID(s): 01526435
Title Co-Owner Email j.jones@bellsouth.net
Address of Property Owner/Applicant 704 Rock School Rd, Huntersville, AL 3507

* 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.



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 August 1, 2023

Name of Project Long Creek Retail CD Revision Phase # (if subdivision) _____

Project Address 8900 & 9000 Beatties Ford Road

Parcel Identification Number(s) (PIN) 01526434 & 01526435

Current Zoning District HC Proposed District (for rezoning only) HC-CD (revising plan)
678 (Beatties Ford) &

Property Size (acres) 4.39 acres Street Frontage (feet) 422 (Mt Holly-Huntersville)

Current Land Use Vacant land and a single family house

Proposed Land Use(s) Retail/Office

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.

This request is to change the approved 2008 conditional rezoning to allow
a 5,200 sf convenience store with fuel canopy, a 6000 sf retail/office
building and a 13,500 sf retail/office building.

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>.

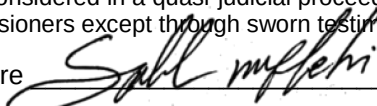
5. Outside Agency Information

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 TA & S Enterprises of NC INC Phone 704-232-3600
☒ 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: Saleh Moflehi
Title President Email moflehi@quickne-z.com

Address of Applicant 7801 Bridle Court, Charlotte, NC 28216

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
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Design Firm	Name of Contact	Phone	Email
-------------	-----------------	-------	-------

Contact Information

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



Town Engineering Rezoning Comment Summary
R24-03 Long Creek Retail (Accela# CSP-500014)
8900 Beatties Ford Rd (PIDs 01526434, 01526435)
Huntersville, NC 28078

General Project Information

This proposed rezoning is located at the corner of Beatties Ford Rd and Mt Holly-Huntersville Rd and consists of a new mixed-use development to include a gas station, convenient store, and future commercial uses.

Engineering Staff Comments

Traffic Impact Analysis (TIA):

- 1) The Town has deferred the TIA to NCDOT and it is currently in review. The draft TIA was submitted to NCDOT on 6/21/24. Attached are Figures 28 and 29 from the draft TIA. The following improvements were recommended in the TIA as the responsibility of the developer (NCDOT has provided comments to the TIA preparer to address; the below list of improvements is subject to change):
 - a. Construction of a westbound right-turn lane on Mt Holly Huntersville Road at the site access (Site Access #1) for phase 1 of the development. Access to be right-in/out only.
 - b. Construction of a southbound left-turn lane on Beatties Ford Road at Site Access #2 with 100 feet of storage for phase 1 of the development. Access is to be constructed as a left-over (no left-out access).
 - c. Construction of a northbound right-turn lane on Beatties Ford Road at Site Access #2 with 100 feet of storage for phase 1 of the development.
 - d. Construction of a southbound left-turn lane on Beatties Ford Road at Site Access #3 with 75 feet of storage for phase 2 of the development. Site Access #2 to be converted to right-in/out with construction of site access #3.

Transportation and Stormwater:

- 1) Add a permanent sidewalk easement from the right-of-way to a minimum of 1 foot from the back of sidepath along both Beatties Ford Road and Mt Holly-Huntersville Road.
- 2) Provide a minimum 200-foot horizontal radii for the proposed public street.

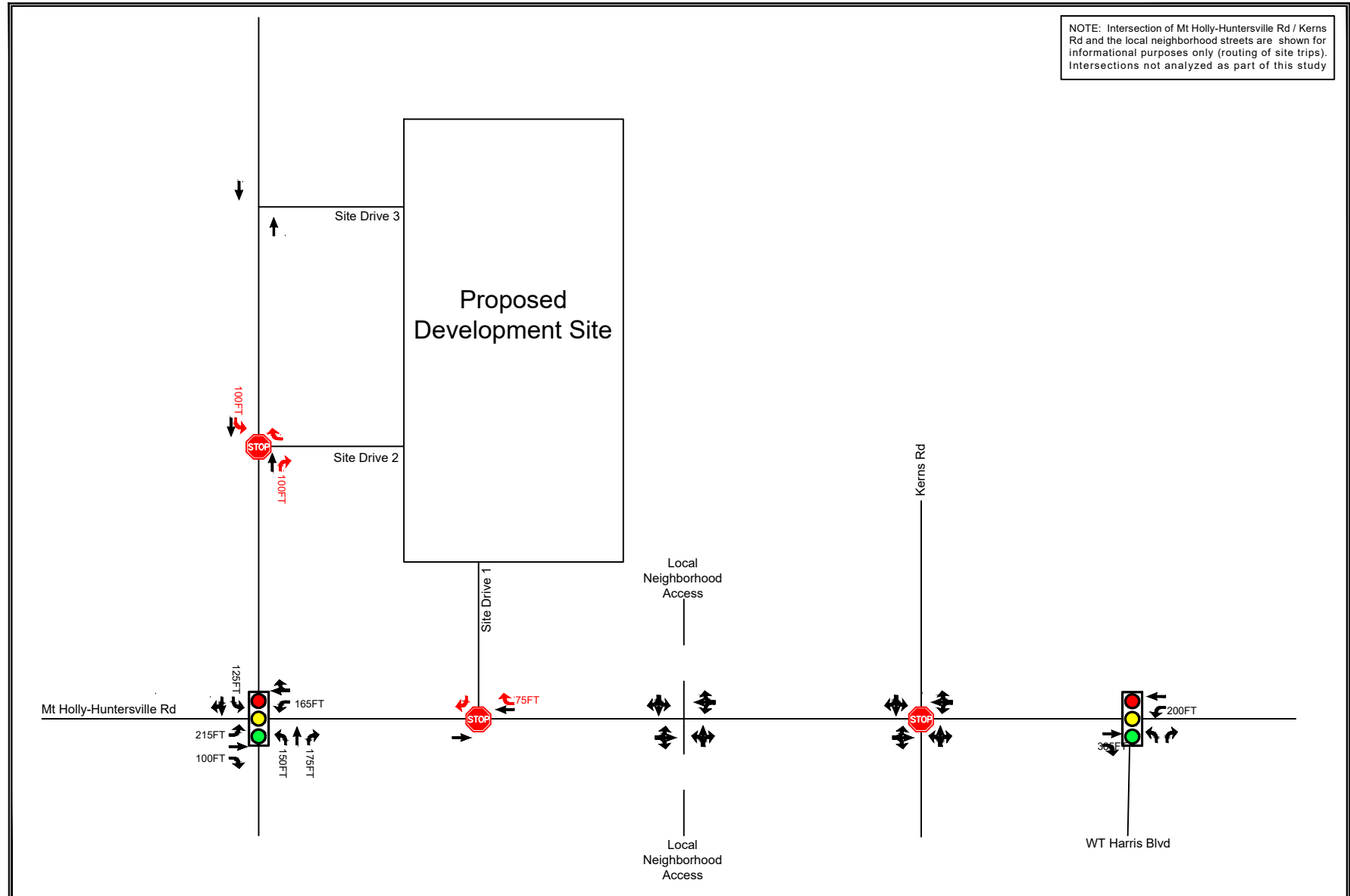


Figure 28
2026 Build Phase 1
Recommended Improvements

← EXISTING LANE CONFIGURATION
→ RECOMMENDED IMPROVEMENTS BY DEVELOPER



Long Creek Retail
Town of Huntersville, NC



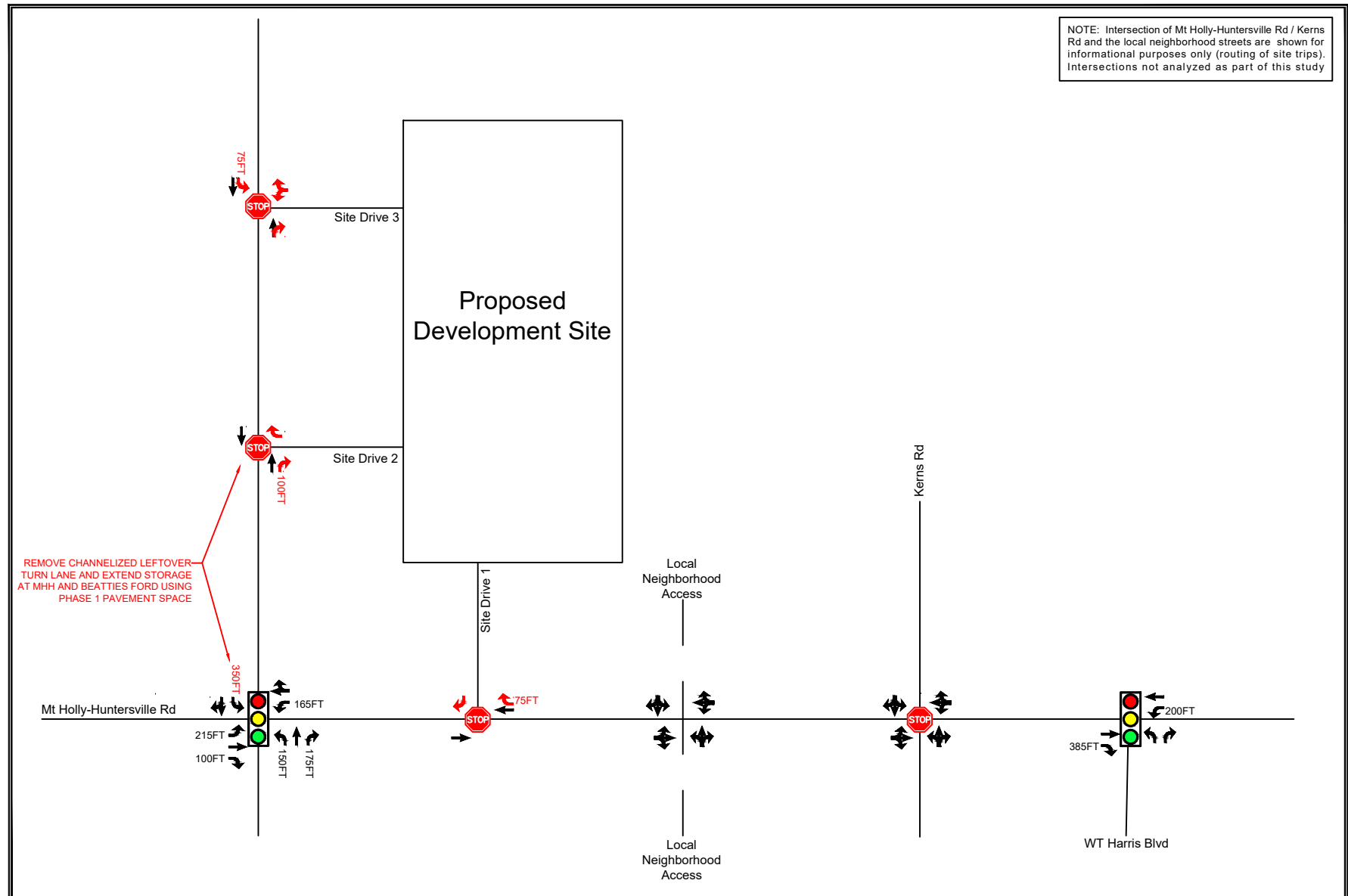


Figure 29

2030 Build Phase 2

Recommended Improvements

- ← EXISTING LANE CONFIGURATION
- RECOMMENDED IMPROVEMENTS BY DEVELOPER



NORTH

Long Creek Retail
Town of Huntersville, NC



Long Creek Retail Revision Community Meeting
Huntersville Arts and Cultural Center
May 29, 2024
6 pm

Developer Team in Attendance

Whitney Hodges, Bowman Development Group
Jeff Mofelhi, Owner
Brian Upton, Isaacs Group (Civil Engineering)
Patrick Monroe, Wells + Associates (Transportation Engineering)

Attendance from the Town

Jesse James, Town of Huntersville Planning Department

The meeting began at 6 pm.

Attendees raised the following questions at the neighborhood meeting. This summary synthesizes their concerns.

The consultant team explained the history of the rezoning and the proposed changes. The property was rezoned in 2008 to HC-CD, with the conditions being office and retail uses with a drug store. The road network remains unchanged, and there will be a slight increase in retail space and a change from a drug store to a gas station.

This site is an entrance into Huntersville, and as such, the architectural recommendations from the 2007 Beatties Ford Road Corridor Study need to be incorporated into the design of the gas station. Currently, the gas station and retail building next to it are phase 1 of the development. There are two owners in this application.

Questions:

Are there known tenants?

Currently, no. The intent is to have services that cater to the neighborhood's needs. The owner discussed the Circle K chain's design quality and gas pricing.

Can there be an Applebee's or something like it?

The tenant of the 13,500-square-foot building is unknown at this time. Because of the limited parking, a larger restaurant may not be possible.

Will there be a drive-through?

There are no proposed drive-throughs.

How many pumps will there be?

Eight pumps, which are two-sided

How will tanker deliveries be done?

The truck template has been used to ensure adequate movement. There is additional concern that the dumpster doors will stay open, making truck maneuverability difficult. Deliveries are also timed to be at night.

Will there be a median?

As shown (at the time of the meeting), the initial thought was that the movement could have access to turn left. The median would be installed with Phase 2.

Several concerns were raised about how people will get out of their property and potential crashes. At the time of the original approval, the only TIA requirement was from NCDOT. The Town has adopted local ordinances and has been doing its job to improve traffic conditions.

Once installed, the median would go passed the driveway.

Is it a 24-hour operation?

Yes.

What is the process?

The public process starts with a neighborhood meeting. We needed more time to finish the TIA so our public hearing schedule is:

Public Hearing: August 6 (TUESDAY)

Planning Commission: August 27

Final Action: September 17 (TUESDAY)

Concerns

- Growing roadway trash
- Beatties Ford Road and Mount Holly-Huntersville traffic
- School traffic
- It will be more traffic than a drugstore
- One property owner is trying to sell his property commercially. Until then, he uses it residentially and is concerned about lighting and construction while the property is used residentially. He would like a curb cut and some fencing. He also said that a commercial across the street would make it more likely that he could sell his property commercially.
- Light trespass was discussed, and staff stated the requirements.

Attachments:

Community Meeting Notice

Community Meeting Notification List

Sign-in Sheet

camapid	situsaddress1	nme_ownerfirstname
01526434	8900 BEATTIES FORD RD	
02306258	BEATTIES FORD RD	MARGIE P
01526433	8411 MT HOLLY-HUNTERSVILLE RD	CONRAD DEWEY JR
01526435	9000 BEATTIES FORD RD	ROBERT P JR
02306259	BEATTIES FORD RD	
02306218	MT HOLLY-HUNTERSVILLE RD	
02306255	BEATTIES FORD RD	
02306220	9007 BEATTIES FORD RD	JEFFREY S
02306219	9003 BEATTIES FORD RD	MARGIE P
02306256	BEATTIES FORD RD	
03327112	8220 MT HOLLY-HUNTERSVILLE RD	
02516112	8300 BEATTIES FORD RD	
01526436	9012 BEATTIES FORD RD	JEFFREY S
02516105	8400 MT HOLLY-HUNTERSVILLE RD	
01526437	9102 BEATTIES FORD RD	DONNA CATHEY
01526432	8529 MT HOLLY-HUNTERSVILLE RD	
01526443	9301 CARVER AV	

nme_ownerlastname	secownerfirst secownerlast
TA & S ENTERPRISES OF NC INC	
BARNETT	
PUCKETT	
HOUSTON	JUDY HOUSTON JAMIESON
RUSHER OIL CO	
RUSHER OIL CO	
RUSHER OIL CO	
BARNETTE	
BARNETTE	
RUSHER OIL CO	
KERLEY CAPITAL EXPRESSWAY LP	
PIEDMONT NATURAL GAS COMPANY INC	
BARNETTE	
CLEMENTI RIVERVIEW LLC	
SADLER	
CARVER BOWMAN LLC	
CARVER BOWMAN LLC	

txt_mailaddr1	txt_city	txt_state	txt_zipcode
7801 BRIDLE CT	CHARLOTTE	NC	28216
9003 BEATTIES FORD RD	HUNTERSVILL	NC	28078
8411 MT HOLLY HUNTERSVILLE RD	HUNTERSVILL	NC	28078
6548 JIM KIDD RD	HUNTERSVILL	NC	28078
PO BOX 1483	SALISBURY	NC	28145
PO BOX 1483	SALISBURY	NC	28145
PO BOX 1483	SALISBURY	NC	28145
1900 OLD BRIER LN	CHARLOTTE	NC	28216
9003 BEATTIES FORD RD	HUNTERSVILL	NC	28078
PO BOX 1483	SALISBURY	NC	28145
1CVS DRIVE	WOONSOCKET	RI	02895
PO BOX 33068	CHARLOTTE	NC	28233
1900 OLD BRIAR LN	CHARLOTTE	NC	28216
PO BOX 471904	CHARLOTTE	NC	28247
8218 RAINIER DR	DENVER	NC	28037
13815 CINNABAR PL	HUNTERSVILL	NC	28078
13815 CINNABAR PL	HUNTERSVILL	NC	28078

To: Property Owners Adjacent to Long Creek Retail
From: TA& S Enterprises of NC, LLC
Date: May 14, 2024
RE: **Notice of public input meeting for R24-03, a conditional rezoning revision of approximately +/- 4.39 acres located on Beatties Ford Road and Mount Holly-Huntersville Road in Huntersville, North Carolina.**

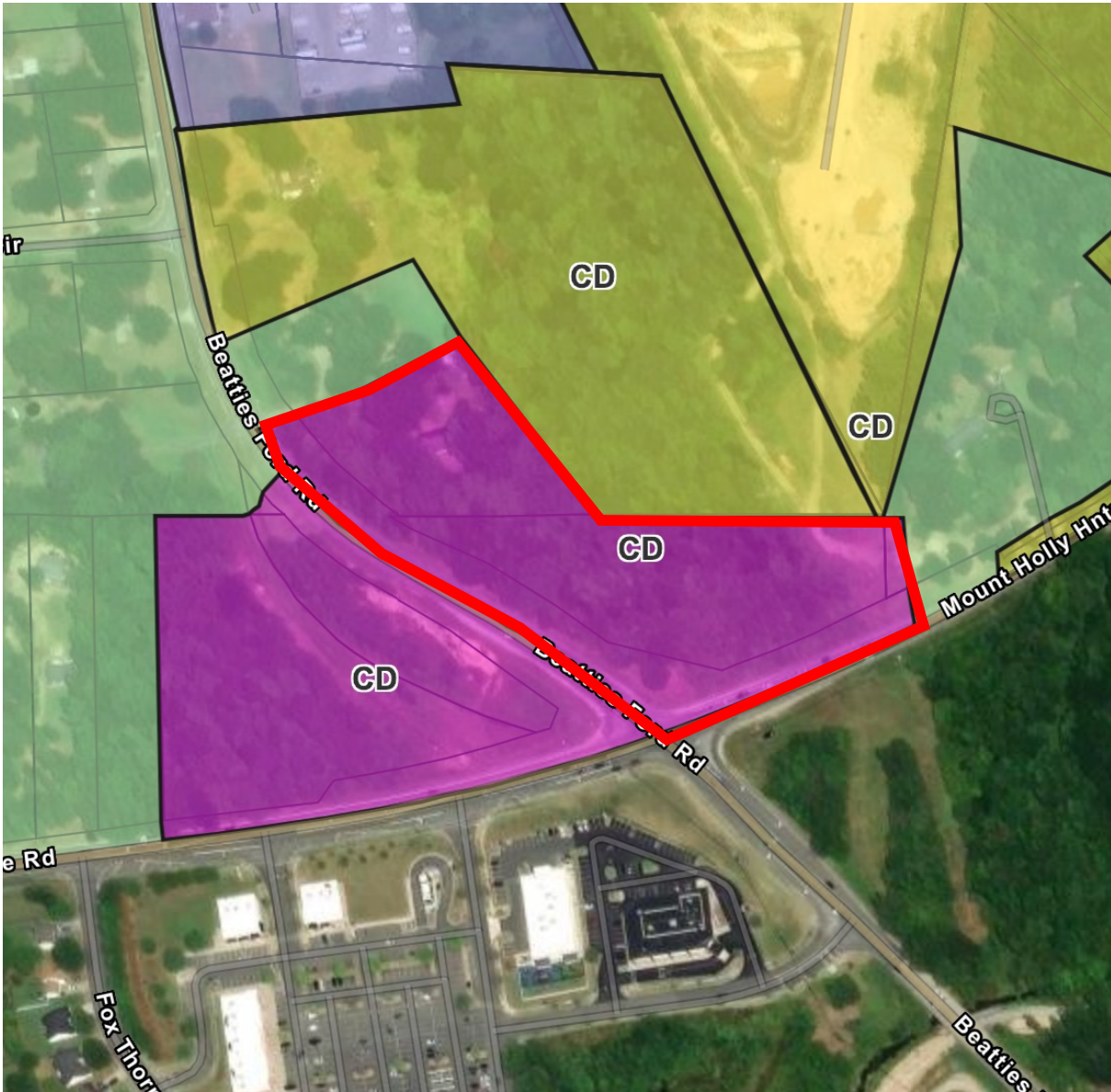
TA& S Enterprises of NC, LLC proposes to revise a conditional rezoning known as Long Creek Retail. The property is two parcels, approximately 4.39 acres, located on Beatties Ford Road and Mount Holly-Huntersville Road (PIN#s 015-26-434 and 015-26-435). The parcels are owned by TA& S Enterprises of NC, LLC and Robert Houston et al.

In 2008, the Town approved a rezoning to Highway Commercial Conditional District (HC-CD) to build a pharmacy with a drive-through and an additional commercial building (13,500 sq ft). The proposed revision would change the conditions of the original approval to allow a convenience store with a fuel canopy and one additional retail/office building (6,000 sq ft). No changes are proposed to the 13,500 square foot retail/office building approved in 2008.

You are invited to attend a public input meeting on **Wednesday, May 29, 2024, at 6 p.m.** at the **Huntersville Arts and Cultural Center** (109 S. Old Statesville Road, Huntersville, NC 28078). A proposed plan is enclosed. For a full-size plan, please see the Town's website: <https://huntersville.maps.arcgis.com/apps/MapSeries/index.html?appid=7b57c1bbd667471cb5c5309cdfcb1852>.

If you have questions about the meeting, please contact Whitney Hodges at whitneyhodges@gmail.com or 704-929-8396. You may also contact the Town of Huntersville Planning Department at 704-875-7000 for additional information.

Location Map



Community Meeting Attendance Log

Project Name:	Long Creek Retail Revision R24-03
Location of Meeting:	Huntersville Arts and Cultural Center, 14614 S. Old Statesville Road
Date:	29-May-24
Time:	6:00 PM

Pursuant to Huntersville Zoning Ordinance 11.4.3.d. 7. a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project.

For the record of attendance, please list your first and last name:

1	JAE SAILERS	26	
2	KICK BARNETTE	27	
3	MARIE BARNETTE	28	
4	ERIN PUCKERT	29	
5	Doug Sutherland (for Robert Houston)	30	
6		31	
7	Phyllis Smeaton	32	
8		33	
9		34	
10		35	
11		36	
12		37	
13		38	
14		39	
15		40	
16		41	
17		42	
18		43	
19		44	
20		45	
21		46	
22		47	
23		48	
24		49	
25		50	

Community Meeting Attendance Log

Project Name:	Long Creek Retail Revision R24-03
Location of Meeting:	Huntersville Arts and Cultural Center, 14614 S. Old Statesville Road
Date:	29-May-24
Time:	6:00 PM

Pursuant to Huntersville Zoning Ordinance 11.4.3.d. 7. a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project.

For the record of attendance, please list your first and last name:

1. <u>Scott Bannette</u>	26 _____
2 _____	27 _____
3 _____	28 _____
4 _____	29 _____
5 _____	30 _____
6 _____	31 _____
7 _____	32 _____
8 _____	33 _____
9 _____	34 _____
10 _____	35 _____
11 _____	36 _____
12 _____	37 _____
13 _____	38 _____
14 _____	39 _____
15 _____	40 _____
16 _____	41 _____
17 _____	42 _____
18 _____	43 _____
19 _____	44 _____
20 _____	45 _____
21 _____	46 _____
22 _____	47 _____
23 _____	48 _____
24 _____	49 _____
25 _____	50 _____



Request for Board Action

November 19, 2024

To: The Honorable Mayor and Board of Commissioners

From: Rebecca Bleich, Planner II

Subject: Petition #TA24-14 Amendment to the Town's Soil Erosion Sedimentation Control Ordinance

EXPLAIN REQUEST:

Consider decision on Text Amendment 2024-14, to align the Town's Soil Erosion and Sedimentation Control Ordinance with NC Session Law 2023-108 and NC Session Law 2023-142.

ACTION RECOMMENDED:

Consider approving amendment.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA24-14 Staff Report FA
2. Signed Application_TA24-14
3. SESCO Ordinance for SL 2023-108 7-25-24
4. SL2023-108
5. SL2023-142

TA24-14 Soil Erosion and Sedimentation Control Compliance

PART 1: DESCRIPTION

TA24-14 is a text amendment request by the Town of Huntersville Planning Department to amend Articles 153.02, 153.03, 153.04, 153.10(A)(4), 153.1(f), 153.11, 153.13(D), and 153.09(F) of the Huntersville Soil Erosion and Sedimentation Control Ordinance to closer align Huntersville regulations to North Carolina Session Law 2023-108 and S.L. 2023- 142.

PART 2: BACKGROUND

NC S.L. 2023-108 and S.L. 2023-142 contained numerous changes. The applicable change allows permits to be transferred to a different entity, assuming all requirements are met, and defines and allows at risk building permits.

PART 3: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA24-14 as it aligns the Town’s Soil Erosion and Sedimentation Control Ordinance with state law.

PART 4: PUBLIC HEARING

The Public Hearing is scheduled for October 1st, 2024.

PART 5: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for November 19th, 2024.

PART 6: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance
3. Session Law 2023-108
4. Session Law 2023-142

PART 7: STATEMENT OF CONSISTENCY – TA24-14

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA24-14, Planning Staff recommends approval as it aligns the Town’s Soil Erosion and Sedimentation Control Ordinance with state law.	APPROVAL: In considering the proposed amendment TA24-14, the Planning Board recommends approval based on the amendment being consistent with... <u>(insert applicable statement)</u>	APPROVAL: In considering the proposed amendment TA24-14, the Town Board recommends approval based on the amendment being consistent with... <u>(insert applicable statement)</u>
DECISION:	DECISION:	DECISION:



Text Amendment Application

Date of Application 8/20/2024

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): Huntersville Soil Erosion and Sedimentation Control Ordinance, Article(s): 153, Section(s): 2, 3, 4, 10, 11, & 13

Current Ordinance	See attached
Proposed Text	See attached
Reason for Proposed Change	Compliance with State Statute

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 Planning Department

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

Signature Brian Richards  Date 8/21/24

Title Planning Director Email brichards@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: 8/21/24

Staff Initials: RUB

**AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE SOIL EROSION AND
SEDIMENTATION CONTROL ORDINANCE TO COMPLY WITH NORTH CAROLINA SL 2023-**

108

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.02 of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

153.02 Definitions

As used in this ordinance, unless the context clearly indicates otherwise, the following definitions apply.

Accelerated erosion means any increase over the rate of natural erosion as a result of land-disturbing activity.

Act means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

Adequate erosion control measures, structures, or devices means ones that control the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

Affiliate means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another Person.

Being conducted means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Borrow means fill material that is required for on-site construction and is obtained from other locations.

Buffer zone means the strip of land adjacent to a lake or watercourse.

Commission means the North Carolina Sedimentation Control Commission.

Committee means the Town of Huntersville Storm Water Advisory Committee as established by the resolution of the Huntersville Board of Commissioners, together with any amendments thereto.

Completion of construction or development means that no further land-disturbing activity is required on a tract except that which is necessary for establishing a permanent ground cover. Completion of construction or development may occur for a tract, a phase, or an entire project as determined by the town engineer.

Contractor conducting the land-disturbing activity means any person who participates in the land-disturbing activity, including, but not limited to, the general contractor and sub-

contractors with the responsibility for supervising the work on the tract for the changing of the natural cover or topography of the tract, or any part thereof.

Days means calendar days unless otherwise specified.

Department means the North Carolina Department of Environmental Quality.

Director means the Director of the Division of Energy Mineral and Land Resources of the Department of Environmental Quality.

Discharge point means that point at which runoff leaves a tract of land.

Energy dissipater means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Erosion means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Forest practice guidelines means the written directions related to water quality prepared by the Department's Division of Forest Resources and the United States Forest Service, including, but not limited to, the "Forestry Best Management Practices Manual" prepared by the Department.

Forestland (alternatively may be referred to herein as forest land) means land that is devoted to growing trees for the production of timber, wood, and other forest products.

Forestry means the professional practice embracing the science, business, and art of creating, conserving, and managing forests and forestland for the sustained use and enjoyment of their resources, materials, or other forest products.

Ground cover means any vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Lake or watercourse means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

Land-disturbing activity means any use of the land by any person in residential, governmental, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Local government means any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns and cities, acting through a joint program pursuant to the provisions of the Act.

Natural erosion means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Parent means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

Permit means the "Permit to Conduct Land-disturbing Activities" (grading permit) issued by the town engineer after a plan is approved.

Person(s) means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Person conducting land-disturbing activity means any person who may be held responsible for violation unless expressly provided otherwise by this ordinance, the Act, or any order adopted pursuant to this ordinance or the Act.

Person responsible for the violation as used in this ordinance means:

1. The developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity;
2. The landowner or person in possession or control of the land who has directly or indirectly allowed the land-disturbing activity or has benefited from it or has failed to comply with any provision of this ordinance, the Act, or any order adopted pursuant to this ordinance or the Act.

Phase means a specific geographic portion of a project as indicated on an approved Plan.

Phase of grading means one of two types of grading, rough or fine.

Plan(s) means an erosion and sedimentation control plan for a project, including all phases and all tracts.

Sediment means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a wetland, lake or watercourse.

Siltation means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Storm drainage facilities means the system of inlets, conduits, channels, ditches and appurtenances that serve to collect and convey storm water through and from a given drainage area.

Storm water runoff means the surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

Subsidiary means an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another Person.

Ten-year storm means a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration that will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Town department of engineering and public works, as used in this ordinance, "town department of engineering and public works" refers to both the town department of engineering and the town department of public works.

Town engineer - as used in this ordinance, "town engineer" refers to both the town engineer and the director of public works, both of whom shall have full authority and responsibility under this ordinance where the term "town engineer" is used.

Tract means contiguous lands and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership. A plan may have more than one phase, and each phase may have more than one tract.

Twenty-five-year storm means a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration that will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Uncovered means the removal of ground cover from, on, or above the soil surface.

Undertaken means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract.

Velocity means the average velocity of flow through the cross section of the main channel at the peak flow of the design storm. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Waste means surplus materials resulting from on-site construction and disposed of at other locations.

Watershed means any water supply watershed protection area regulated with various controls within the jurisdictional boundaries of the Town of Huntersville.

Wetland(s) means land having the vegetative, soil and hydrologic characteristics to be regulated by Section 401 and 404 of the Federal Clean Water Act as defined by the United States Army Corp of Engineers.

Working days means days exclusive of Saturday, and Sunday and town government holidays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.03 of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

153.03. Reserved

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.04 of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

153.04 Scope And Exclusions

This ordinance shall regulate land-disturbing activity within the territorial jurisdiction of the Town of Huntersville and to the extraterritorial jurisdiction of the Town of Huntersville.

This ordinance shall not apply to the following land-disturbing activities. Only those portions of a tract that are in actual use for the land-disturbing activities listed below shall be exempt from this ordinance:

1. Activities including 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 undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
 1. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.
 2. Dairy animals and dairy products.
 3. Poultry and poultry products.
 4. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules and goats.
 5. Bees and apiary products.
 6. Fur producing animals.
 7. Mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.

2. Activities undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted ~~in accordance~~ in accordance with such Forest Practice Guidelines, then the provisions of this ordinance shall apply.
3. Activities for which a permit is required under the Mining Act of 1971, G.S. ch. 74, art. 7.
4. For the duration of an emergency, activities essential to protect human life, including activities specified in an executive order issued under G.S. 166A-19.30(a)(5).
5. Land-disturbing activity over which the state has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a).
6. Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
7. Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2.

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.10(A)(4) of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

4. The land-disturbing activity described in the plan shall comply with all federal, state, and local water quality laws, rules, and regulations, including, but not limited to, the Federal Clean Water Act. The Town Engineer shall condition approval of draft erosion and sedimentation control plans upon compliance with said laws, rules, and regulations. The Town Engineer may require supporting documentation.

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.10(f) of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

f. *Plan Transfer.* Applications for plan transfers shall be submitted jointly by the plan holder and successor-owners in interest. Notwithstanding the foregoing, the Town may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection if the successor-owner in interest requests

that the Town accept the application without the signature of the plan holder. The Town may transfer a plan if all of the following ~~conditions~~ requirements are satisfied ~~met~~:

1. ~~The successor owner of the property submits to the local government a~~ A written request application for the transfer of the plan and an authorized statement of financial responsibility and ownership is submitted to the Town.

- a. When the plan transfer requirements set forth in subsubsection 153.10(F)(2) below are met on or after July 1, 2021, the Town shall require that a plan transfer application be submitted within 90 days.
- b. When the plan transfer requirements set forth in below in subsubsection 153.10(F)(2) are met prior to July 1, 2021, the Town may request a plan transfer application at any time after determining that the plan transfer conditions have been met and may require the application for transfer to be submitted within 180 days of the request.
- c. When the activity on the property does not conform to the approved plan conditions, the plan transfer application shall include one of the following:
 1. A written schedule of actions to bring permitted activities into compliance with the approved plan conditions within one calendar year.
 2. If there has been or will be a modification to the permitted activities, an application for a plan modification.
- d. Where a plan holder can demonstrate to the Town that the activity on the property was in substantial compliance with the approved plan in the period either 12 months immediately before or after the conditions of subsubsection 153.10(F)(2) below were met, then the requirements of 153.10(F)(1)(c) above shall be the sole responsibility of the successor-owner.
- e. Where the plan holder is a person or entity described in 153.10(F)(2)(a)(4), or if the plan holder is the declarant of a condominium or planned community and the successor-owner is an association as described in 153.10(F)(2)(b)(3), the plan holder shall be responsible for satisfying the requirements of 153.10(F)(1)(c) above and for bringing the property into substantial compliance with the approved plan conditions before the permit is transferred.

2. The Town finds all of the following transfer conditions are met:

a. The plan holder is one of the following:

- 1) A natural person who is deceased.
- 2) A partnership, limited liability corporation, corporation, or any other business association that has been dissolved, has completed the winding up of the business as required by law or equity, and does not have a successor-in-interest to the plan.
- 3) A person or entity who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur through foreclosure, bankruptcy, or other legal proceeding.
- 4) A person or entity who has sold the property on which the permitted activity is occurring or will occur.

b. The successor-owner ~~holds title to the property on which the permitted activity is occurring or will occur~~ is one of the following:

- 1) A person or entity holding title to the property on which the permitted activity is occurring or will occur.
- 2) The claimant of the right to engage in the permitted activity.
- 3) An association, as defined in N.C.G.S. § 47C-1-103 or N.C.G.S. § 47F-1-103.
- 4) Any other natural person, group of persons, or entity deemed appropriate by the Town to operate and maintain the permit.

~~c. The successor owner is the sole claimant of the right to engage in the permitted activity.~~

~~d.~~ c. There will be no substantial change in the permitted activity.

3. The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.

4. The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.

5. Plan transfers from the declarant of a condominium or a planned community to the unit owners' association, owners' association, or other management entity identified in the condominium or planned community's declaration are subject to the requirements set forth in N.C.G.S. § 143-214.7(c2).

Notwithstanding changes to law made after the original issuance of the plan, the Town may not impose new or different terms and conditions in the plan without the prior express consent of

the successor-owner. Nothing in this subsection shall prevent the Town from requiring a revised plan pursuant to G.S. § 113A-54.1(b).

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.11 of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

153.11 Permits

- A. No person shall undertake any land-disturbing activity subject to this ordinance without first obtaining a permit from the Town Engineer. The only exception to this requirement is a land-disturbing activity that:
1. Has been approved by the Town Engineer at a pre-construction conference for the purpose of installing erosion control measures indicated on the approved plan,
 2. Is for the purpose of fighting fires,
 3. Is for the stock piling of raw or processed sand, stone, or gravel in existing material processing plants and existing storage yards, provided that sediment control measures are utilized to protect against off-site damage, ~~or~~
 4. Does not exceed one acre of disturbed area. In determining the size of the disturbed area, all tracts shown on the plan for the project will be aggregated regardless of ownership, and regardless of whether such tracts are contiguous or not, and regardless of whether such tracts are in the same phase. Although a plan and a permit may not be required for activity comprising less than one acre, such activity is subject to all other requirements of this ordinance, or
 5. Is proceeding pursuant to an "at risk" building permit in accordance with N.C.G.S. § 160D-1110.1(h).
- B. No person shall undertake any land-disturbing activity for more than one acre without acquiring an NCG01 Permit (in addition to the permit required by Section 153.11(A) above) by completing and submitting an electronic Notice of Intent (NOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction Stormwater General Permit. The letter of approval from the engineer shall contain a notice of the NCG01 Permit requirement and the acreage approved for disturbance.
- C. The transfer of permits shall be subject to the provisions governing permit transfer set forth in N.C.G.S. §§ 143-214.7(c2) and 143-214.7(c5).

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.13(D) of the Soil Erosion and Sedimentation Control Ordinance, Penalties, is hereby amended as follows:

D. The Town Engineer shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be served by any means authorized under N.C.G.S. § 1A-1, Rule 4 and shall direct the violator to either pay the assessment, contest the assessment within 30 days as specified in Section 153.16, or file a request with the Sedimentation Control Commission for remission of the assessment within ~~60~~ 30 days of receipt of the notice. A remission request must be accompanied by a waiver of the right to a contested case hearing by the Stormwater Advisory Committee and a stipulation as to the facts on which the assessment was based. If a violator does not pay a civil penalty assessed by the Town Engineer within ~~60~~ 30 Days after it is due, the Town Engineer shall request the Town Attorney to institute a civil action to recover the amount of the assessment. The civil action shall be brought in Mecklenburg County Superior Court.

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.09(F) of the Soil Erosion and Sedimentation Control Ordinance, Design and Performance Standards, is hereby amended as follows:

F. Borrow and waste areas. ~~When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, the following areas are considered as part of the land-disturbing activity.~~

- ~~1. Areas from which borrow is obtained that are not regulated by the provisions of the Mining Act of 1971 and its subsequent amendments, or~~
- ~~2. Waste areas for surplus materials other than landfills regulated by the Department's Division of Solid Waste Management.~~

~~When the Person conducting the land-disturbing activity is the person conducting the borrow or waste disposal activity, the activity shall not be considered a separate land-disturbing activity.~~

If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered as separate land-disturbing activities.

The responsible person conducting the borrow or waste areas shall provide adequate erosion control measures, structures, or devices and comply with all provisions of this ordinance.

Section 8. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: N/A

PUBLIC HEARING:

PLANNING BOARD:

TOWN BOARD:

**AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE SOIL EROSION AND
SEDIMENTATION CONTROL ORDINANCE TO COMPLY WITH NORTH CAROLINA SL 2023-**

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Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.02 of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

153.02 Definitions

As used in this ordinance, unless the context clearly indicates otherwise, the following definitions apply.

Accelerated erosion means any increase over the rate of natural erosion as a result of land-disturbing activity.

Act means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

Adequate erosion control measures, structures, or devices means ones that control the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

Affiliate means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another Person.

Being conducted means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Borrow means fill material that is required for on-site construction and is obtained from other locations.

Buffer zone means the strip of land adjacent to a lake or watercourse.

Commission means the North Carolina Sedimentation Control Commission.

Committee means the Town of Huntersville Storm Water Advisory Committee as established by the resolution of the Huntersville Board of Commissioners, together with any amendments thereto.

Completion of construction or development means that no further land-disturbing activity is required on a tract except that which is necessary for establishing a permanent ground cover. Completion of construction or development may occur for a tract, a phase, or an entire project as determined by the town engineer.

Contractor conducting the land-disturbing activity means any person who participates in the land-disturbing activity, including, but not limited to, the general contractor and sub-

contractors with the responsibility for supervising the work on the tract for the changing of the natural cover or topography of the tract, or any part thereof.

Days means calendar days unless otherwise specified.

Department means the North Carolina Department of Environmental Quality.

Director means the Director of the Division of Energy Mineral and Land Resources of the Department of Environmental Quality.

Discharge point means that point at which runoff leaves a tract of land.

Energy dissipater means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Erosion means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Forest practice guidelines means the written directions related to water quality prepared by the Department's Division of Forest Resources and the United States Forest Service, including, but not limited to, the "Forestry Best Management Practices Manual" prepared by the Department.

Forestland (alternatively may be referred to herein as forest land) means land that is devoted to growing trees for the production of timber, wood, and other forest products.

Forestry means the professional practice embracing the science, business, and art of creating, conserving, and managing forests and forestland for the sustained use and enjoyment of their resources, materials, or other forest products.

Ground cover means any vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Lake or watercourse means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

Land-disturbing activity means any use of the land by any person in residential, governmental, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Local government means any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns and cities, acting through a joint program pursuant to the provisions of the Act.

Natural erosion means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Parent means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

Permit means the "Permit to Conduct Land-disturbing Activities" (grading permit) issued by the town engineer after a plan is approved.

Person(s) means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Person conducting land-disturbing activity means any person who may be held responsible for violation unless expressly provided otherwise by this ordinance, the Act, or any order adopted pursuant to this ordinance or the Act.

Person responsible for the violation as used in this ordinance means:

1. The developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity;
2. The landowner or person in possession or control of the land who has directly or indirectly allowed the land-disturbing activity or has benefited from it or has failed to comply with any provision of this ordinance, the Act, or any order adopted pursuant to this ordinance or the Act.

Phase means a specific geographic portion of a project as indicated on an approved Plan.

Phase of grading means one of two types of grading, rough or fine.

Plan(s) means an erosion and sedimentation control plan for a project, including all phases and all tracts.

Sediment means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a wetland, lake or watercourse.

Siltation means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Storm drainage facilities means the system of inlets, conduits, channels, ditches and appurtenances that serve to collect and convey storm water through and from a given drainage area.

Storm water runoff means the surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

Subsidiary means an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another Person.

Ten-year storm means a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration that will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Town department of engineering and public works, as used in this ordinance, "town department of engineering and public works" refers to both the town department of engineering and the town department of public works.

Town engineer - as used in this ordinance, "town engineer" refers to both the town engineer and the director of public works, both of whom shall have full authority and responsibility under this ordinance where the term "town engineer" is used.

Tract means contiguous lands and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership. A plan may have more than one phase, and each phase may have more than one tract.

Twenty-five-year storm means a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration that will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Uncovered means the removal of ground cover from, on, or above the soil surface.

Undertaken means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract.

Velocity means the average velocity of flow through the cross section of the main channel at the peak flow of the design storm. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Waste means surplus materials resulting from on-site construction and disposed of at other locations.

Watershed means any water supply watershed protection area regulated with various controls within the jurisdictional boundaries of the Town of Huntersville.

Wetland(s) means land having the vegetative, soil and hydrologic characteristics to be regulated by Section 401 and 404 of the Federal Clean Water Act as defined by the United States Army Corp of Engineers.

Working days means days exclusive of Saturday, and Sunday and town government holidays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.03 of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

153.03. Reserved

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.04 of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

153.04 Scope And Exclusions

This ordinance shall regulate land-disturbing activity within the territorial jurisdiction of the Town of Huntersville and to the extraterritorial jurisdiction of the Town of Huntersville.

This ordinance shall not apply to the following land-disturbing activities. Only those portions of a tract that are in actual use for the land-disturbing activities listed below shall be exempt from this ordinance:

1. Activities including 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 undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
 1. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.
 2. Dairy animals and dairy products.
 3. Poultry and poultry products.
 4. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules and goats.
 5. Bees and apiary products.
 6. Fur producing animals.
 7. Mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.

2. Activities undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted ~~in accordance~~ in accordance with such Forest Practice Guidelines, then the provisions of this ordinance shall apply.
3. Activities for which a permit is required under the Mining Act of 1971, G.S. ch. 74, art. 7.
4. For the duration of an emergency, activities essential to protect human life, including activities specified in an executive order issued under G.S. 166A-19.30(a)(5).
5. Land-disturbing activity over which the state has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a).
6. Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
7. Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2.

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.10(A)(4) of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

4. The land-disturbing activity described in the plan shall comply with all federal, state, and local water quality laws, rules, and regulations, including, but not limited to, the Federal Clean Water Act. The Town ~~Engineer~~ shall condition approval of draft erosion and sedimentation control plans upon compliance with said laws, rules, and regulations. The Town Engineer may require supporting documentation.

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.10(f) of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

f. *Plan Transfer.* Applications for plan transfers shall be submitted jointly by the plan holder and successor-owners in interest. Notwithstanding the foregoing, the Town may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection if the successor-owner in interest requests

that the Town accept the application without the signature of the plan holder. The Town may transfer a plan if all of the following ~~conditions~~ requirements are satisfied ~~met~~:

1. ~~The successor owner of the property submits to the local government a~~ A written request application for the transfer of the plan and an authorized statement of financial responsibility and ownership is submitted to the Town.

- a. When the plan transfer requirements set forth in subsection 153.10(F)(2) below are met on or after July 1, 2021, the Town shall require that a plan transfer application be submitted within 90 days.
- b. When the plan transfer requirements set forth in below in subsection 153.10(F)(2) are met prior to July 1, 2021, the Town may request a plan transfer application at any time after determining that the plan transfer conditions have been met and may require the application for transfer to be submitted within 180 days of the request.
- c. When the activity on the property does not conform to the approved plan conditions, the plan transfer application shall include one of the following:
 1. A written schedule of actions to bring permitted activities into compliance with the approved plan conditions within one calendar year.
 2. If there has been or will be a modification to the permitted activities, an application for a plan modification.
- d. Where a plan holder can demonstrate to the Town that the activity on the property was in substantial compliance with the approved plan in the period either 12 months immediately before or after the conditions of subsection 153.10(F)(2) below were met, then the requirements of 153.10(F)(1)(c) above shall be the sole responsibility of the successor-owner.
- e. Where the plan holder is a person or entity described in 153.10(F)(2)(a)(4), or if the plan holder is the declarant of a condominium or planned community and the successor-owner is an association as described in 153.10(F)(2)(b)(3), the plan holder shall be responsible for satisfying the requirements of 153.10(F)(1)(c) above and for bringing the property into substantial compliance with the approved plan conditions before the permit is transferred.

2. The Town finds all of the following transfer conditions are met:

a. The plan holder is one of the following:

- 1) A natural person who is deceased.
- 2) A partnership, limited liability corporation, corporation, or any other business association that has been dissolved, has completed the winding up of the business as required by law or equity, and does not have a successor-in-interest to the plan.
- 3) A person or entity who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur through foreclosure, bankruptcy, or other legal proceeding.
- 4) A person or entity who has sold the property on which the permitted activity is occurring or will occur.

b. The successor-owner ~~holds title to the property on which the permitted activity is occurring or will occur~~ is one of the following:

- 1) A person or entity holding title to the property on which the permitted activity is occurring or will occur.
- 2) The claimant of the right to engage in the permitted activity.
- 3) An association, as defined in N.C.G.S. § 47C-1-103 or N.C.G.S. § 47F-1-103.
- 4) Any other natural person, group of persons, or entity deemed appropriate by the Town to operate and maintain the permit.

~~c. The successor owner is the sole claimant of the right to engage in the permitted activity.~~

~~d. c.~~ There will be no substantial change in the permitted activity.

3. The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.

4. The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.

5. Plan transfers from the declarant of a condominium or a planned community to the unit owners' association, owners' association, or other management entity identified in the condominium or planned community's declaration are subject to the requirements set forth in N.C.G.S. § 143-214.7(c2).

Notwithstanding changes to law made after the original issuance of the plan, the Town may not impose new or different terms and conditions in the plan without the prior express consent of

the successor-owner. Nothing in this subsection shall prevent the Town from requiring a revised plan pursuant to G.S. § 113A-54.1(b).

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.11 of the Soil Erosion and Sedimentation Control Ordinance, Plan Transfer, is hereby amended as follows:

153.11 Permits

- A. No person shall undertake any land-disturbing activity subject to this ordinance without first obtaining a permit from the Town Engineer. The only exception to this requirement is a land-disturbing activity that:
 - 1. Has been approved by the Town Engineer at a pre-construction conference for the purpose of installing erosion control measures indicated on the approved plan,
 - 2. Is for the purpose of fighting fires,
 - 3. Is for the stock piling of raw or processed sand, stone, or gravel in existing material processing plants and existing storage yards, provided that sediment control measures are utilized to protect against off-site damage,~~or~~
 - 4. Does not exceed one acre of disturbed area. In determining the size of the disturbed area, all tracts shown on the plan for the project will be aggregated regardless of ownership, and regardless of whether such tracts are contiguous or not, and regardless of whether such tracts are in the same phase. Although a plan and a permit may not be required for activity comprising less than one acre, such activity is subject to all other requirements of this ordinance~~;~~ or
 - 5. Is proceeding pursuant to an "at risk" building permit in accordance with N.C.G.S. § 160D-1110.1(h).
- B. No person shall undertake any land-disturbing activity for more than one acre without acquiring an NCG01 Permit (in addition to the permit required by Section 153.11(A) above) by completing and submitting an electronic Notice of Intent (NOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction Stormwater General Permit. The letter of approval from the engineer shall contain a notice of the NCG01 Permit requirement and the acreage approved for disturbance.
- C. The transfer of permits shall be subject to the provisions governing permit transfer set forth in N.C.G.S. §§ 143-214.7(c2) and 143-214.7(c5).

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.13(D) of the Soil Erosion and Sedimentation Control Ordinance, Penalties, is hereby amended as follows:

D. The Town Engineer shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be served by any means authorized under N.C.G.S. § 1A-1, Rule 4 and shall direct the violator to either pay the assessment, contest the assessment within 30 days as specified in Section 153.16, or file a request with the Sedimentation Control Commission for remission of the assessment within ~~60~~ 30 days of receipt of the notice. A remission request must be accompanied by a waiver of the right to a contested case hearing by the Stormwater Advisory Committee and a stipulation as to the facts on which the assessment was based. If a violator does not pay a civil penalty assessed by the Town Engineer within ~~60~~ 30 Days after it is due, the Town Engineer shall request the Town Attorney to institute a civil action to recover the amount of the assessment. The civil action shall be brought in Mecklenburg County Superior Court.

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 153.09(F) of the Soil Erosion and Sedimentation Control Ordinance, Design and Performance Standards, is hereby amended as follows:

F. Borrow and waste areas. ~~When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, the following areas are considered as part of the land-disturbing activity.~~

- ~~1. Areas from which borrow is obtained that are not regulated by the provisions of the Mining Act of 1971 and its subsequent amendments, or~~
- ~~2. Waste areas for surplus materials other than landfills regulated by the Department's Division of Solid Waste Management.~~

~~When the Person conducting the land-disturbing activity is the person conducting the borrow or waste disposal activity, the activity shall not be considered a separate land-disturbing activity.~~

If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered as separate land-disturbing activities.

The responsible person conducting the borrow or waste areas shall provide adequate erosion control measures, structures, or devices and comply with all provisions of this ordinance.

Section 8. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: N/A

PUBLIC HEARING:

PLANNING BOARD:

TOWN BOARD:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-108
HOUSE BILL 488**

AN ACT TO REORGANIZE THE BUILDING CODE COUNCIL AND CREATE THE RESIDENTIAL CODE COUNCIL, TO AMEND VARIOUS PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE AND LAND DEVELOPMENT REGULATIONS, AND TO INCREASE THE PROJECT COST MINIMUM FOR APPLICABILITY OF GENERAL CONTRACTOR LICENSING REQUIREMENTS.

The General Assembly of North Carolina enacts:

BUILDING CODE COUNCIL REORGANIZATION, CREATION OF THE RESIDENTIAL CODE COUNCIL, AND CLARIFY STATUTORY REFERENCES TO THE NORTH CAROLINA STATE BUILDING CODE

SECTION 1.(a) Article 9 of Chapter 143 of the General Statutes reads as rewritten:

"Article 9.

~~"Building Code Council~~Council, Residential Code Council, and North Carolina State Building Code.

"§ 143-136. Building Code Council created; membership, committees.

...

(d) Building Code Committee Created; Duties. – Within the Building Code Council, there is hereby created a Building Code Committee for all structures except those subject to the North Carolina ~~State Residential Building Code: Residential Code for One and Two Family Dwellings.~~Code. The committee shall be composed of the following nine members of the Building Code Council:

- (1) One of the licensed architects appointed by the chairman of the Building Code Council.
- (2) The licensed engineer practicing mechanical engineering.
- (3) The licensed engineer practicing electrical engineering.
- (4) The licensed engineer practicing structural engineering.
- (5) The municipal elected official.
- (6) The fire service representative.
- (7) The municipal or county building inspector.
- (8) The State agency engineer.
- (9) The licensed general contractor.

The chairman of the Building Code Council shall call the first meeting of the Committee, at which meeting the Committee shall elect a chairman from among the members of the Committee as the first order of business. Thereafter, the Committee shall meet upon the call of the chairman to review any proposal for revision or amendment to the North Carolina ~~State Building Code~~, including provisions applicable to the North Carolina Energy Conservation Code, the North Carolina Electrical Code, the North Carolina Fuel Gas Code, the North Carolina Plumbing Code, the North Carolina Mechanical Code, the North Carolina Existing Building Code, and any other code applicable to commercial or multi-family construction, and no revision or amendment to any of these codes applicable to commercial or multi-family construction may be considered by the Building Code Council unless recommended by this committee. This committee shall also



oversee the process by which the Council conducts its revision of the codes applicable to commercial or multi-family construction pursuant to G.S. 143-138(d). This committee shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to codes applicable to commercial or multi-family construction and make a recommendation to the Building Code Council for disposition of the appeal or interpretation. In considering the recommendations of the committee related to revisions and amendments of the Building Code, nothing in this subsection shall prevent the Building Code Council from accepting, rejecting, or amending the recommendation, provided that any amendment to the recommendation must be germane.

"§ 143-136.1. Residential Code Council created; membership.

(a) Creation; Membership. – There is hereby created a Residential Code Council, which consists of 13 members appointed as follows:

- (1) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold an unlimited residential contractor license under Chapter 87 of the General Statutes.
- (2) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold an intermediate residential contractor license under Chapter 87 of the General Statutes.
- (3) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold a plumbing contractor license under Chapter 87 of the General Statutes and specializes in residential construction.
- (4) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold a heating contractor license under Chapter 87 of the General Statutes and specializes in residential construction.
- (5) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold an unlimited general contractor license under Chapter 87 of the General Statutes and specializes in coastal construction.
- (6) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold a limited residential contractor license under Chapter 87 of the General Statutes.
- (7) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall hold an electrical contractor license under Chapter 87 of the General Statutes.
- (8) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a licensed professional engineer under Chapter 89C of the General Statutes and specializes in residential construction.
- (9) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a Level I or Level II Code-enforcement official employed by a municipality or county.
- (10) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a member of the public-at-large.
- (11) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a representative of the natural gas industry.

- (12) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a fire service representative.
- (13) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall hold a general contractor license under Chapter 87 of the General Statutes and specializes in residential foundations or concrete placement.

(b) Terms; Vacancies; Chair. – Of the members initially appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, one shall serve for a term of two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the members initially appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one shall serve for a term of two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the members initially appointed by the Governor, two shall serve for a term of two years, two shall serve for a term of four years, and three shall serve for a term of six years. Thereafter, all appointments shall be for terms of six years. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution. The Governor shall designate one member of the Council as chair.

(c) Compensation. – Members of the Residential Code Council, other than any who are employees of the State, shall receive seven dollars (\$7.00) per day, including necessary time spent in traveling to and from their place of residence within the State to any place of meeting or while traveling on official business of the Council. In addition, all members shall receive mileage and subsistence according to State practice while going to and from any place of meeting, or when on official business of the Council.

(d) Duties. – The Residential Code Council shall review and consider any proposal for revision or amendment to the North Carolina Residential Code, including applicable provisions from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North Carolina Fuel Gas Code, North Carolina Plumbing Code, North Carolina Mechanical Code, North Carolina Existing Building Code, and any other code applicable to residential construction. This Council shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to the North Carolina Residential Code and make disposition of the appeal or issue an interpretation.

"§ 143-137. Organization of Council; rules; meetings; staff; fiscal affairs.

...

(d) Fiscal Affairs of the Council. – All funds for the operations of the Council and its staff shall be appropriated to the Department of Insurance for the use of the Council. All such funds shall be held in a separate or special account on the books of the Department of Insurance, with a separate financial designation or code number to be assigned by the Department of ~~Administration~~ Insurance or its agent. Expenditures for staff salaries and operating expenses shall be made in the same manner as the expenditure of any other Department of Insurance funds. The Department of Insurance may hire such additional personnel as may be necessary to handle the work of the Building Code Council, within the limits of funds appropriated for the Council and with the approval of the Council.

"§ 143-137.1. Organization of Residential Code Council; rules; meetings; staff; fiscal affairs; quorum.

(a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Residential Code Council shall meet on call of the Commissioner of Insurance. The Council shall adopt rules it may deem necessary for the proper discharge of its duties. The chair may establish and appoint members to any committees the work of the Council may require. In addition, the

chair may establish and appoint an ad hoc code revision committee to consider and prepare revisions and amendments to the North Carolina Residential Code. The ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the North Carolina Residential Code, and members of the public. Committees shall meet upon the call of their respective chairs and shall report their recommendations to the Council.

(b) Meetings. – The Residential Code Council shall meet regularly, at least once every six months, at places and dates to be determined by the Council. Special meetings may be called by the chair and must be called by the chair at the request of two or more members of the Council. All members shall be notified by the chair in writing of the time and place of regular and special meetings at least seven days in advance of such meeting. All meetings shall be open to the public.

(c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall serve as a staff for the Residential Code Council. This staff shall have the following duties:

(1) Keeping an accurate and complete record of all meetings, hearings, correspondence, laboratory studies, and technical work performed by or for the Council, and making these records available for public inspection at all reasonable times.

(2) Handling correspondence for the Council.

(d) Fiscal Affairs of the Council. – All funds for the operations of the Residential Code Council and its staff shall be appropriated to the Department of Insurance for the use of the Council. These funds shall be held in a separate or special account on the books of the Department of Insurance, with a separate financial designation or code number to be assigned by the Department of Insurance or its agent. Expenditures for staff salaries and operating expenses shall be made in the same manner as the expenditure of any other Department of Insurance funds. The Department of Insurance may hire any additional personnel necessary to handle the work of the Council, within the limits of funds appropriated for the Council and with the approval of the Council.

(e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the transaction of business and an affirmative vote of nine members present shall be necessary to approve any action of the Council, including any amendment or revision to the North Carolina Residential Code. No member may vote by proxy.

"§ 143-138. North Carolina State Building Code.

(a) Preparation and Adoption. – The Building Code Council and Residential Code Council may prepare and adopt, in accordance with the provisions of this Article, a North Carolina State Building Code. Before the adoption of any volume of the Code, or any part of the Code, the responsible Council shall hold at least one public hearing. A notice of the public hearing shall be published in the North Carolina Register at least 15 days before the date of the hearing. Notwithstanding G.S. 150B-2(8a)h., any volume, or any part, of the North Carolina State Building Code as adopted by the Building Code Council or Residential Code Council is a rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with the procedural requirements of Article 2A of Chapter 150B of the General Statutes. For the purposes of this Article, "North Carolina State Building Code" or "Code" shall collectively refer to all Code volumes, as revised or amended, prepared and adopted by the Building Code Council or Residential Code Council pursuant to this Article, including the following Code volumes:

- (1) North Carolina Administrative Code and Policies.
- (2) North Carolina Building Code.
- (3) North Carolina Electrical Code.
- (4) North Carolina Energy Conservation Code.
- (5) North Carolina Existing Building Code.
- (6) North Carolina Fire Code.
- (7) North Carolina Fuel Gas Code.
- (8) North Carolina Mechanical Code.

- (9) North Carolina Plumbing Code.
- (10) North Carolina Residential Code.
- (a1) Additional Adoption Requirements. –
 - (1) The Building Code Council or Residential Code Council shall request the Office of State Budget and Management to prepare a fiscal note for a proposed Code change that has a substantial economic impact, as defined in G.S. 150B-21.4(b1), or that increases the cost of residential housing by eighty dollars (\$80.00) or more per housing unit. The change can become effective only in accordance with G.S. 143-138(d). Neither the Department of Insurance nor the ~~Council-Councils~~ shall be required to expend any monies to pay for the preparation of any fiscal note under this section by any person outside of the Department or ~~Council-Councils~~ unless the Department or ~~Council-contracs-Councils contract~~ with a third-party vendor to prepare the fiscal note.
 - (2) The responsible Council shall conduct a cost-benefit analysis for all proposed changes considered after January 1, 2018, to the North Carolina Energy Conservation Code.

(b) Contents of the Code. – The North Carolina State Building Code, as adopted by the Building Code Council or Residential Code Council, may include reasonable and suitable classifications of buildings and structures, both as to use and occupancy; general building restrictions as to location, height, and floor areas; rules for the lighting and ventilation of buildings and structures; requirements concerning means of egress from buildings and structures; requirements concerning means of ingress in buildings and structures; rules governing construction and precautions to be taken during construction; rules as to permissible materials, loads, and stresses; rules governing chimneys, heating appliances, elevators, and other facilities connected with the buildings and structures; rules governing plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering of temperature, and electrical systems; and such other reasonable rules pertaining to the construction of buildings and structures and the installation of particular facilities therein as may be found reasonably necessary for the protection of the occupants of the building or structure, its neighbors, and members of the public at large.

...

(b2) Carbon Monoxide Alarms. – The Code (i) may contain provisions requiring the installation of either battery-operated or electrical carbon monoxide alarms in every dwelling unit having a combustion heater, appliance, or fireplace, and in any dwelling unit having an attached garage and (ii) shall contain provisions requiring the installation of electrical carbon monoxide alarms at a lodging establishment. Violations of this subsection and rules adopted pursuant to this subsection shall be punishable in accordance with subsection (h) of this section and G.S. 143-139. In particular, the rules shall provide:

...

- (3) The Building Code Council shall modify the ~~NC State Building Code (Fire Prevention)~~ North Carolina Fire Code to regulate the provisions of this subsection in new and existing lodging establishments, including hotels, motels, tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247; provided nothing in this subsection shall prevent the Building Code Council from establishing more stringent rules regulating carbon monoxide alarms or detectors for new lodging establishments, including hotels, motels, tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247. The Building Code Council shall modify the ~~NC~~

- ~~State Building Code (Fire Prevention)~~ North Carolina Fire Code minimum inspection schedule to include annual inspections of new and existing lodging establishments, including hotels, motels, and tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247 for the purpose of compliance with this subsection.
- (4) Upon discovery of a violation of this subsection that poses an imminent hazard and that is not corrected during an inspection of a lodging establishment subject to the provisions of G.S. 130A-248, the code official responsible for enforcing the ~~NC State Building Code (Fire Prevention)~~ North Carolina Fire Code shall immediately notify the local health director for the county in which the violation was discovered, or the local health director's designee, by verbal contact and shall also submit a written report documenting the violation of this subsection to the local health director for the county in which the violation was discovered, or the local health director's designee, on the next working day following the discovery of the violation. Within one working day of receipt of the written report documenting a violation of this subsection, the local health director for the county in which the violation was discovered, or the local health director's designee, shall investigate and take appropriate action regarding the permit for the lodging establishment, as provided in G.S. 130A-248. Lodging establishments having five or more rooms that are exempted from the requirements of G.S. 130A-248 by G.S. 130A-250 shall be subject to the penalties set forth in the ~~NC State Building Code (Fire Prevention)~~ North Carolina Fire Code.
- (5) Upon discovery of a violation of this subsection that does not pose an imminent hazard and that is not corrected during an inspection of a lodging establishment subject to the provisions of G.S. 130A-248, the owner or operator of the lodging establishment shall have a correction period of three working days following the discovery of the violation to notify the code official responsible for enforcing the ~~NC State Building Code (Fire Prevention)~~ North Carolina Fire Code verbally or in writing that the violation has been corrected. If the code official receives such notification, the code official may reinspect the portions of the lodging establishment that contained violations, but any fees for reinspection shall not exceed the fee charged for the initial inspection. If the code official receives no such notification, or if a reinspection discovers that previous violations were not corrected, the code official shall submit a written report documenting the violation of this subsection to the local health director for the county in which the violation was discovered, or the local health director's designee, within three working days following the termination of the correction period or the reinspection, whichever is later. The local health director shall investigate and may take appropriate action regarding the permit for the lodging establishment, as provided in G.S. 130A-248. Lodging establishments having five or more rooms that are exempted from the requirements of G.S. 130A-248 by G.S. 130A-250 shall be subject to the penalties set forth in the ~~NC State Building Code (Fire Prevention)~~ North Carolina Fire Code.

...

(b7) Appendices. – For the information of users thereof, the Code shall include as appendices the following:

- (1) Any rules governing boilers adopted by the Board of Boiler and Pressure Vessels Rules,

- (2) Any rules relating to the safe operation of elevators adopted by the Commissioner of Labor, and
- (3) Any rules relating to sanitation adopted by the Commission for Public Health which the Building Code Council or Residential Code Council believes pertinent.

The Code may include references to such other rules of special types, such as those of the Medical Care Commission and the Department of Public Instruction as may be useful to persons using the Code. No rule issued by any agency other than the Building Code Council or Residential Code Council shall be construed as a part of the Code, nor supersede that Code, it being intended that they be presented with the Code for information only.

...

(b9) Exclusion for Industrial Machinery. – Nothing in this Article shall extend to or be construed as being applicable to the regulation of the design, construction, location, installation, or operation of industrial machinery. However, if during the ~~building-code-Code~~ inspection process, an electrical inspector has any concerns about the electrical safety of a piece of industrial machinery, the electrical inspector may refer that concern to the Occupational Safety and Health Division in the North Carolina Department of Labor but shall not withhold the certificate of occupancy nor mandate third-party testing of the industrial machinery based solely on this concern. For the purposes of this paragraph, "industrial machinery" means equipment and machinery used in a system of operations for the explicit purpose of producing a product or acquired by a State-supported center providing testing, research, and development services to manufacturing clients. The term does not include equipment that is permanently attached to or a component part of a building and related to general building services such as ventilation, heating and cooling, plumbing, fire suppression or prevention, and general electrical transmission.

...

(b13) Migrant Housing. – The Building Code Council shall provide for an exemption from any requirements in the ~~fire-prevention-code-North Carolina Fire Code~~ for installation of an automatic sprinkler system applicable to buildings meeting all of the following:

- (1) Has one floor.
- (2) Meets all requirements of 29 C.F.R. § 1910.142, as amended.
- (3) Meets all requirements of Article 19 of Chapter 95 of the General Statutes and rules implementing that Article.

For purposes of this subsection, "migrant housing" and "migrant" shall be defined as in G.S. 95-223.

...

(b15) Exclusion from Energy Conservation Code Requirements for Existing Commercial Buildings. – The alteration of commercial buildings and structures that received a certificate of occupancy prior to January 1, 2012, may be subject to the rules pertaining to energy efficiency and energy conservation that were in effect on December 31, 2011. The addition to commercial buildings and structures that received a certificate of occupancy prior to January 1, 2012, may be subject to the rules pertaining to energy efficiency and energy conservation that were in effect on December 31, 2011, so long as the addition does not increase the building area of the existing commercial building or structure to more than one hundred fifty percent (150%) of the building area of the commercial building or structure as it was in existence on December 31, 2011. For the purpose of this subsection, the term "commercial buildings and structures" shall include all structures and buildings that are not classified as a Group R occupancy by the Building Code Council.

...

(b18) Exclusion From Energy ~~Efficiency~~-Conservation Code Requirements for Certain Use and Occupancy Classifications. – The Building Code Council shall provide for an exemption from any requirements in the energy efficiency standards pursuant to Chapter 13 of the 2012

North Carolina Building Code and the 2012 Energy Conservation Code, and any subsequent amendments to the North Carolina Building Code and North Carolina Energy Conservation Code, for the following use and occupancy classifications pursuant to Chapter 3 of the 2012 North Carolina Building Code: Section 306, Factory Group F; Section 311, Storage Group S; and Section 312, Utility and Miscellaneous Group U. This exclusion shall apply to the entire floor area of any structure for which the primary use or occupancy is listed herein.

(b19) Exclusion From Energy Efficiency Code Requirements for Residential Garages. – The Residential Code Council shall provide for an exemption for detached and attached garages located on the same lot as a dwelling from any requirements in the energy efficiency standards pursuant to Chapter 11 of the North Carolina Residential Code ~~for One and Two Family Dwellings~~ and Chapter 4 of the North Carolina Energy Conservation Code.

...

(b22) (Expires December 31, 2024 – see note) Limit Requirement for Certain Plans to be Under Professional Seal. – The North Carolina State Building Code shall not require that plans and specifications for any alteration, remodeling, renovation, or repair of a commercial building or structure be prepared by and under the seal of a registered architect licensed under Chapter 83A of the General Statutes, or a registered engineer licensed under Chapter 89C of the General Statutes, if the alteration, remodeling, renovation, or repair costs less than three hundred thousand dollars (\$300,000) or if the total building area does not exceed 3,000 square feet in gross floor area and all of the following apply:

- (1) The alteration, remodeling, renovation, or repair does not include the addition, repair, or replacement of load-bearing structures.
- (2) The alteration, remodeling, renovation, or repair is not subject to the requirements of G.S. 133-1.1(a).
- (3) The alteration, remodeling, renovation, or repair is performed in accordance with the current edition of the North Carolina Fire ~~Prevention~~ Code.

(c) Standards to Be Followed in Adopting the Code. – All regulations contained in the North Carolina State Building Code shall have a reasonable and substantial connection with the public health, safety, morals, or general welfare, health and safety, and their provisions shall be construed reasonably to those ends. Requirements of the Code shall conform to good engineering practice. The Building Code Council and Residential Code Council may use as guidance, but is not required to adopt, the requirements of the International Building Code of the International Code Council, the Standard Building Code of the Southern Building Code Congress International, Inc., the Uniform Building Code of the International Conference of Building Officials, the National Building Code of the Building Officials and Code Administrators, Inc., the National Electric Code, the Life Safety Code, the National Fuel Gas Code, the Fire Prevention Code of the National Fire Protection Association, the Safety Code for Elevators and Escalators, and the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, and standards promulgated by the American National Standards Institute, Standards Underwriters' Laboratories, Inc., and similar national or international agencies engaged in research concerning strength of materials, safe design, and other factors bearing upon health and safety.

...

(d) Amendments of the Code. – ~~Subject to the procedures set forth in G.S. 143-136(e) and (d), the~~ The Building Code Council and Residential Code Council may periodically revise and amend ~~the those parts of the North Carolina State Building Code, Code for which those Councils are responsible,~~ either on ~~its~~ their own motion or upon application from any citizen, State agency, or political subdivision of the State. In addition to the periodic revisions or amendments made by the responsible Council, the Residential Code Council ~~shall, following the procedure set forth in G.S. 143-136(e),~~ shall perform a comprehensive review and revise or amend the North Carolina State Building Code: Residential Code for One and Two Family Dwellings, Code, including provisions applicable to ~~One and Two Family Dwellings dwellings~~

covered by the North Carolina Residential Code, from the ~~NC~~North Carolina Energy Conservation Code, ~~NC~~North Carolina Electrical Code, ~~NC~~North Carolina Fuel Gas Code, ~~NC~~North Carolina Plumbing Code, and ~~NC~~North Carolina Mechanical Code only every six years, to become effective the first day of January of the following year, with at least six months between adoption and effective date. The first six-year revision by the Residential Council under this subsection shall be adopted to become effective January 1, ~~2019, 2031,~~ and every six years thereafter. After its appointment pursuant to G.S. 143-136.1, the Residential Code Council shall review the North Carolina Energy Conservation Code, the North Carolina Fuel Gas Code, and the North Carolina Mechanical Code and may amend the relevant chapters of the North Carolina Residential Code, affected by that review, by January 1, 2026. Following the adoption of amendments to the North Carolina Residential Code affected by that review, the North Carolina Residential Code shall also be subject to the first six-year revision under this subsection. In adopting any amendment, the Building Code Council and Residential Code Council shall comply with the same procedural requirements and the same standards set forth above for adoption of the Code. The Building Code Council and Residential Code Council, through the Department of Insurance, shall publish in the North Carolina Register all appeal decisions made by the responsible Code Council and all formal opinions at least semiannually. The Building Code Council and Residential Code Council, through the Department of Insurance, shall also publish at least semiannually in the North Carolina Register a statement providing the accurate Web-site website address and information on how to find additional commentary and interpretation of the Code.

(d1) Cost-Benefit Analysis. – When the Building Code Council or Residential Code Council revises or amends the North Carolina State Building Code, ~~Code~~, or any part of the Code, as provided in subsection (d) of this section and considers an economic analysis or cost-benefit analysis of the proposed revision or amendment, the responsible Code Council shall not limit its review to an economic analysis or cost-benefit analysis submitted by the proponent of the proposed revision or amendment but shall either conduct its own economic analysis or cost-benefit analysis or consider an economic analysis or cost-benefit analysis submitted other than by the proponent of the proposed revision or amendment. This section shall not apply to a proposal for revision or amendment made upon motion of a responsible Code Council or submitted by a State agency or political subdivision of the State.

(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the Building-responsible Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council or Residential Code Council, or in the event that approval is withdrawn, local fire prevention codes

and regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the ~~State Building Code~~, may be approved. Local governments may enforce the fire prevention code of the ~~State Building Code~~ using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

A local government may not adopt any ordinance ~~in~~ conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section.

...

(g) Publication and Distribution of Code. – The Building Code Council and Residential Code Council shall cause to be printed, after adoption by ~~the~~ each responsible Code Council, the North Carolina State Building ~~Code~~ Code, or any part of the Code, and each amendment thereto. It shall, at the State's expense, distribute copies of the Code and each amendment to State and local governmental officials, departments, agencies, and educational institutions, as is set out in the table below. (Those marked by an asterisk will receive copies only on written request to the Council.)

OFFICIAL OR AGENCY	NUMBER OF COPIES
State Departments and Officials	
Governor	1
Lieutenant Governor	1
Auditor	1
Treasurer	1
Secretary of State	1
Superintendent of Public Instruction.....	1
Attorney General (Library)	1
Commissioner of Agriculture.....	1
Commissioner of Labor.....	1
Commissioner of Insurance	1
Department of Environmental	
Quality.....	1
Department of Health and Human Service	1
Division of Adult Correction and Juvenile Justice of the	
Department of Public Safety	1
Board of Transportation	1
Utilities Commission.....	1
Department of Administration	1
Clerk of the Supreme Court	1
Clerk of the Court of Appeals	1
Department of Natural and Cultural Resources [State	
Library]	1
Supreme Court Library	1
Legislative Library	1
Office of Administrative Hearings.....	1
Rules Review Commission	1

Schools

All state-supported colleges and universities
in the State of North Carolina *1 each

Local Officials

Clerks of the Superior Courts..... 1 each

Chief Building Inspector of each incorporated
municipality or county 1

In addition, the Building Code Council and Residential Code Council shall make additional copies available at such price as it shall deem reasonable to members of the general public. The proceeds from sales of the ~~Building Code Code~~, or any part of the Code, shall be credited to the Insurance Regulatory Fund under G.S. 58-6-25.

...

(j) Subsection (i) of this section does not apply to business occupancy buildings as defined in the North Carolina ~~State~~ Building Code except that evacuation plans as required on page 8, lines 2 through 16, and smoke detectors as required for Class I Buildings as required by Section 1008.2, page 11, lines 5 through 21; Class II Buildings as required by Section 1008.3, page 17, lines 17 through 28 and page 18, lines 1 through 10; and Class III Buildings, as required by Section 1008.4, lines 21 through 25 shall not be exempted from operation of this act as applied to business occupancy buildings, except that the Council shall adopt rules that allow a business occupancy building built prior to 1953 to have a single exit to remain if the building complies with the North Carolina Building Code on or before December 31, 2006.

(j1) A nonbusiness occupancy building built prior to the adoption of the 1953 Building Code that is not in compliance with Section 402.1.3.5 of Volume IX of the Building Code or Section 3407.2.2 of Volume I of the Building Code must comply with the applicable sections by December 31, 2006.

...

"§ 143-138.1. Introduction and instruction of the North Carolina State Building Code; posting of written commentaries and interpretations on Department of Insurance ~~Web site~~website.

(a) Prior to the effective date of Code changes pursuant to G.S. 143-138, the ~~State Building responsible~~ Code Council and Department of Insurance shall provide for instructional classes for the various trades affected by the ~~Code changes~~. The Department of Insurance shall develop the curriculum for each class but shall consult the affected licensing boards and trade organizations. The curriculum shall include explanations of the rationale and need for each Code amendment or revision. Classes may also be conducted by, on behalf of, or in cooperation with licensing boards, trade associations, and professional societies. The Department of Insurance may charge fees sufficient to recover the costs it incurs under this section. The responsible Code Council shall ensure that courses are accessible to persons throughout the State.

(b) The Department of Insurance shall post and maintain on that portion of its ~~Web site~~ website devoted to the Building Code Council and Residential Code Council written commentaries and written interpretations made and given by staff to ~~the each responsible Code Council~~ and the Department for each section of the North Carolina State Building Code within 10 business days of issuance.

"§ 143-139. Enforcement of the North Carolina State Building Code.

(a) Procedural Requirements. – Subject to the provisions set forth herein, the Building Code Council and Residential Code Council shall adopt such procedural requirements in the North Carolina State Building Code as shall appear reasonably necessary for adequate enforcement of the Code while safeguarding the rights of persons subject to the Code.

...

"§ 143-139.1. Certification of manufactured buildings, structures or components by recognized independent testing laboratory; minimum standards for single-family, on-frame modular homes.

(a) Certification. – The North Carolina State Building Code may provide, in circumstances deemed appropriate by the ~~Building-responsible~~ Code Council, for testing, evaluation, inspection, and certification of buildings, structures or components manufactured off the site on which they are to be erected, by a recognized independent testing laboratory having follow-up inspection services approved by the ~~Building-responsible~~ Code Council. Approval of such buildings, structures or components shall be evidenced by labels or seals acceptable to the responsible Council. All building units, structures or components bearing such labels or seals shall be deemed to meet the requirements of the North Carolina State Building Code and this Article without further inspection or payment of fees, except as may be required for the enforcement of the Code relative to the connection of units and components and enforcement of local ordinances governing zoning, utility connections, and foundations permits. The Building Code Council and Residential Code Council shall adopt and may amend from time to time such reasonable and appropriate rules and regulations as ~~it deems they deem~~ necessary for approval of agencies offering such testing, evaluation, inspection, and certification services and for overseeing their operations. Such rules and regulations shall include provisions to insure that such agencies are independent and free of any potential conflicts of interest which might influence their judgment in exercising their functions under the ~~Code, for which they are responsible.~~ Such rules and regulations may include a schedule of reasonable fees to cover administrative expenses in approving and overseeing operations of such agencies and may require the posting of a bond or other security satisfactory to the responsible Code Council guaranteeing faithful performance of duties under the Code.

The ~~Building-responsible~~ Code Council may also adopt rules to insure that any person that is not licensed, in accordance with G.S. 87-1, and that undertakes to erect a North Carolina labeled manufactured modular building, meets the manufacturer's installation instructions and applicable provisions of the North Carolina State Building Code. Any such person, before securing a permit to erect a modular building, shall provide the code enforcement official proof that he has in force for each modular building to be erected a \$5,000 surety bond insuring compliance with the regulations of the North Carolina State Building Code governing installation of modular buildings.

...

"§ 143-139.2. Enforcement of insulation requirements; certificate for occupancy; no electric service without compliance.

(a) In addition to other enforcement provisions set forth in this Chapter, no single family or multi-unit residential building on which construction is begun in North Carolina on or after January 1, 1978, shall be occupied until it has been certified as being in compliance with the minimum insulation standards for residential construction, as prescribed in the North Carolina State Building Code or as approved by the ~~Building-responsible~~ Code Council as provided in G.S. 143-138(e).

(b) No public supplier of electric service, including regulated public utilities, municipal electric service and electric membership corporations, shall connect for electric service to an occupant any residential building on which construction is begun on or after January 1, 1978, unless said building complies with the insulation requirements of the North Carolina State Building Code or of local building codes approved by the ~~Building Codes-responsible~~ Code Council as provided in G.S. 143-138(e), and has been certified for occupancy in compliance with the minimum insulation standards of the North Carolina State Building Code or of any local modification approved as provided in G.S. 143-138(e), by a person designated as an inspector pursuant to subsection (a) of this section.

(c) This section shall apply only in any county or city that elects to enforce the insulation and energy utilization standards of the North Carolina State Building Code pursuant to G.S. 143-151.27.

...

"§ 143-140. Hearings before enforcement agencies as to questions under the North Carolina State Building Code.

(a) Any person desiring to raise any question under this Article or under the North Carolina State Building Code shall be entitled to a technical interpretation from the appropriate enforcement agency, as designated in the preceding section. Upon request in writing by any such person, the enforcement agency through an appropriate official shall within a reasonable time provide a written interpretation, setting forth the facts found, the decision reached, and the reasons therefor. In the event of dissatisfaction with such decision, the person affected shall have the options of:

- (1) Appealing to the Building Code Council or the Residential Code Council.
- (2) Appealing directly to the Superior Court, as provided in G.S. 143-141.

(b) If an interpretation under this section or under G.S. 143-141(b) changes after a building permit is issued, the permit applicant may choose which version of the interpretation will apply to the permit, unless such a choice would cause harm to life or property.

"§ 143-140.1. Alternative design construction and methods; appeals.

~~The North Carolina Building Code Council shall, by January 1, 2023, promulgate rules, procedures, and policies for the approval of alternative designs and construction. Alternative designs and construction shall that follow the North Carolina State Building Code. The Residential Code Council shall, by January 1, 2026, promulgate rules, procedures, and policies for the approval of alternative designs and construction that follow the North Carolina State Building Code.~~ In the event of a dispute between a local authority having jurisdiction and the designer or owner-representative regarding alternative designs and construction, and notwithstanding any other section within this Article, appeals by the designer or owner-representative on matters pertaining to alternative design construction or methods shall be heard by the Department of Insurance Engineering Division. The Department of Insurance Engineering Division shall issue its decision regarding an appeal filed under this section within 10 business days. The Commissioner of Insurance shall adopt rules in furtherance of this section.

"§ 143-141. Appeals to Building Code Council and Residential Code Council.

(a) Method of Appeal. – Whenever any person desires to take an appeal to the Building responsible Code Council from the decision of a State enforcement agency relating to any matter under this Article or under the North Carolina State Building Code, ~~he the appellant shall~~ within 30 days after ~~such the~~ decision give written notice of appeal to the Building responsible Code Council through the Division of Engineering of the Department of Insurance ~~that he desires to take an appeal. Insurance.~~ A copy of ~~such the~~ notice of appeal shall be filed at the same time with the enforcement agency from which the appeal is taken. The chairman of the Building responsible Code Council shall fix a reasonable time and place for a hearing, giving reasonable notice to the appellant and to the enforcement agency. Such hearing shall be not later than the next regular meeting of the responsible Code Council. The Building responsible Code Council shall thereupon conduct a full and complete hearing as to the matters in controversy, after which it shall within a reasonable time give a written decision setting forth its findings of fact and its conclusions.

(b) Interpretations of the Code. – The Building responsible Code Council shall have the duty, in hearing appeals, to give interpretations of such provisions of the North Carolina State Building Code as ~~shall be~~ pertinent to the ~~matter at issue. appeal.~~ Where the responsible Code Council finds that an enforcement agency was in error in its interpretation of the Code, it shall remand the case to the agency with instructions to take such action as it directs. Interpretations by the responsible Code Council and local enforcement officials shall be based on a reasonable construction of the Code provisions.

(c) Variations of the Code. – Where the Building responsible Code Council finds on appeal that materials or methods of construction proposed to be used are as good as those required by the Code, it shall remand the case to the enforcement agency with instructions to permit the use of such materials or methods of construction. The responsible Code Council shall thereupon

immediately initiate procedures for amending the Code as necessary to permit the use of such materials or methods of construction.

(c1) Posting on Department ~~Web Site~~ Website – The Department of Insurance shall post and maintain on that portion of its ~~Web site~~ website devoted to the ~~Building-responsible~~ Code Council all appeal decisions, interpretations, and variations of the Code issued by the responsible Code Council within 10 business days of issuance.

(d) Further Appeals to the Courts. – Whenever any person desires to take an appeal from a decision of the ~~Building-responsible~~ Code Council or from the decision of an enforcement agency (with or without an appeal to the ~~Building-responsible~~ Code Council), ~~he~~ the appellant may take an appeal either to the Wake County Superior Court or to the superior court of the county in which the proposed building is to be situated, in accordance with the provisions of Chapter 150B of the General Statutes.

"§ 143-142. Further duties of the ~~Building Code Council~~ Councils.

(a) Recommended Statutory Changes. – It shall be the duty of the ~~Building-responsible~~ Code Council to make a thorough and continuing study of the building laws of the State, including both the statutes enacted by the General Assembly and the rules and regulations adopted by State and local agencies. On the basis of such ~~study~~ studies, the responsible Council shall from time to time recommend to the ~~1959 and subsequent General Assemblies~~ Assembly desirable statutory changes to simplify and improve such laws.

(b) Recommend Changes in Enforcement Procedures. – It shall be the duty of the ~~Building-responsible~~ Code Council to make a thorough and continuing study of the manner in which the building laws of the State are enforced by State, local, and private agencies. On the basis of such studies, the Council may recommend to the General Assembly any statutory changes necessary to improve and simplify the enforcement machinery. The responsible Code Council may also advise State agencies as to any changes in administrative practices which could be made to improve the enforcement of building laws without statutory changes.

...

"§ 143-143.2. Electric wiring of houses, buildings, and structures.

(a) The electric wiring of houses or buildings for lighting or for other purposes shall conform to the requirements of the North Carolina State Building Code and any other applicable State and local laws.

...

"§ 143-143.3. Temporary toilet facilities at construction sites.

(a) Suitable toilet facilities shall be provided and maintained in a sanitary condition during construction. An adequate number of facilities must be provided for the number of employees at the construction site. There shall be at least one facility for every two contiguous construction sites. Such facilities may be portable, enclosed, chemically treated, tank-tight units. Portable toilets shall be enclosed, screened, and weatherproofed with internal latches. Temporary toilet facilities need not be provided on-site for crews on a job site for no more than one working day and having transportation readily available to nearby toilet facilities.

(b) It shall be the duty of the ~~Building-responsible~~ Code Council to establish standards to carry out the provisions of subsection (a) of this section not inconsistent with the requirements for toilet facilities at construction sites established pursuant to federal occupational safety and health rules.

...."

SECTION 1.(b) G.S. 143-136(c) is repealed.

SECTION 1.(c) G.S. 160D-102(14) reads as rewritten:

"(14) Development regulation. – A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless

telecommunication facility regulation, historic preservation or landmark regulation, housing code, North Carolina State Building Code enforcement, or any other regulation adopted pursuant to this Chapter, or a local act or charter that regulates land use or development."

SECTION 1.(d) G.S. 160D-702 reads as rewritten:

"§ 160D-702. Grant of power.

(a) A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land. A local government may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. Where appropriate, a zoning regulation may include 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.

(b) Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code ~~for One and Two Family Dwellings~~ except under one or more of the following circumstances:

- (1) The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.
- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code ~~for One and Two Family Dwellings~~ Code.

Nothing in this subsection affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

(c) A zoning or other development regulation shall not do any of the following:

- (1) Set a minimum square footage of any structures subject to regulation under the ~~North Carolina Residential Code for One and Two Family Dwellings Code.~~
- (2) Set a maximum parking space size larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking."

SECTION 1.(e) G.S. 160D-804(i) reads as rewritten:

"(i) Minimum Square Footage Exemption. – The regulation shall not set a minimum square footage of any structures subject to regulation under the ~~North Carolina Residential Code for One and Two Family Dwellings Code.~~"

SECTION 1.(f) G.S. 160D-706(b) reads as rewritten:

"(b) When adopting regulations under this Article, a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of those terms in another statute or in a rule adopted by a State agency, including the ~~State Building Code Council or Residential Code Council.~~"

SECTION 1.(g) G.S. 160D-915(a)(5) reads as rewritten:

"(5) Temporary family health care structure. – A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the North Carolina State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted."

SECTION 1.(h) G.S. 160D-1001(c) reads as rewritten:

"(c) This Article is supplemental to the powers conferred upon local governments and does not preclude or supersede rights and obligations established pursuant to other law regarding development approvals, site-specific vesting plans, or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the North Carolina State Building Code or State or local housing codes that are not part of the local government's development regulations. When the governing board approves the rezoning of any property associated with a development agreement executed and recorded pursuant to this Article, the provisions of G.S. 160D-605(a) apply."

SECTION 1.(i) G.S. 160D-1103 reads as rewritten:

"§ 160D-1103. Qualifications of inspectors.

No local government shall employ an inspector to enforce the North Carolina State Building Code who does not have one of the following types of certificates issued by the North Carolina Code Officials Qualification Board attesting to the inspector's qualifications to hold such position: (i) a probationary certificate, (ii) a standard certificate, or (iii) a limited certificate which shall be valid only as an authorization to continue in the position held on the date specified in G.S. 143-151.13(c) and which shall become invalid if the inspector does not successfully complete in-service training specified by the Qualification Board within the period specified in G.S. 143-151.13(c). An inspector holding one of the above certificates can be promoted to a position requiring a higher level certificate only upon issuance by the Board of a standard certificate or probationary certificate appropriate for such new position."

SECTION 1.(j) G.S. 160D-1104, as amended by Section 4(b) of this act, reads as rewritten:

"§ 160D-1104. Duties and responsibilities.

...

(c) In performing the specific inspections required by the North Carolina State Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected fails to meet the requirements of the ~~North Carolina Residential Code for One and Two Family Dwellings~~ or the North Carolina State Building Code.

(d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may not adopt or enforce a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code ~~for One and Two Family Dwellings~~ in addition to the specific inspections required by the North Carolina State Building Code without first obtaining approval from the ~~North Carolina Building Residential Code Council~~. A local government may not adopt or enforce a local ordinance or resolution or any other policy that requires routine exterior sheathing inspections for structures or dwellings covered by the North Carolina Building Code or North Carolina Residential Code located in a region where the ultimate wind speed is less than 140 miles per hour. The ~~North Carolina Building Residential Code Council~~ shall review all applications for additional inspections requested by a local government and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the local government to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Residential ~~Building Code~~, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code ~~for One and Two Family Dwellings~~ or the North Carolina State Building Code. When a subsequent inspection is conducted to verify completion or correction of instances of Code noncompliance, any additional violations of the Code noted by the inspector on items already approved by the inspections department shall not delay the issuance of a temporary certificate of occupancy, and the inspections department shall not charge a fee for reinspection of those items.

...."

SECTION 1.(k) G.S. 160D-1106 reads as rewritten:

"§ 160D-1106. Alternate inspection method for component or element.

(a) Notwithstanding the requirements of this Article, a local government shall accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from an architect licensed under Chapter 83A of the General Statutes or professional engineer licensed under Chapter 89C of the General Statutes provided all of the following apply:

- ...
- (3) The licensed architect or licensed professional engineer under subdivision (2) of this subsection provides the local government with a signed written document certifying that the component or element of the building inspected under subdivision (2) of this subsection is in compliance with the North Carolina ~~State Building Code or the North Carolina Residential Code for One and Two Family Dwellings~~ Code. The certification required under this subdivision shall be provided by electronic or physical delivery, [and] its receipt shall be promptly acknowledged by the local government through reciprocal means. The certification shall be made on a ~~form~~ forms created by the ~~North Carolina Building Code Council~~ and Residential Code Council which shall include at least the following:

- a. Permit number.
- b. Date of inspection.
- c. Type of inspection.
- d. Contractor's name and license number.
- e. Street address of the job location.
- f. Name, address, and telephone number of the person responsible for the inspection.

...

(c) With the exception of the requirements contained in subsection (a) of this section, no further certification by a licensed architect or licensed professional engineer is required for any component or element designed and sealed by a licensed architect or licensed professional engineer for the manufacturer of the component or element under the North Carolina State Building Code or the North Carolina Residential Code for One and Two Family Dwellings Code.

...."

SECTION 1.(l) G.S. 160D-1109(b) reads as rewritten:

"(b) A member of the inspection department shall not be in violation of this section when the local government, its inspection department, or one of the inspectors accepted a signed written document of compliance with the North Carolina State Building Code or the North Carolina Residential Code for One and Two Family Dwellings from a licensed architect or licensed engineer in accordance with G.S. 160D-1104(d)."

SECTION 1.(m) G.S. 160D-1110, as amended by Section 2(g) of this act, reads as rewritten:

"§ 160D-1110. Building permits.

(a) Except as provided in subsection (c) of this section, no person shall commence or proceed with any of the following without first securing all permits required by the North Carolina State Building Code and any other State or local laws applicable to any of the following activities:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.
- (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 North Carolina State Building Code.
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.
- (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 North Carolina State Building Code, including the ~~State~~North Carolina Electrical Code.

However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subsection applies to all existing installations.

(b) A building permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, provided that the local government may review and approve the residential building plans as it deems necessary. If a local government chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential ~~Code for One- and Two-Family Dwellings, Code~~, all initial reviews for the building permit must be performed within 15 business days of submission of the plans. A local government shall not require residential building plans for one- and two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by the North Carolina State Building Code. No building permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and, if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no building permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes of North Carolina or of any ordinance or development or zoning regulation requires that work be done by a licensed specialty contractor of any kind, no building permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor.

...

(g) No building permit shall be issued pursuant to subdivision (1) of subsection (a) of this section where the cost of the work is forty thousand dollars (\$40,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina ~~Uniform Residential Building Code~~, the use of which is incidental to that residential dwelling unit, unless the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. Where the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in

G.S. 143-143.9(6), the purchase price of the manufactured home shall be excluded in determining whether the cost of the work is forty thousand dollars (\$40,000) or more.

...."

SECTION 1.(n) G.S. 160D-1112 reads as rewritten:

"§ 160D-1112. Changes in work.

After a building permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the North Carolina State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained from the inspection department."

SECTION 1.(o) G.S. 160D-1114 reads as rewritten:

"§ 160D-1114. Appeals of stop orders.

(a) The owner or builder may appeal from a stop order involving alleged violation of the North Carolina State Building Code or any approved local modification thereof to the North Carolina Commissioner of Insurance or his designee within a period of five days after the order is issued. Notice of appeal shall be given in writing to the Commissioner of Insurance or his designee, with a copy to the local inspector. The Commissioner of Insurance or his or her designee shall promptly conduct an investigation, and the appellant and the inspector shall be permitted to submit relevant evidence. The Commissioner of Insurance or his or her designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the Commissioner of Insurance or his or her designee on an appeal, no further work shall take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the following options:

- (1) Appealing to the Building Code Council or Residential Code Council.
- (2) Appealing to the superior court as provided in G.S. 143-141.

(b) The owner or builder may appeal from a stop order involving alleged violation of a local development regulation as provided in G.S. 160D-405."

SECTION 1.(p) G.S. 160D-1127 reads as rewritten:

"§ 160D-1127. Appeals.

Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local inspection department pertaining to the North Carolina State Building Code or other State building laws shall be taken to the Commissioner of Insurance or the Commissioner's designee or other official specified in G.S. 143-139 by filing a written notice with the Commissioner and with the inspection department within a period of 10 days after the order, decision, or determination. Further appeals may be taken to the State-Building Code Council or Residential Code Council or to the courts as provided by law."

SECTION 1.(q) Subject to Section 7 and Section 8 of this act, nothing in this section shall be construed to affect the timing of, or abrogate the duties of, the Building Code Council in its revision of the North Carolina State Building Code collection, including the North Carolina State Building Code: Residential Code for One- and Two-Family Dwellings, into the 2024 North Carolina State Building Code collection, to become effective on January 1, 2025, as required by G.S. 143-138(d) prior to the effective date of the remainder of this section.

SECTION 1.(r) Subsection (q) of this section is effective when it becomes law, and the remainder of this section becomes effective January 1, 2025.

DEPARTMENT OF INSURANCE TO REPORT ON BUILDING CODE COUNCIL REORGANIZATION AND CREATION OF THE RESIDENTIAL CODE COUNCIL AND CLARIFICATION OF STATUTORY REFERENCES TO THE NORTH CAROLINA STATE BUILDING CODE

SECTION 1A. The Department of Insurance, in consultation with the Building Code Council, shall report to the chair of the House Local Government – Land Use, Planning and Development Committee, the chair of the Senate State and Local Government Committee, and the Joint Legislative Commission on Governmental Operations on or before January 31, 2024, and submit recommendations for legislative changes necessary to implement the reorganization of the Building Code Council, the creation of the Residential Code Council, and clarifications of statutory references to the North Carolina State Building Code, and its volumes, under Section 1 of this act. This report shall include recommended statutory changes, subject matter clarifications, and any additional information the Department deems relevant.

MODIFY PERMIT EXEMPTIONS AND RESTRICTIONS WITH RELATED GENERAL CONTRACTOR LICENSURE AND CONFORMING CHANGES

SECTION 2.(a) G.S. 87-1(a) reads as rewritten:

"(a) For the purpose of this Article any person or firm or corporation who for a fixed price, commission, fee, or wage, undertakes to bid upon or to construct or who undertakes to superintend or manage, on his own behalf or for any person, firm, or corporation that is not licensed as a general contractor pursuant to this Article, the construction of any building, highway, public utilities, grading or any improvement or structure where the cost of the undertaking is ~~thirty-four~~ thirty-four thousand dollars ~~(\$30,000)-(\$40,000)~~ or more, or undertakes to erect a North Carolina labeled manufactured modular building meeting the North Carolina State Building Code, shall be deemed to be a "general contractor" engaged in the business of general contracting in the State of North Carolina."

SECTION 2.(b) G.S. 87-14 reads as rewritten:

"§ 87-14. Regulations as to issue of building permits.

(a) Any person, firm, or corporation, upon making application to the building inspector or other authority of any incorporated city, town, or county in North Carolina charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, grading, or any improvement or structure where the cost is to be ~~thirty-four~~ thirty-four thousand dollars ~~(\$30,000)-(\$40,000)~~ or more, shall, before being entitled to a permit, satisfy the following:

- (1) Furnish satisfactory proof to the inspector or authority that the applicant seeking the permit or another person contracting to superintend or manage the construction is licensed under this Article to carry out or superintend the construction or is exempt from licensure under G.S. 87-1(b). If an applicant claims an exemption from licensure pursuant to G.S. 87-1(b)(2), the applicant for the building permit shall execute a verified affidavit attesting to the following:
 - a. That the applicant is the owner of the property on which the building is being constructed and, if the applicant is a firm or corporation, that the person submitting the application is an owner, officer, or member of the firm or corporation that owns the property.
 - b. That the applicant will personally superintend and manage all aspects of the construction of the building and that the duty will not be delegated to any other person not licensed under this Article.
 - c. That the applicant will be personally present for all inspections required by the North Carolina State Building Code, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes.

The building inspector or other authority shall transmit a copy of the affidavit to the Board, which shall verify that the applicant was validly entitled to claim the exemption under G.S. 87-1(b)(2). If the Board determines that the

applicant was not entitled to claim the exemption under G.S. 87-1(b)(2), the building permit shall be revoked pursuant to G.S. 160D-1115.

- (2) Furnish proof that the applicant has in effect Workers' Compensation insurance as required by Chapter 97 of the General Statutes.

...

(a1) Any person, firm, or corporation, upon making application to the building inspector or other authority of any incorporated city, town, or county in North Carolina charged with the duty of issuing building permits pursuant to G.S. 160D-1110 for any improvements for which the combined cost is to be ~~thirty-four~~ thirty-four thousand dollars ~~(\$30,000)-(\$40,000)~~ or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, shall be required to provide to the building inspector or other authority the name, physical and mailing address, telephone number, facsimile number, and email address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a).

...."

SECTION 2.(c) G.S. 143-138(b5) reads as rewritten:

"(b5) Permit Exclusion for Certain Minor Activities. – No permit shall be required under the Code or any local variance thereof approved under subsection (e) for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code and costing ~~twenty thousand dollars (\$20,000)-forty thousand dollars (\$40,000)~~ or less in any single family residence, farm building, or commercial building unless the work involves any of the following:

- (1) The addition, repair, or replacement of load bearing structures. However, no permit is required for replacements of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks that otherwise meet the requirements of this subsection.
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- (3) The addition, replacement or change in the design of heating, air conditioning, or electrical wiring, appliances, or equipment, other than a like-kind replacement of electrical devices and lighting fixtures.
- (4) The use of materials not permitted by the North Carolina State Building Code.
- (5) The addition (excluding replacement) of roofing.
- (6) Any changes to which the North Carolina Fire ~~Prevention~~-Code applies."

SECTION 2.(d) G.S. 143-138(b21) reads as rewritten:

"(b21) Exclusion for Certain Minor Activities in Commercial Buildings and Structures. – No permit shall be required under the Code or any local variance thereof approved under subsection (e) of this section for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code costing ~~twenty thousand dollars (\$20,000)-forty thousand dollars (\$40,000)~~ or less in any commercial building or structure unless the work involves any of the activities described in subdivisions (1) through (6) of subsection (b5) of this section. For the purpose of determining applicability of permit exclusions for a commercial building or structure under this subsection, subsection (b5) of this section, and G.S. 160D-1110(c), cost is the total cost of work, including all building addition, demolition, alteration, and repair work, occurring on the property within 12 consecutive months."

SECTION 2.(e) G.S. 160D-1110(c) reads as rewritten:

"(c) No permit issued under Article 9 or 9C of Chapter 143 of the General Statutes is required for any construction, installation, repair, replacement, or alteration performed in

accordance with the current edition of the North Carolina State Building Code costing ~~twenty thousand dollars (\$20,000)~~ forty thousand dollars (\$40,000) or less in any single-family residence, farm building, or commercial building unless the work involves any of the following:

- (1) The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks that otherwise meet the requirements of this subsection.
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- (3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.
- (4) The use of materials not permitted by the North Carolina State Building Code.
- (5) The addition (excluding replacement) of roofing."
- (6) Any changes to which the North Carolina Fire ~~Prevention~~ Code applies."

SECTION 2.(f) G.S. 160D-1110(d) reads as rewritten:

"(d) A local government shall not ~~require~~ do any of the following:

- (1) Require more than one building permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. 87-21 or G.S. 87-43. The cost of the building permit for such work shall not exceed the cost of any one individual trade permit issued by that local government, nor shall the local government increase the costs of any fees to offset the loss of revenue caused by this provision.
- (2) Require more than one building permit for simultaneous projects at the time of the application located at the same address and subject to the North Carolina Residential Code."

SECTION 2.(g) G.S. 160D-1110(g) reads as rewritten:

"(g) No building permit shall be issued pursuant to subdivision (1) of subsection (a) of this section where the cost of the work is ~~thirty-four~~ thirty-four thousand dollars ~~(\$30,000)-(\$40,000)~~ or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, unless the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. Where the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in G.S. 143-143.9(6), the purchase price of the manufactured home shall be excluded in determining whether the cost of the work is ~~thirty-four~~ thirty-four thousand dollars ~~(\$30,000)-(\$40,000)~~ or more."

SECTION 2.(h) G.S. 44A-11.1(a) reads as rewritten:

"(a) With regard to any improvements to real property to which this Article is applicable for which the costs of the undertaking are ~~thirty-four~~ thirty-four thousand dollars ~~(\$30,000)-(\$40,000)~~ or more, either at the time that the original building permit is issued or, in cases in which no building permit is required, at the time the contract for the improvements is entered into with the owner,

the owner shall designate a lien agent no later than the time the owner first contracts with any person to improve the real property. Provided, however, that the owner is not required to designate a lien agent for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that is occupied by the owner as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residence. The owner shall deliver written notice of designation to its designated lien agent by any method authorized in G.S. 44A-11.2(f), and shall include in its notice the street address, tax map lot and block number, reference to recorded instrument, or any other description that reasonably identifies the real property for the improvements to which the lien agent has been designated, and the owner's contact information. Designation of a lien agent pursuant to this section does not make the lien agent an agent of the owner for purposes of receiving a Claim of Lien on Real Property, a Notice of Claim of Lien upon Funds, a Notice of Subcontract, or for any purpose other than the receipt of notices to the lien agent required under G.S. 44A-11.2."

SECTION 2.(i) G.S. 89D-12(c) reads as rewritten:

"(c) A landscape contractor licensed under this Chapter is not required to be licensed as a general contractor under Article 1 of Chapter 87 of the General Statutes if the licensed landscape contractor is performing landscape construction or contracting work valued at an amount greater than ~~thirty-four~~ thirty thousand dollars ~~(\$30,000)-(\$40,000).~~"

SECTION 2.(j) This section becomes effective October 1, 2023, and subsections (b) through (g) of this section apply to permit applications for construction, installation, repair, replacement, remodeling, renovation, or alteration projects submitted on or after that date.

AUTHORIZE ALTERNATIVE PAVEMENT DESIGN STANDARDS WITHIN DEVELOPMENTS

SECTION 3.(a) G.S. 160D-804 is amended by adding a new subsection to read:

"(j) Private Driveway Pavement Design Standards. – The regulation shall not require pavement design standards for new private driveway construction that are more stringent than the minimum pavement design standards adopted by the North Carolina Department of Transportation. Notwithstanding any regulation adopted by the local government, the local government must accept engineered pavement design standards that do not meet minimum standards required by the Department of Transportation if the proposed design standard is signed and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes, and meets vehicular traffic and fire apparatus access requirements. This subsection applies to construction of new privately owned driveways, parking lots, and driving areas associated with parking lots within a new development or subdivision that the developer designates as private and that are intended to remain privately owned after construction. If driveways, parking lots, and driving areas associated with parking lots are constructed to pavement design standards that do not meet minimum standards required by a regulation adopted by the local government, as authorized by this subsection, the developer must include disclosures to prospective buyers as outlined in G.S. 136-102.6(f) prior to entering into any agreement or any conveyance with any prospective buyer. A local government is discharged and released from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from any claim arising out of, or attributed to, the plan review or acceptance of signed and sealed pavement design standards submitted pursuant to this subsection. Nothing in this section limits the authority of local governments or the Department of Transportation to regulate private roads, driveways, or street connections to a public system, or to regulate transportation and utilities, pursuant to subsection (c) of this section, or as otherwise authorized by law."

SECTION 3.(b) This section becomes effective October 1, 2023, and applies to permit applications submitted on or after that date.

PROHIBIT EXTERIOR SHEATHING INSPECTIONS

SECTION 4.(a) G.S. 143-138 is amended by adding a new subsection to read:

"(b23) Exterior Sheathing Inspections Prohibited. – The Code shall not require routine exterior sheathing inspections for structures or dwellings covered by the North Carolina Building Code or North Carolina Residential Code located in a region where the ultimate wind speed is less than 140 miles per hour."

SECTION 4.(b) G.S. 160D-1104(d) reads as rewritten:

"(d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may not adopt or enforce a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. A local government may not adopt or enforce a local ordinance or resolution or any other policy that requires routine exterior sheathing inspections for structures or dwellings covered by the North Carolina Building Code or North Carolina Residential Code located in a region where the ultimate wind speed is less than 140 miles per hour. The North Carolina Building Code Council shall review all applications for additional inspections requested by a local government and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the local government to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Residential Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings or the North Carolina Building Code. When a subsequent inspection is conducted to verify completion or correction of instances of Code noncompliance, any additional violations of the Code noted by the inspector on items already approved by the inspections department shall not delay the issuance of a temporary certificate of occupancy, and the inspections department shall not charge a fee for reinspection of those items."

SECTION 4.(c) This section is effective when it becomes law and applies permit applications submitted on or after that date.

MODIFY BUILDING CODE SUMMARY (APPENDIX B) REQUIREMENTS

SECTION 5.(a) Definitions. – For purposes of this section: "Code" means the North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council; "Appendix B Rules" means Sections 106.3.1 and 106.3.2, as amended by the Building Code Council on December 14, 2021, and approved by the Rules Review Commission on February 17, 2022, effective January 1, 2023, within the North Carolina State Building Code: Administrative Code and Policies; and "Appendix B" means the Appendix B Building Code Summary for All Commercial Projects (Except 1 and 2-Family Dwellings and Townhouses) within the North Carolina State Building Code: Administrative Code and Policies. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act.

SECTION 5.(b) Appendix B Rules Amendment. – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to the Appendix B Rules and Appendix B.

SECTION 5.(c) Appendix B Rules Implementation. – Notwithstanding Appendix B Rules, a local government shall not require a permit applicant to complete Appendix B with a set of plans submitted for review.

SECTION 5.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend the Appendix B Rules and Appendix B to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Council pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 5.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

AMEND INSULATION REQUIREMENTS FOR UNVENTED ATTIC AND ENCLOSED RAFTER ASSEMBLIES

SECTION 6.(a) Definitions. – As used in this section, "Code" means the current North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. For purposes of this section and its implementation, "R402 Rules" means provisions and tables within Section 402, Building Thermal Envelope, North Carolina – Residential Provisions, of the North Carolina Energy Conversation Code. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act.

SECTION 6.(b) R402 Rules Amendment. – The Council shall amend R402 Rules to include, as an optional alternative to residential ceiling insulation minimums, minimum insulation requirements for the use of air-impermeable insulation in unvented attic and unvented enclosed rafter assemblies. In developing this amendment, the Council shall include in that optional alternative that where R402 Rules require R-38 insulation in the ceiling, installing air-impermeable insulation, as follows, to the underside or directly above the roof deck shall be deemed to satisfy the R-38 requirements: (i) R-20 (equivalent U-factor 0.05) for climate zone 3; (ii) R-25 (equivalent U-factor 0.037) for climate zone 4; and (iii) R-25 (equivalent U-factor 0.037) for climate zone 5. These air-impermeable insulation alternative R-value minimums apply in residences meeting the following criteria:

- (1) The unvented attic or unvented enclosed rafter assemblies are constructed under Section R806.5 of the North Carolina Residential Code.
- (2) The residence contains a mechanical ventilation system that operates on a positive, balanced, or hybrid pressure strategy.
- (3) For residences with air-impermeable insulation installed below the roof deck, exposed portions of the roof rafters are wrapped by a minimum of R-3 insulation unless directly covered by drywall or finished ceiling material. For residences with air-impermeable insulation installed above the roof deck, roof rafters do not require insulation wrapping if air-impermeable insulation installed above the roof deck is continuous.
- (4) The residence obtains an ACH50 blower door test result of less than 3.0.
- (5) The residence contains heating, cooling, and ventilation equipment and ductwork within thermal envelope.

SECTION 6.(c) Sunset. – This section expires when permanent rules adopted as required by subsection (b) of this section become effective.

PROHIBIT FURTHER AMENDMENTS TO VARIOUS CHAPTERS WITHIN THE NORTH CAROLINA RESIDENTIAL CODE

SECTION 7.(a) Definitions. – As used in this section, "Council" means the Building Code Council.

SECTION 7.(b) The Council shall not adopt rules to amend the following Parts within the North Carolina State Building Code: Residential Code for One- and Two-Family Dwellings:

- (1) Part V – Mechanical (Chapters 12 through 23).
- (2) Part VI – Fuel Gas (Chapter 24).

SECTION 7.(c) This section is effective when it becomes law and applies retroactively to March 1, 2023.

SECTION 7.(d) Sunset. – This section expires January 1, 2026.

PROHIBIT FURTHER ENERGY CONSERVATION AND EFFICIENCY AMENDMENTS TO THE NORTH CAROLINA STATE BUILDING CODE UNTIL 2026

SECTION 8.(a) Definitions. – As used in this section, "Code" means the current North Carolina State Building Code collection and amendments to the Code, as adopted by the Council. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act.

SECTION 8.(b) Notwithstanding G.S. 143-138, the Council shall not: (i) adopt rules to amend Part IV – Energy Conservation (Chapter 11) within the North Carolina State Building Code: Residential Code for One- and Two-Family Dwellings; or (ii) prepare and adopt a new code provision, or any part of the Code, that relates to energy conservation or efficiency of buildings, dwellings, and structures to which the North Carolina State Residential Code applies.

SECTION 8.(c) This section is effective when it becomes law and applies retroactively to March 1, 2023.

SECTION 8.(d) Sunset. – This section expires January 1, 2026.

AMEND THE RESIDENTIAL CODE TO INCLUDE THREE-AND FOUR-FAMILY DWELLINGS

SECTION 9.(a) Definitions. – As used in this section, "Code" means the current North Carolina State Building Code collection and amendments to the Code, as adopted by the Council. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act.

SECTION 9.(b) The Council shall adopt rules to amend the North Carolina Residential Code to include three-family (triplex) and four-family (quadplex) dwellings within its scope by modifying, transitioning, and establishing minimum prescriptive requirements to address the design and construction of those dwellings and make conforming changes to the Code in accordance with this section. In amending rules pursuant to this subsection, the Council shall not require greater than a 2-hour fire resistance rating for triplex and quadplex wall, floor, and ceiling separation assemblies or require automatic fire sprinkler systems within the North Carolina Residential Code.

SECTION 9.(c) Sunset. – This section expires when the permanent rules adopted as required by subsection (b) of this section become effective.

SECTION 9.(d) This section is effective when it becomes law.

CLARIFY FEE CALCULATION FOR EROSION AND SEDIMENTATION CONTROL PLAN REVIEW

SECTION 10. G.S. 113A-60(a) reads as rewritten:

"§ 113A-60. Local erosion and sedimentation control programs.

(a) A local government may submit to the Commission for its approval an erosion and sedimentation control program for its jurisdiction and may adopt ordinances and regulations necessary to establish and enforce erosion and sedimentation control programs. An ordinance adopted by a local government may establish a fee for the review of an erosion and sedimentation control plan and related activities. The fee shall ~~be calculated on the basis of either~~ be, on the

~~option of the applicant, either (i) calculated on the basis of the number of acres disturbed or~~
~~disturbed or (ii) no more than one hundred dollars (\$100.00) per lot developed in the case of a~~
~~single-family lot in a residential development or that is less than one acre, including such a lot~~
~~that is part of a larger common plan of development that is less than one acre set at no more than~~
~~one hundred dollars (\$100.00) per lot developed. development.~~ Local governments are
authorized to create or designate agencies or subdivisions of local government to administer and
enforce the programs. Except as otherwise provided in this Article, an ordinance adopted by a
local government shall at least meet and may exceed the minimum requirements of this Article
and the rules adopted pursuant to this Article."

DIRECT DEQ TO SEEK APPROVAL FROM USEPA TO STREAMLINE IMPLEMENTATION OF REQUIREMENTS OF THE SEDIMENTATION POLLUTION CONTROL ACT AND FEDERAL REQUIREMENTS FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

SECTION 11. No later than September 1, 2023, the Department of Environmental
Quality shall develop a plan for submittal to USEPA that eliminates any program redundancies
between the State's Sedimentation Pollution Control Act of 1973 (Act), and its implementation
of requirements for stormwater discharges from construction activities set forth under the 2022
Clean Water Act National Pollution Discharge Elimination System (NPDES) general permit for
stormwater discharges from construction activities (Construction Permit), 87 Federal Register
3522, through NPDES General Permit NCG010000 (NCG01). Specifically, the plan shall include
measures to streamline permitting requirements to ensure persons conducting land-disturbing
activity are required to apply for one permit addressing all federal, State, and local requirements,
and, if applicable, that permit may be issued by a local government with delegated authority to
operate a local program in order to eliminate (i) unnecessary costs to, and duplication of efforts
by, persons initiating land-disturbing activities, (ii) unnecessary delays in project development,
and (iii) inefficient use of Department personnel and staff of local governments that administer
delegated erosion and sedimentation control programs. The Department shall report to the
Environmental Review Commission on the status of their activities pursuant to this section
quarterly, beginning August 1, 2024, until such time as the General Assembly repeals this
reporting requirement.

PROHIBIT FORCED SEWER CONNECTIONS IN CERTAIN SITUATIONS

SECTION 12.(a) G.S. 160A-317(a) reads as rewritten:

"(a) Connections. – A city may require an owner of developed property on which there
are situated one or more residential dwelling units or commercial establishments located within
the city limits and within a reasonable distance of any water line or sewer collection line owned,
leased as lessee, or operated by the city or on behalf of the city to connect the owner's premises
with the water or sewer line or both, and may fix charges for the connections. In lieu of requiring
connection under this subsection and in order to avoid hardship, the city may require payment of
a periodic availability charge, not to exceed the minimum periodic service charge for properties
that are connected. A city may only require connection of an owner's premises to a sewer line,
however, if the city has adequate capacity to transport and treat the proposed new wastewater
from the premises at the time of connection."

SECTION 12.(b) G.S. 153A-284(a) reads as rewritten:

"(a) A county may require the owner of developed property on which there are situated
one or more residential dwelling units or commercial establishments located so as to be served
by a water line or sewer collection line owned, leased as lessee, or operated by the county or on
behalf of the county to connect the owner's premises with the water or sewer line and may fix
charges for these connections. A county may only require connection of an owner's premises to

a sewer line, however, if the county has adequate capacity to transport and treat the proposed new wastewater from the premises at the time of connection."

PROHIBIT LOCAL GOVERNMENTS FROM REQUIRING PAYMENTS FROM OWNERS OF STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE OR REPLACEMENT COSTS OF A SYSTEM

SECTION 13.(a) G.S. 160D-925 reads as rewritten:

"§ 160D-925. Stormwater control.

...

(d) A local government that holds an NPDES permit issued pursuant to G.S. 143-214.7 may adopt a regulation, applicable within its planning and development regulation jurisdiction, to establish the stormwater control program necessary for the local government to comply with the permit. A local government may adopt a regulation that bans illicit discharges within its planning and development regulation jurisdiction. A local government may adopt a regulation, applicable within its planning and development regulation jurisdiction, that ~~requires (i) deed~~ requires deed restrictions and protective covenants to ensure that each project, including the stormwater management system, will be maintained so as to protect water quality and control water ~~quantity and (ii) financial arrangements to ensure that adequate funds are available for the maintenance and replacement costs of the project.~~ quantity.

(d1) A local government is prohibited from adopting any regulation that requires an owner of a privately owned and maintained stormwater control project to make payments to the local government for the purpose of ensuring assets are available for maintenance, repair, replacement, and reconstruction costs of (i) the owner's stormwater control project or (ii) other stormwater control projects within the local government's jurisdiction. A local government may, however, require an owner of a privately owned and maintained stormwater control project to establish, collect, and retain funds for maintenance, repair, replacement, and reconstruction costs for the owner's stormwater control project, which shall not exceed ten percent (10%) of the stormwater control project's original cost of construction and shall be retained by the owner of the system. A local government shall allow a time period of at least five years, beginning when the stormwater control project is accepted by the local government as constructed per the local government's regulations, for the funds to be collected and retained by the owner of the stormwater control project. If funds are collected and retained, a local government can also require those funds be held in a segregated account used solely for the purposes of maintaining, repairing, replacing, and reconstructing the owner's stormwater control project.

...."

SECTION 13.(b) If, prior to the effective date of G.S. 160D-925(d1), as enacted by subsection (a) of this section, a local government has required an owner of a privately owned and maintained stormwater control project to make payments to the local government for the purpose of ensuring assets are available for maintenance, repair, replacement, and reconstruction costs of the owner's stormwater control project or other stormwater control projects within the local government's jurisdiction, in accordance with G.S. 160D-925(d1), as enacted by subsection (a) of this section, the local government shall make such funds accessible to the owner to cover necessary maintenance, repair, replacement, and reconstruction costs for the owner's stormwater control project. For stormwater control projects in residential communities, in the event maintenance, repair, replacement or reconstruction of a project is needed, such funds shall be exhausted before the local government may assess costs of the necessary work on individual homeowners within the community, or any applicable owners' association.

REQUIRE LOCAL GOVERNMENTS ISSUING STORMWATER PERMITS TO TRANSFER SUCH PERMITS IN ACCORDANCE WITH REQUIREMENTS FOR TRANSFER OF STATE-ISSUED STORMWATER PERMITS

SECTION 13.1.(a) G.S. 143-214.7 reads as rewritten:
"§ 143-214.7. Stormwater runoff rules and programs.

...
(c2) The ~~Department~~ Department, or a local government that has issued a permit for a stormwater management system, shall transfer a permit issued under this section for a stormwater management system from the declarant of a condominium or a planned community to the unit owners association, owners association, or other management entity identified in the condominium or planned community's declaration upon request of a permittee if the ~~Department~~ Department, or local government, finds that (i) common areas related to the operation and maintenance of the stormwater management system have been conveyed to the unit owners association or owners association in accordance with the declaration; (ii) the declarant has conveyed at least fifty percent (50%) of the units or lots to owners other than a declarant; and (iii) the stormwater management system is in substantial compliance with the stormwater permit issued to the permittee by the ~~Department~~ Department, or local government. In support of a request made pursuant to this subsection, a permittee shall submit documentation to the ~~Department~~ Department, or local government, sufficient to demonstrate that ownership of the common area related to the operation and maintenance of the stormwater management system has been conveyed from the declarant to the association and that the declarant has conveyed at least fifty percent (50%) of the units or lots to owners other than a declarant. For purposes of this subsection, declarant of a condominium shall have the same meaning as provided in Chapter 47C of the General Statutes, and declarant of a planned community shall have the same meaning as provided in Chapter 47F of the General Statutes.

...
(c5) The ~~Department~~ Department, or a local government that has issued a permit for a stormwater management system, may transfer a permit issued pursuant to this section without the consent of the permit holder or of a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection:

- (1) The ~~Department~~ Department, or local government, may require the submittal of an application for a permit transfer when all of the following conditions are met:
 - ...
 - b. The successor-owner is one of the following:
 - ...
 4. Any other natural person, group of persons, or entity deemed appropriate by the ~~Department~~ Department, or local government, to operate and maintain the permit.
 - c. There will be no substantial change in the permitted activity.
 - (1a) The permit transfer application shall be submitted jointly by the permit holder and the successor-owner except that the successor-owner may solely submit the application in any of the following circumstances:
 - a. The permit holder is a natural person who is deceased or is a business association that is described by sub-sub-subdivision (1)a.2. of this subsection.
 - b. The successor-owner requests that the ~~Department~~ Department, or local government, accept the application without the signature of the permit holder.
 - (1b) When the permit transfer conditions set forth in subdivision (1) of this subsection are met on or after July 1, 2021, the ~~Department~~ Department, or local government, shall require that a permit transfer application be submitted within 90 days.

(1c) When the permit transfer conditions set forth in subdivision (1) of this subsection were met prior to July 1, 2021, the ~~Department-Department, or local government,~~ may request a permit transfer application at any time after determining that the permit transfer conditions have been met and may require this application be submitted within 180 days of the request. Where a permit holder can demonstrate to the ~~Department-Department, or local government,~~ that the activity on the property was in substantial compliance with its permit in the period either 12 months immediately before or after the conditions of subdivision (1) of this subsection were met, then the requirements included in subdivision (1d) of this subsection shall be the sole responsibility of the successor-owner.

...
(4) Notwithstanding changes to law made after the original issuance of the permit, the ~~Department-Department, or local government,~~ shall not impose new or different design standards on the project without the prior express consent of the successor-owner.

...."

SECTION 13.1.(b) G.S. 153A-454 reads as rewritten:

"§ 153A-454. Stormwater control.

...
(e) A county that issues permits for stormwater management systems within its jurisdiction shall be subject to the provisions governing transfer of permits set forth in G.S. 143-214.7(c2) and (c5)."

SECTION 13.1.(c) G.S. 160D-925 reads as rewritten:

"§ 160D-925. Stormwater control.

...
(f) A local government that issues permits for stormwater management systems within its jurisdiction shall be subject to the provisions governing transfer of permits set forth in G.S. 143-214.7(c2) and (c5)."

SEVERABILITY CLAUSE

SECTION 14. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

EFFECTIVE DATE

SECTION 15. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 6:21 p.m. this 16th day of August, 2023.

s/ Ms. Sarah Holland
Senate Principal Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-142
SENATE BILL 677

AN ACT TO ALLOW A LIMITED RIGHT OF ENTRY FOR PROFESSIONAL LAND SURVEYORS IN CERTAIN CIRCUMSTANCES AND TO EXPEDITE PLAN REVIEW AND AUTHORIZE AT-RISK CONSTRUCTION PERMITTING FOR CERTAIN COMMERCIAL AND MULTIFAMILY BUILDING PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 89C of the General Statutes is amended by adding a new section to read:

"§ 89C-19.2. Limited right of entry by professional land surveyors.

(a) A professional land surveyor licensed under this Chapter shall have the right to enter upon the lands of others, if necessary to perform surveys for the practice of land surveying, including the location of property corners, boundary lines, rights-of-way, and easements, and may carry with them their customary equipment and vehicles. An entry by a professional land surveyor to perform the practice of land surveying under this section shall not constitute trespass under Article 22A or 22B of Chapter 14 of the General Statutes or shall not cause the professional land surveyor to be subject to arrest or a civil action by reason of the entry.

(b) Nothing in this section shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner, and nothing in this section shall be construed as removing civil liability for such damage.

(c) A professional land surveyor shall make reasonable efforts to notify adjoining landowners upon whose land it is necessary to enter.

(d) No professional land surveyor or person under such surveyor's supervision shall have a civil cause of action against a landowner or lessee for personal injury or property damage incurred while on the land for purposes consistent with those described in subsection (a) of this section, except when such damages and injury were willfully or deliberately caused by the landowner or lessee.

(e) Nothing in this section shall be construed as to give authority to a professional land surveyor to enter lands traversed by an operating railroad or properties owned, held, used, or operated by a railroad or their subsidiaries.

(f) Nothing in this section shall be construed as to give authority to a professional land surveyor to enter lands containing critical infrastructure or critical infrastructure facilities.

(g) For the purposes of this section, the following terms are defined as follows:

(1) Critical infrastructure. – As defined in 42 U.S.C. § 5195c.

(2) Critical infrastructure facilities. – Critical infrastructure that is completely enclosed by a fence or other physical barriers that is obviously designed to exclude intruders or clearly marked with a sign or signs posted on the property that are reasonably likely to come to the attention of a person and indicate that entry is forbidden without site authorization.

(3) Professional land surveyor. – As defined in G.S. 89C-3, including any agents, employees, or personnel under their supervision."



SECTION 1.(b) This section becomes effective July 1, 2024, and applies to acts on or after that date.

SECTION 2.(a) Article 11 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-1110.1. Commercial and multifamily building permits for applications with sealed plans; third-party plan review alternatives; at-risk building foundation permits; at-risk building structure permits.

(a) Applicability. – This section applies to commercial and multifamily development project building permit applications that have plans and specifications that are complete and sealed for construction, as applicable, by a professional engineer licensed under Chapter 89C of the General Statutes or an architect licensed under Chapter 83A of the General Statutes.

(b) Pre-Submittal Meeting Option. – A local government must provide the option for an eligible building permit applicant to request and schedule within five business days of a request a pre-submittal meeting prior to applying for a building permit to discuss a building project and to determine whether the permit applicant possesses necessary plans and sufficient information the local government would require for building permit plan review. A building permit applicant is eligible to request a pre-submittal meeting under the following circumstances:

- (1) The project plans and specifications for a building project are complete and sealed for construction, as applicable, by a professional engineer licensed under Chapter 89C of the General Statutes or an architect licensed under Chapter 83A of the General Statutes.
- (2) The project plans and specifications for a building project are substantially identical to those that the permit applicant would submit with the building permit application.
- (3) The building permit applicant has made best efforts to compile and prepare documents required by a local government, and other State or federal agencies, for the building project.
- (4) The building permit applicant has determined whether an at-risk permit option will be utilized in accordance with subsection (h) of this section.

(c) Plan Review Time Line. – A local government shall complete its review of plans and specifications and issue a building permit decision to a permit applicant that has submitted necessary plans and sufficient information with a permit application within 45 days, unless a local government and a permit applicant otherwise agree. If a local government requests additional information or requires plan resubmission with changes during its review, after receiving requested information and changes from the permit applicant, a local government has up to 10 additional days to issue a building permit decision. Notwithstanding the 45-day limit in this subsection, a local government may issue a building permit decision within 60 days if a local government issues an at-risk building permit at the request of a permit applicant pursuant to subsection (h) of this section.

(d) Independent Third-Party Review to Assist Local Government. – A local government may utilize and contract with a licensed professional engineer or licensed architect certified under G.S. 143-151.13(f) to perform independent third-party plan review under this section, provided that the review time does not exceed the time frame prescribed by subsection (c) of this section.

(e) Independent Third-Party Review Election by Permit Applicant. – If a local government initially undertakes plan review of the submitted plans and does not issue a building permit decision or determines it is unable to complete plan review within the time frame prescribed by subsection (c) of this section, a permit applicant may subsequently elect to utilize and contract with a licensed professional engineer or licensed architect certified under G.S. 143-151.13(f) to perform an independent third-party plan review. Upon the local government's receipt of a completed plan review with certification required by subsection (f) of this section, the local government shall issue applicable building permits for the project within

three business days and will refund or waive all applicable plan review and permit fees for the project upon issuance of the applicable building permits.

(f) Third-Party Review Certification Required. – A permit applicant that elects a third-party review under subsection (e) of this section shall provide the local government with a written certification signed by the plan reviewer that plans comply with applicable North Carolina State Building Codes and other applicable State and local laws. The certification shall be made on a form created by the local government.

(g) Conflicts of Interest. – A third-party plan reviewer shall avoid conflicts of interest in conducting independent third-party plan reviews under this section. Conflicts of interest include a plan reviewer having any financial interest in, or being employed, other than as a plan reviewer under this section, by a business that has a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of, or any involvement in the making of plans or specifications for, the project subject to plan review.

(h) At-Risk Building Permit Options. – At-risk building permit options are available to an eligible building permit applicant that requested and attended a pre-submittal meeting in accordance with subsection (b) of this section to discuss a building project prior to permit application. An eligible permit applicant proceeding with an at-risk permit issued by a local government pursuant to this subsection assumes all risks of liability, and the local government is discharged and released from any liabilities, duties, and responsibilities attributable to the review, approval, or construction pursuant to that at-risk permit. In accordance with G.S. 160D-108(e), where multiple local development permits are required to complete a development project, a permit issued by a local government pursuant to this subsection is not an initial development permit for purposes of the vesting protections of G.S. 160D-108(e). The following at-risk building permit options are available:

- (1) At-risk building foundation permit. – At the time of permit application, an eligible building permit applicant may request an at-risk building foundation permit authorizing a permit applicant to proceed with building foundation construction. A local government must issue an at-risk building foundation permit if a local government determines a permit applicant has submitted all necessary plans and sufficient information, as discussed at a pre-submittal meeting pursuant to subsection (b) of this section, and received all approvals necessary, for building foundation construction notwithstanding that other development approvals from the local government, or other State or federal agencies, for the project have not yet been obtained. For the purposes of this subdivision, a permit applicant must have received an approved erosion and sedimentation control plan in accordance with Article 4 of Chapter 113A of the General Statutes for land-disturbing activity at a building foundation construction site.
- (2) At-risk building structure permit. – An eligible building permit applicant that has obtained an at-risk building foundation permit pursuant to subdivision (1) of this subsection may request the issuance of an at-risk building structure permit. A local government may issue an at-risk building structure permit authorizing a permit applicant to proceed with building structure construction if a local government determines a permit applicant has submitted all necessary plans and sufficient information, and received all approvals necessary, for building structure construction notwithstanding that other development approvals from the local government, or other State or federal agencies, for the project have not yet been obtained. Prior to issuance of an at-risk building structure permit, a local government may require a meeting with a permit applicant to discuss issues with submitted plans and information that a permit applicant would need to address prior to building structure permit

issuance. For the purposes of this subdivision, "building structure construction" includes the erection and installation of structural or framing members for exterior walls and roof assemblies.

(i) Manufacturer Information. – In the event the local government requires manufacturer specifications or manufacturer engineering information on an element, component, or fixture related to the submitted plans and specifications, a local government shall not delay or deny the issuance of applicable building permits based upon the receipt of specifications or manufacturer engineering information on an element, component, or fixture.

(j) Local Government Liability and Vested Rights. – A permit issued by a local government pursuant to this section shall not be construed to guarantee the issuance of further building permits, development approvals, or certificates of occupancy by a local government, or other State or federal agencies, that a project requires. A local government and inspection department are discharged and released from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from any claim arising out of, or attributed to, plans subject to a third-party independent review pursuant to subsection (e) of this section."

SECTION 2.(b) G.S. 143-151.8(a)(3) reads as rewritten:

"(3) Code enforcement. – The examination and approval of plans and specifications, the inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and their components, or the enforcement of fire code regulations by any of the following, to assure compliance with the State Building Code and related local building rules:

- a. An employee of the State or local government, except an employee of the State Department of Labor engaged in the administration and enforcement of sections of the Code that pertain to boilers and elevators.
- b. An employee of a federally recognized Indian Tribe employed to perform inspections on tribal lands.
- c. An individual contracting with the State, a local government, or a federally recognized Indian Tribe to perform inspections on tribal lands.
- d. An individual who is employed by a company contracting with a county or a city to conduct inspections.
- e. A person who is contracting with a local government to perform third-party plan review under G.S. 160D-1110.1(d).
- f. A person who is contracting with a permit applicant to perform third-party plan review under G.S. 160D-1110.1(e)."

SECTION 2.(c) G.S. 143-151.13 is amended by adding a new subsection to read:

"(g) A licensed architect or licensed professional engineer who possesses a valid certificate under subsection (f) of this section, but is not employed by the State or a local government, may utilize that certificate for the limited purpose of performing independent third-party plan review under subsections (d) and (e) of G.S. 160D-1110.1."

SECTION 2.(d) G.S. 113A-61 reads as rewritten:

"§ 113A-61. Local approval of erosion and sedimentation control plans.

...

(b1) A local government shall not deny a draft erosion and sedimentation control plan based solely upon the applicant's need to obtain other development approvals for the project, as that term is defined by G.S. 160D-102(13). A local government shall condition approval of a draft erosion and sedimentation control plan upon the applicant's compliance with federal and State water quality laws, regulations, and rules. A local government shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules

adopted by the Environmental Management Commission to protect riparian buffers along surface waters. A local government may disapprove an erosion and sedimentation control plan or disapprove a transfer of a plan under subsection (b3) of this section upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:

...."

SECTION 2.(e) G.S. 160D-922 reads as rewritten:

"§ 160D-922. Erosion and sedimentation control.

(a) Any local government may enact and enforce erosion and sedimentation control regulations as authorized by Article 4 of Chapter 113A of the General Statutes and shall comply with all applicable provisions of that Article and, to the extent not inconsistent with that Article, with this Chapter. Fees charged by a local government under its erosion and sedimentation control program shall not exceed that authorized in G.S. 113A-60(a).

(b) Once a local government administering an erosion and sedimentation control program approves an erosion and sedimentation control plan for land-disturbing activity at a site, the local government shall allow the plan holder to begin land-disturbing activity in accordance with G.S. 160D-1110.1(h) and the approved plan, notwithstanding that other development approvals that may be required from the local government for the project have not yet been obtained. In accordance with G.S. 160D-108(e), where multiple local development permits are required to complete a development project, approval of an erosion and sedimentation control plan is not an initial development permit for purposes of the vesting protections of that subsection."

SECTION 2.(f) G.S. 160D-1110, as amended by Section 16 of S.L. 2023-46 and Section 8.1(a) of S.L. 2023-90, reads as rewritten:

"§ 160D-1110. Building permits.

(a) Except as provided in subsection (c) of this section, and subsection (h) of G.S. 160D-1110.1, no 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:

...

(e) No building permit shall be issued pursuant to subsection (a) of this section or G.S. 160D-1110.1(h) for any land-disturbing activity, as defined in G.S. 113A-52, or for any activity covered by G.S. 113A-57, unless an erosion and sedimentation control plan for the site of the activity or a tract of land including the site of the activity has been approved under Article 4 of Chapter 113A of the General Statutes, the Sedimentation Pollution Control Act.

...."

SECTION 2.(g) This section becomes effective July 1, 2024, and applies to permit applications submitted on or after that date.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 10th day of October, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

This bill having been presented to the Governor for signature on the 10th day of October, 2023 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law.

This 21st day of October, 2023,

s/ Greg Johnson
Enrolling Clerk



Request for Board Action

November 19, 2024

To: The Honorable Mayor and Board of Commissioners

From: Jennifer Hunt, Mayor Pro Tem

Subject: Environmental Sustainability Committee Appointments

EXPLAIN REQUEST:

Consider appointing two (2) members to the Environmental Sustainability Committee due to two vacancies, from five applicants.

1. Partial two-year term, expiring 3/31/2026 (vacancy from Mary Ann Sprung resignation, but Hurricane Helene altered her plans and Mary Ann is eligible, and has applied to refill this term)
2. Partial two-year term expiring 3/31/2026 (vacancy from Diana Truman resignation)

ACTION RECOMMENDED:

Appoint 2 members

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Environmental Sustainability Committee Summary - 20241112
2. Environmental Sustainability Committee Applications - 20241112

Environmental Sustainability Committee

9 Members Total
 7 Current
 0 Expiring
 2 Vacant
2 APPOINTMENT(S) NEEDED

CURRENT MEMBERS (7)

Name	Position/Title	Notes	Term Exp & Years		Regular Term Start		
					Partial	Term 1	Term 2
Kepler, Leslie	Chair		3/31/2025	1		3/4/2024	
Sampson, Richard	Vice-Chair		3/31/2027	3		3/4/2024	
Fogel, Dan			3/31/2027	3		3/4/2024	
Hicks, Dana			3/31/2027	3		3/4/2024	
Knight, Trisha			3/31/2026	2		3/4/2024	
Saral, Kerem		replaced Brown	3/31/2025	1	4/1/2024		
Shook, Jeremy			3/31/2025	1		3/4/2024	

VACANCIES SINCE LAST APPOINTMENT

VACANCIES SINCE LAST APPOINTMENT										
Name	Notes	Early Term	Original Term Exp & Years		Alternate Term Start			Regular Term Start		
					Partial	Term 1	Term 2	Partial	Term 1	Term 2
Sprung, Mary Ann	resigned (moving)	10/10/2024	3/31/2026	2					3/4/2024	
Truman, Diana	resigned	10/10/2024	3/31/2026	2					3/4/2024	

APPLICANTS (5)

Name	ETJ?	Current Board Assignment?	App Date	Still Interested (if application is over 3 months old)?
Hurley, Bruce	☐	No	1/11/2024	
O'Neill, Anne Marie	☐	No	10/24/2024	
Rowell, Eric	☐	No	3/14/2024	
Sayers, David	☐	No	1/16/2024	
Sprung, Mary Ann	☐	No	10/17/2024	

* Term expires within 3 months

Tuesday, November 12, 2024

Print

Environmental Sustainability Committee Application - Submission #16503

Date Submitted: 1/11/2024

First Name*

Bruce

Last Name*

HURLEY

Street Address (must be in Huntersville)*

16505 Spruell St., Huntersville, NC 28078

Email Address*

brucehurley@gmail.com

Phone Number*

5613023029

Are you available to meet the 2nd Thursday at 3:30p.m. each month?*

Yes

Approx. Hours You Could Dedicate to this Committee (per month):*

4

Area(s) of Expertise (check any that apply)

☐

Climate/Environmental Science

☒

Education

☐

Environmental Policy

☐

Environmental Law

☐

Energy Conservation/Alternative Energy

☐

Forestry/Urban Forestry

☒

Sustainable Business Practices

☒

Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

I am a small-business consultant who has helped numerous companies adopt sustainable practices. I'm also a former real-estate developer and led the National Builder's Association's Governmental Affairs Committee and advocated for greater environmental awareness.

Professional and Civic Experience Relevant to this Committee*

I've taught numerous courses and spoken publicly more than 300 times. I have been a licensed real estate agent for 42 years.

Occupation

Small business consultant

Education

Bachelor's degree with dual major in Finance and Real Estate

Briefly describe your environmental sustainability vision for Huntersville.

Environmental impact should be duly considered in every aspect of development approval and every decision that could affect the welfare of the city's environment. I would also like to see voluntary programs of sustainability for residents and businesses to commit to standards like eliminating the use of plastic bags and other plastics, using more environmentally friendly building materials, and adopting ride-share, public transportation, or low-emission travel options.

How would you accomplish your environmental sustainability vision?

Educational awareness campaigns, "deputizing" citizens to advocate for more sustainable practices by neighbors and local business, rewarding and acknowledging environmental advocacy by issuing awards and publishing successes and compliance in the local newspaper and other publications, and developing a long-term plan for continued success.

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

Electronic Signature Agreement

By adding your name to the "Electronic Signature" box below, you agree and acknowledge that:

1. Your application will not be signed in the sense of a traditional paper document,
2. By signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Bruce Hurley

Signature Date*

1/11/2024

Print

Environmental Sustainability Committee Application - Submission #18505

Date Submitted: 10/24/2024

First Name*

Anne Marie

Last Name*

ONeill

Street Address (must be in Huntersville)*

507 Huntersville Concord Rd

Email Address*

annemarieoneill9@gmail.com

Phone Number*

7047855955

Are you available to meet the 2nd Thursday at 3:30p.m. each month?*

Yes

Approx. Hours You Could Dedicate to this Committee (per month):*

20

Area(s) of Expertise (check any that apply)

☐

Climate/Environmental Science

☐

Education

☐

Environmental Policy

☐

Environmental Law

☐

Energy Conservation/Alternative Energy

☐

Forestry/Urban Forestry

☐

Sustainable Business Practices

☐

Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

I have been focused on sustainable practices for many years. I am a long-time organic gardener, lover of trees, composter, thrifter, and recycler. I am a 20+ year resident of Huntersville and moved to Downtown Huntersville two years ago in part to be able to walk or ride my e-bike to the Growers Market, restaurants, and town activities.

Professional and Civic Experience Relevant to this Committee*

I have been passionately supporting environmental causes for decades, which most recently led to my volunteer efforts over the last 18 months to address tree loss in Huntersville. I have worked alongside two other Huntersville residents to do a deep dive together into all things tree-related after becoming increasingly concerned about the loss of so many mature trees in our town. We have focused on four areas: Tree Ordinances/Policy, Tree Organizations, Treasure Tree programs, and Tree City USA designations. We reviewed Huntersville's tree-related ordinances and compared them with neighboring towns and towns around NC and SC. We met with Davidson Land Conservancy's Dave Cable to learn about Trees Davidson, with the dream of establishing similar programs in Huntersville. We explored the various forms that could take, from being a part of the Parks Department to forming a 501(c)(3). We were particularly interested in Davidson's Treasure Tree program as an example of community engagement around trees. I was inspired when attending Davidson's 100th Treasure Tree dedication celebration to someday soon see Huntersville name its first. Lastly, we looked at the requirements for becoming a Tree City USA. We met with a couple of Town Commissioners to present our findings. We then presented our research on Treasure Tree programs to the Sustainability Committee on September 12th. I have been involved with several sustainability-focused civic groups, from planting trees with my neighborhood association, to activities with both Trees Charlotte and Trees Davidson. I have volunteered with Angels & Sparrows for over eight years, with the primary focus of addressing food insecurity, but a secondary purpose of preventing food waste. I work weekly with the incoming donations from grocery stores and individuals to set up a marketplace where our guests can shop for their family needs, diverting many pounds of food from the landfill. I was involved with a PTA where I chaired two school-wide book exchanges that increased access to books while recirculating them in the community. With a similar reuse focus, I have also served as a thrift store volunteer. More recently, I have organized litter clean ups in Downtown Huntersville and along the creek and greenway in Vermillion. I also pick up litter weekly on my walks around town. I am an active member of the Olde Huntersville Historical Society and participate with many town activities like the recent charrette for the Maxwell Woonerf, 150th Birthday celebration events, including planting trees at Waymer Park with the Parks and Recreation Department, Biketoberfest, and community engagement sessions for the Downtown Master Plan. I'm experienced with engaging with people and listening to their needs. My early career was in Human Resources Management. More recently, I owned and operated a small business (Sport Clips Haircuts franchisee with two locations) for more than 15 years, hiring a team of up to 20 employees. While I lack formal training in sustainability, I believe my life experience, passion, and research skills would be an asset to the committee.

Occupation

Semi-Retired - Part Time Small Business Consultant

Education

Le Moyne College, Syracuse NY: BS Industrial Relations (Human Resources) London Metropolitan University, London UK: Study Abroad Program

Briefly describe your environmental sustainability vision for Huntersville.

I would like to be a part of the team to lead Huntersville to be a more vibrant, walkable, and green town. I believe areas of focus should be preserving and expanding our tree canopy with native trees, addressing invasive species like English ivy and kudzu that are impacting the health and survival of existing trees, continuing to improve our stormwater infrastructure, completing connections between sidewalks and greenways, and establishing a compost program pilot.

How would you accomplish your environmental sustainability vision?

I will continue to benchmark against the best practices of other towns and work to implement policy changes. I would focus on building community momentum from topics where residents are most passionate. I am pragmatic about continued development, especially in the Downtown area. But I believe there are ways to incorporate stronger tree save requirements, parking lot tree requirements, screening trees requirements, and better soil and care requirements for the trees planted. I would like to see a Huntersville Treasure Tree program launched to create community engagement around the topic of trees and then work to establish a "Trees Huntersville"- type organization to spearhead environmental education, tree plantings, and similar activities. These would also achieve some of the steps toward earning our town's Tree City USA designation. These measures could go a long way in mitigating impacts from extreme heat and keeping Huntersville green.

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

N/A

Electronic Signature Agreement

By adding your name to the "Electronic Signature" box below, you agree and acknowledge that:

1. Your application will not be signed in the sense of a traditional paper document,
2. By signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Anne Marie O'Neill

Signature Date*

10/24/2024

Print

Environmental Sustainability Committee Application - Submission #16991

Date Submitted: 3/14/2024

First Name*

Eric

Last Name*

Rowell

Street Address (must be in Huntersville)*

14306 Rhiannon Ln.

Email Address*

ericwrowell@gmail.com

Phone Number*

7045556666

Are you available to meet the 2nd Thursday at 3:30p.m. each month?*

Yes

Approx. Hours You Could Dedicate to this Committee (per month):*

5

Area(s) of Expertise (check any that apply)

☐

Climate/Environmental Science

☐

Education

☒

Environmental Policy

☒

Environmental Law

☐

Energy Conservation/Alternative Energy

☐

Forestry/Urban Forestry

☒

Sustainable Business Practices

☐

Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

I have been licensed as an attorney for over 15 years now and also have past experience as an insurance adjuster. During my time as an adjuster, I handled environmental claims and litigation and learned about the damage from unregulated industry. I also have experience in dealing with environmental regulatory bodies to ensure my company is in compliance with government regulations and adhering to sustainable practices.

Professional and Civic Experience Relevant to this Committee*

5+ years of legal and risk management work experience dealing with environmental related claims and litigation. Support of local farmers in and around Huntersville to help reduce the environmental impact of trucking industry. Encouraging recycling efforts and sustainability education at each company office in multiple states.

Occupation

Risk Manager

Education

BA - Political Science, NCSU; JD - Charleston School of Law

Briefly describe your environmental sustainability vision for Huntersville.

My vision is a future where environmental sustainability is at the forefront of community values, helping to foster a harmonious balance between nature and development. Huntersville should strive to be a model for responsible and regenerative practices, prioritizing clean air, water, and green spaces that enhance the well-being of our residents.

How would you accomplish your environmental sustainability vision?

We have to start with more community engagement and education. The committee can raise awareness about sustainable practices, climate change, and the importance of preserving local ecosystems; including by developing and enhancing public transportation options, pedestrian-friendly infrastructure, and cycling paths.

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

I have previously served on 3 town advisory committees: the Board of Adjustment, 2040 Plan committee, and the HEOSC (educational options study committee). I am not currently serving on any boards.

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Electronic Signature*

/s/ Eric Rowell

Signature Date*

3/14/2024

Print

Environmental Sustainability Committee Application - Submission #16526

Date Submitted: 1/16/2024

First Name*

David

Last Name*

Sayers

Street Address (must be in Huntersville)*

12232 MAYES RD

Email Address*

SayersEsq@gmail.com

Phone Number*

7047871302

Are you available to meet the 2nd Thursday at 3:30p.m. each month?*

yes

Approx. Hours You Could Dedicate to this Committee (per month):*

10

Area(s) of Expertise (check any that apply)



Climate/Environmental Science



Education



Environmental Policy



Environmental Law



Energy Conservation/Alternative Energy



Forestry/Urban Forestry



Sustainable Business Practices



Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

On a daily basis, I use my technical and legal background to lead teams of people in developing solutions for environmental and energy challenges. I work for an independent, 501(c)(3) non-profit energy research and development organization, with offices in Charlotte and around the world. Each day I am help driving innovation to ensure the public has clean, safe, reliable, affordable, and equitable access to electricity. For the avoidance of doubt, my thoughts and opinions are my own and do not represent those of any company, entity, or town as a whole.

Professional and Civic Experience Relevant to this Committee*

I am a member and regular participant of the Charlotte Chapter of the Association of Corporate Counsel (ACC), which includes attorneys from large businesses in the region. For the avoidance of doubt, my thoughts and opinions are my own and do not represent those of any company, entity, or town as a whole.

Occupation

Corporate Legal Counsel (in-house attorney)

Education

Juris Doctor, Master of Science in Technology Management, Bachelor of Science in Mechanical Engineering

Briefly describe your environmental sustainability vision for Huntersville.

My environmental sustainability vision is to implement Huntersville's 2040 Plan with sustainability in mind. In other words, to operate in the residents' collective best interests -- while recommending, educating, and/or guiding the town's actions. The town's sustainability vision should be aspirational, equitable, and achievable in the long term.

How would you accomplish your environmental sustainability vision?

As a candidate for the sustainability committee, I would collaborate with others on the committee to set the agenda for actions. There are a number of pieces required to execute this vision, however, a great place to start is to review the reasons the committee was created, defining the roles and expectations of the new committee, gathering best practices of other local municipalities, and developing an implementation plan (with Huntersville's 2040 Plan in mind). I look forward to discussing with the committee.

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

Although I have not served, I am interested in serving.

Electronic Signature Agreement

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Electronic Signature*

David Sayers

Signature Date*

1/16/2024

Print

Environmental Sustainability Committee Application - Submission #18453

Date Submitted: 10/17/2024

First Name*

Mary Ann

Last Name*

Sprung

Street Address (must be in Huntersville)*

10005 Rose Brook Lane, Apt. 116 Huntersville, NC
28078

Email Address*

maryannregnurse@gmail.com

Phone Number*

5854895157

Are you available to meet the 2nd Thursday at 3:30p.m.
each month?*

Yes

Approx. Hours You Could Dedicate to this Committee
(per month):*

42

Area(s) of Expertise (check any that apply)



Climate/Environmental Science



Education



Environmental Policy



Environmental Law



Energy Conservation/Alternative Energy



Forestry/Urban Forestry



Sustainable Business Practices



Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

Please see the INITIAL application. I have volunteered for Citizens' Climate Lobby (cclusa.org) for five years. This international organization is focused on finding the most efficient and powerful solution to the ever-increasing GHG emissions driving climate change. I presented this solution to members of the previous Town Board, both individually and as a group. Again, please refer to my initial application for more details.

Professional and Civic Experience Relevant to this Committee*

I have served faithfully on The Environmental Sustainability Committee with perfect attendance.

Occupation

Retired RN

Education

Masters of Science

Briefly describe your environmental sustainability vision for Huntersville.

Continue to work with the Committee to draw up a municipal resolution by the Town (as several other towns in NC have done) to urge Congress to pass The Energy Innovation and Carbon Dividend Act (H.R. 5744) into law. The UN Climate Scientists warn us that this is the most efficient way for our nation to reduce pollution emissions. As a federal law, it would benefit every State, County, and Town in achieving environmental sustainability.

How would you accomplish your environmental sustainability vision?

Please see the above description.

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

Town of Huntersville Environmental Sustainability Committee

Electronic Signature Agreement

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Electronic Signature*

Mary Ann Sprung

Signature Date*

10/17/2024



Request for Board Action

November 19, 2024

To: The Honorable Mayor and Board of Commissioners

From: Christy Clark, Mayor

Subject: Resolution for NCLM Commit to Civility Program

EXPLAIN REQUEST:

NCLM Commit to Civility program

ACTION RECOMMENDED:

Approve Resolution.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None



RESOLUTION PLEDGING TO PRACTICE AND PROMOTE CIVILITY IN THE TOWN OF HUNTERSVILLE

Resolution No. R-2024-37

WHEREAS, the Town of Huntersville (the "Commission"), the governing body of the Town of Huntersville, North Carolina (the "Municipality"), recognizes that robust debate and the right to self-expression, as protected by the First Amendment to the United States Constitution, are fundamental rights and essential components of democratic self-governance; and

WHEREAS, the Commission further recognizes that the public exchange of diverse ideas and viewpoints is necessary to the health of the community and the quality of governance in the Municipality; and

WHEREAS, the members of Commission, as elected representatives of the community and stewards of the public trust, recognize their special role in modeling open, free and vigorous debate while maintaining the highest standards of civility, honesty and mutual respect; and

WHEREAS, Commission meetings are open to the public and thus how Town officials execute their legal duties is on public display; and

WHEREAS, civility by Town officials in the execution of their legislative duties and responsibilities fosters respect, kindness and thoughtfulness between Town officials, avoiding personal ill will which results in actions being directed to issues made in the best interests of residents; and

WHEREAS, civility between Town officials presents an opportunity to set a positive example of conduct and promotes thoughtful debate and discussion of legislative issues, resulting in better public policy and a more informed electorate while also encouraging civil behavior between residents; and

WHEREAS, civility between Town officials is possible if each member of the elected body remembers that they represent not only themselves, but the constituents of their district and town; and

WHEREAS, in order to publicly declare its commitment to civil discourse and to express its concern for the common good and well-being of all of its residents, the Commission has determined to adopt this resolution; and

WHEREAS, at least 75% of the Commission has completed the NCLM Commit to Civility program requirements and commit to uphold the nine pillars.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town of Huntersville pledges to practice and promote civility within the governing body.

The elected officials of the Town Commission enact this civility pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of the Town of Huntersville.

This pledge strives to ensure that all communication be open, honest, and transparent, as this is vital for cultivating trust and relationships.

This pledge strives to show courtesy by treating all colleagues, staff and members of the public in a

professional and respectful manner whether in-person, online or in written communication, especially when we disagree.

This pledge strives to ensure mutual respect to achieve municipal goals, recognizing that patience, tolerance and civility are imperative to success and demonstrates the Commission's commitment to respect different opinions, by inviting and considering different perspectives, allowing space for ideas to be expressed, debated, opposed, and clarified in a constructive manner.

Mayor

Mayor Pro Tem

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Adopted this 19th day of November, 2024

ATTEST:

Janet Pierson, Town Clerk

Christy Clark, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney