Mayor
Christy Clark

Mayor Pro Tem
Jennifer Hunt

Commissioners
Alisia Bergsman
Amanda Dumas
Edwin Quarles
LaToya Rivers
Nick Walsh

Town of Huntersville
NORTH CAROLINA

Town Manager
Anthony Roberts

Deputy Town Manager
Jackie Huffman

Assistant Town Manager
Bobby Williams

Town Attorney
Emily Sloop

Town Clerk
Janet Pierson

AGENDA
Planning Board Meeting
June 24, 2025 - 6:30 PM
TOWN HALL (101 Huntersville-Concord Road)

Live stream available via YouTube @townofhuntersvillenc28078

Advisory Board Members:

1. Call to Order/Roll Call

2. Approval of Minutes

2.A. Consider approval of the May 27, 2025, regular meeting minutes.

3. Public Comments

4. Action Agenda

4.A. Consider a recommendation on Petition #R25-04 The Holbrook Phase 2, a request by Northstate Development to rezone +/- 1.727 acres at 106 Gilead Road from Neighborhood Residential to Town Center Conditional District for a mixed-use building. *(Brad Priest)*

4.B. Consider a recommendation on Petition #R25-03, Mint Landscaping, a request by Brandon Morris to rezone +/- 2.98 acres from General Residential to Special Purpose - Conditional District for a Commercial landscaping site. *(Jesse James)*

4.C. Consider a recommendation on Petition #R25-02 First and Church St Townhomes, a request by Better Path Homes, LLC to rezone +/-1.147 acres from Neighborhood Residential to neighborhood Residential Conditional District for a townhome subdivision. *(Nathan Farber)*

4.D. Consider a recommendation on Petition #R25-05 MHH Logistics, a request by Skye Partners, LLC to rezone +/- 8.63 acres from Corporate Business to Corporate Business - Conditional District for an Industrial Flex Warehouse with associated office. *(Patrick Patterson)*

4.E. Consider a recommendation on Petition #TA25-07, a request by the Town of Huntersville Planning Department to amend the Huntersville Zoning and Subdivision Ordinance by re-designating the Board of Adjustment duties to the Planning Board. *(Patrick Patterson)*

4.F. Consider a recommendation on text amendment TA25-05 to align the Town's Code of Ordinances with state law. *(Becca Prichard)*

5. Other Business

5.A.
Recognition of Planning Board Membership Changes
- Acknowledge outgoing members: Jeff Sny and Greg Baber
- Welcome incoming members: Trina Loomis (reappointed), Prince Tokpah, and Marshall Horsman

6. Adjourn

General Meeting Information

Planning Board:
The Planning Board functions as an advisory board to the Town Board on all requests for changes in the zoning laws, and ordinances of the Town of Huntersville subdivision requests pursuant to the Huntersville Subdivision Ordinance, and is empowered to make recommendations to the Town Board, or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the Town of Huntersville, and its environs. 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 Town Hall at 6:30 p.m. on the fourth Tuesday of each month (unless otherwise posted). Agendas are published Wednesdays 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 no later than five (5) minutes prior to the designated meeting start time. 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 Planning Department, 72 hours prior to the meeting, for special accommodations to attend this meeting and/or if this information is needed in an alternative format. Tracy Barron can be reached at tbarron@huntersville.org or 704-766-2215.

Request for Board Action

June 24, 2025

To: The Honorable Mayor and Board of Commissioners

From: Tracy Barron, Administrative Analyst

Subject:

EXPLAIN REQUEST:

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. May 27, 2025 Minutes

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Wednesday, May 27, 2025.

Call to Order/Roll Call
Chairman Sny called the meeting to order at 6:30 pm.
Present: J. Sny, J. Henson, L. Hallman, G. Baber, S. Hensley, M. Pollard, J. Wright, C. Boyd & T. Loomis
Absent: None

Approval of Minutes
Item 2A: Consider approval of April 9, 2025, regular meeting minutes.
Motion: J. Wright made a Motion to Approve the April 9, 2025, minutes. S. Hensley seconded the motion.
Vote: The motion passed unanimously (7-0-2) with M. Pollard and C. Boyd abstaining due to absence.

Item 2B: Consider approval of April 29, 2025, regular meeting minutes.
Motion: L. Hallman made a Motion to Approve the April 29, 2025, minutes. T. Loomis seconded the motion.
Vote: The motion passed unanimously (8-0-1) with C. Boyd abstaining due to absence.

Public Comments: None

Action Items
Item 4A: Consider a recommendation for Petition #R25-01 to rezone 11.34 acres located at the intersection of Mt. Holly-Huntersville Road and Alexandriana Road for a multifamily development.

Disclosure: J. Henson disclosed that his firm has worked previously with this firm but is not working with them on this current project and he does not believe there is a conflict. No objections were made.

J. James, Principal Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed rezoning application and stated that staff is recommending approval of the rezoning application.

The Board asked about the Future Land Use map updates, proposed road improvements at the intersection of Mt. Holly-Huntersville and Hambright, and consideration of uses given the current uses on the southern side of Alexandriana that are within Charlotte zoning. Staff stated that the Town of Huntersville adopted very deliberately different zoning from Charlotte and considers the uses based on the long-range planning adopted for the Town of Huntersville.

B. Geisler, Treenail Development presented as the applicant and reviewed the proposed project.

J. Sny asked the applicant to expound on how they propose that the project would meet the TOD-R zoning.

S. Hensley asked the applicant about the engineering of solar into the project and asked what caused them to limit it to only certain buildings. The applicant said that it's a financial decision based on what their discussions with Duke.

J. Wright asked the applicant to explain the micro-transit system. The applicant stated that it is CATS version of something similar to Uber and the Park and Ride location is the main hub.

L. Hallman asked staff what the drawbacks would have been if the applicant requested Highway Commercial zoning verses TOD-R. Staff stated that HC only allows 30% attached and the applicant had a desire not to request a modification for 100% attached. L. Hallman followed up with questions to the applicant if they considered mixed-use at this location. The applicant responded that with the retail services going in up the street at Town 1 this site did not look like a good mixed-use development site for them.

C. Boyd asked staff to explain a pedestrian village format and what is currently missing from the proposed development to be considered that development style. Staff confirmed that it would require mixed-use.

L. Hallman asked staff if shorter blocks and improved connectivity would be more in keeping with a TOD-R zoning and if we have many apartment only complexes that are TOD-R. Staff responded that to meet the zoning you are either building a TOD or connecting to a TOD and the proposed site does not meet either of those requirements, the comments are elements that would be recommended if the TOD requirement was already being met. Town 1 and the development at the corner of Statesville Road Mixed-Use at Statesville and Hambright also has a greenway connectivity through the development.

M. Pollard commented that the zoning ordinance article 11.4.7.e states that there must be consistency which seems to mean commercial development would not be permitted at this site. He then went on to ask if the Huntersville 2040 Plan is prescriptive or performance based to determine if the Board should be reviewing this proposal under the guide that something 'shall' or 'must' be done, or if it should be considered as highly desirable. He then asked if a shuttle service to the Park and Ride center would be considered as a direct connection. The applicant responded that at the time of development the property will fall under the area serviced by the CATS shuttle service so it will be provided. J. Sny responded that it would be the equivalent of any development providing Uber services claiming that they are connected.

Motion: T. Loomis made the motion, "In considering the proposed rezoning petition, R25-01, Alex Yards, the Planning Board recommends denial and finds the proposal is inconsistent with the Huntersville 2040 Community Plan policies LU 1.1, LU7.1, LU8.3, EOS-4, EV1.2, and LU 8.2. It is not reasonable and in the public interest to rezone the approximate 11.34 acres and it is not consistent with the envisioned use and development patterns in the 2040 plan. The development as it is currently proposed lacks walkability and connectivity. It is also inconsistent with the character and existing development patterns in the surrounding area." S. Hensley seconded the motion.

T. Loomis commented that she likes the project but it is too early for her. The lack of walkability, if there were sidewalk connections, a coffee shop concept, something that supports the TOD or makes the connection.

S. Hensley commented that he believes the developers will do high quality work but he cannot get comfortable with this being the right development for this location. It is a key property, a gateway to Huntersville, and the applicant has done a good job separating themselves from Charlotte, which is a concern, and the land plan calls for this area to be 'Employment Center' which in his opinion needs to be protected for economic development.

J. Sny commented that his biggest issue with the proposed development is the connectivity as it relates to the sidewalk.

J. Wright commented that the residential use makes sense at this location with the proposed park in her opinion. The proposed rezoning request though does not match enough with the zoning category and there isn't really a safe walk for people here to get to another site.

J. Henson commented that when you look at the proposed project in the context of what surrounds it, this is a better fit in his opinion then the long-range plan of employment/industrial. The residents being able to have access to the park would be a great amenity. He encouraged the applicant to work hard with the Town on the sidewalk connection before the Town Board meeting so it could potentially be resolved.

M. Pollard commented that with the addition of the park this parcel is not consistent with industrial and would be a better fit in his opinion with the residential, it is a more inviting welcome to Huntersville than industrial, and the proposed project is reasonable while it could still use additional improvements to make it even better.

L. Hallman commented that he likes the proposed project and the look of it but where it is proposed would take employment center and while aesthetically a commercial use may not be as pleasing as this, there is a need to protect the tax base and he would not want to encourage additional residential in the area designated for employment center.

Vote: The motion for denial passed (5-4) with C. Boyd, J. Henson, J. Wright, and M. Pollard opposed.

Item 4B: Consider a recommendation on Petition #R24-07, a request to rezone 106 acres located east of the intersection of Hambright Road and Everette Keith Road to develop a single-family detached and attached house subdivision.

B. Priest, Assistant Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed rezoning application and stated that staff is recommending approval of the rezoning application.

M. Pollard asked staff to expound on the payment in lieu regarding incomplete street completion and stream crossing. Staff confirmed that the applicant is volunteering a donation to the future crossing of the stream that is on their land but that they are not required to complete as part of this project.

J. Henson asked staff if the areas that the plan complies with the 2040 Plan have been updated since the Public Hearing. Staff confirmed that they have not.

L. Hallman asked staff when the Eastfield Small Area Plan was completed and the age of Dogwood Estates and how the intensity is designed to address this. Staff confirmed that the Eastfield Small Area Plan was completed in 2014 and Dogwood Estates well predates all of the plans. The plans intensity is the highest in Parcel C and then reduces as it meets Dogwood Estates to be respectful of their existing density.

G. Baber asked staff if the lots that are adjacent to Dogwood represent this intensity and lot size now or if they need to be increased. Staff stated they are recommending that the lots be increased to be more in keeping with Dogwood Estates. The proposed density east of the stream is 1.5 units/acre versus the staff recommended 1.0 units/acre. Staff stated that this recommendation would be more respectful of the existing neighborhood and reduce the overall density of the plan to more closely match what is permitted.

Sean Paone, Bolton Menk presented the proposed project as the consultant to the applicant.

T. Loomis asked what phasing is being proposed for the project. The applicant explained that the mix of product being offered requires more of an overall development to be able to offer enough variety at any one time. The applicant stated that they agree to a two-phase development and outlined what that would look like, with the connection to Dogwood Estates coming at the end of the project.

J. Wright asked how the homes adjacent to Dogwood would be oriented. The applicant confirmed that there are two existing homes that would face the proposed four new homes.

L. Hallman asked about the applicant to expound on the proposed density adjacent to Dogwood Estates. The applicant stated that the lots in Dogwood Estates are not actually 1 acre lots so they would like to focus on the larger lots that are in keeping with the existing lots for the 4 proposed homes on Dogwood Lane that would be opposite the 2 existing homes which combined 4 original lots, and then phase to the slightly smaller lots as you move into the development and away from the existing homes.

M. Pollard asked for clarification on the phasing to transfer the development to a new developer, and the Dogwood Lane calming efforts. The applicant stated that this may be in reference to a note that was placed and will be removed. The intent of the note was to manage the applicants for any potential future rezoning applications due to real-world constraints determined in construction, not to sell of bits of the development to other developers. The applicant stated that the Dogwood Lane calming efforts included a raised pedestrian crossing/speed table, and the mini traffic circle to discourage cut-thru traffic.

M. Pollard asked if the Town has considered the risk-management associated with the pond. Staff stated that it is not unusual for Parks and Recreations to have a pond. Hornet's Nest in Charlotte and Catawba in Cornelius both have ponds stocked with fish and the balance of the details are being worked out but the Parks and Recreation department is amenable to taking it on. M. Pollard followed up that he is

aware of the other properties, but this pond is more secluded, and risk management should also be mitigated in the decision.

J. Sny asked if the applicant can prohibit construction traffic from using Dogwood Lane to enter/exit the property and if the developer has experience with developing a community with this degree of amenities. Scott Monday, NVR Homes stated that they can request and advise the trades and vendors not to use the road but given that it is a public road they cannot explicitly prohibit anyone from using it. They are open to managing the request to all parties involved. The applicant stated that this degree of amenities is in keeping with their current development standards across Charlotte.

S. Hensley asked about the applicant's response to the alleyway connections versus staff's comments, and if the amount for the Hambright Road connection has been agreed upon. The applicant commented that they prioritized the open space over the connectivity and NCDOT has approved the connections shown which are less than what the applicant originally proposed. S. Monday stated that the plans have not entered civil design which is when the costs could be determined. Staff confirmed that the applicant has agreed to a note on the plans to commit to whatever that cost is when it is determined.

S. Hensley asked the applicant if the build-to lines have been agreed upon. The applicant stated that they are looking for something similar to Stoneybrook Station given the future plans of the road, and the proposed adjacent uses.

L. Hallman asked staff to review the outstanding items and determine what needs to be addressed. Staff reviewed the principles of what is lacking and stated that even with what has been discussed tonight, there is no commitment to those items as of yet by the applicant.

M. Pollard applauded the developer and staff for the proposed 10 affordable units and asked the applicant to consider 12 units. The applicant stated that these are the first for-sale affordable units in Huntersville, and they would like to see how it will work and how Huntersville will manage it.

Motion: L. Hallman made the amended motion, "In considering the proposed rezoning petition, R24-07, Everette Keith residential, the Planning Board recommends approval based on the plan being consistent with the Huntersville 2040 Community Plan policies LU 1.1, LU10, LU5, LU8.2, LU9. It is reasonable and in the public interest to approve the rezoning plan because the plan does follow the land recommendation uses of the Huntersville 2040 Community Plan." C. Boyd seconded the motion.

The Board discussed the conditions that they would like included in the motion. L. Hallman accepted the conditions and made an amended motion.

Amended Motion: L. Hallman made the amended motion, "In considering the proposed rezoning petition, R24-07, Everette Keith residential, the Planning Board recommends approval based on the plan being consistent with the Huntersville 2040 Community Plan policies LU 1.1,LU10, LU5, LU8.2, LU9 with the following conditions, increased connectivity through the development is achieved through working with staff on the alleys and accommodation of greenways in various segments; a phasing plan is submitted showing sequential and logical development of infrastructure; eight affordable housing units are spread out through the proposed development and deed restricted for 30-years; utility connection

feasibility is secured; dedication of the pond land to the Town is accepted; modification of the condition subdivision note; and other minor comments as directed by staff. It is reasonable and in the public interest to approve the rezoning plan because the plan does follow the land recommendation uses of the Huntersville 2040 Community Plan." C. Boyd seconded the motion.

L. Hallman commented that he feels it is the right land use for the site without encroaching too much on the Eastfield Area Plan. It appears that Dogwood Estates concerns and has been well mitigated.

C. Boyd commented that after hearing the presentation and seeing the overall development, location, and reasons for the modifications he is in support of it.

S. Hensley commented that he likes the plan but he doesn't think that we are at the finish line. It has been said previously that the goal of the Planning Board is to send up an application that is as complete as it can be for the Town Board to act on and it appears that the Planning Board is in support of the concept but the execution is sloppy and incomplete and in his mind should be deferred so that what is being presented is more complete.

T. Loomis and M. Pollard agreed with S. Hensley comments.

J. Sny commented that he agrees and the challenges of this site being what they are he can appreciate the challenges that the applicant is also tackling. He encourages the Town Board to consider reducing the density around Dogwood Lane and otherwise he is fine with what is proposed.

G. Baber commented that the small area plan is recommending a density for this area and it seems like it is being ignored, despite that, he likes the plan as a whole but he would like to see a better density transition to Dogwood Lane.

J. Henson commented that he likes the plan and will support it. The consensus is generally there but the pieces are not all there. With it being a large site and the conditions there will be adjustments in the future but he recommends that the applicant nail down as many of these conditions as possible before the Town Board meeting to present something more thorough.

Vote: The amended motion for approval passed (4-1-3) with J. Wright opposing, T. Loomis, S. Hensley, and M. Pollard abstaining.

Item 5A: Other Business
The Board thanked G. Baber for his service and announced that this would be his last Planning Board meeting due to a June scheduling conflict and the end of his term.

Adjourn
Motion: G. Baber made a Motion to Adjourn. J. Sny seconded the motion.
Vote: The motion passed unanimously (9-0).

Approved this ____ day of _____ 2025.

_____

Chairman or Vice Chairman

_____

Board Secretary

Request for Board Action

June 24, 2025

To: The Honorable Mayor and Board of Commissioners

From: Brad Priest, Assistant Planning Director

Subject: R25-04: The Holbrook Phase 2

EXPLAIN REQUEST:
Consider making a recommendation on Tuesday, June 3rd, 2025, at 6:00 p.m. at Huntersville Town Hall for Petition #R25-04 The Holbrook Phase 2, a request by Northstate Development to rezone +/- 1.727 acres at 106 Gilead Road (ID 01712208) from Neighborhood Residential (NR) to Town Center Conditional District (TC-CD) for a mixed-use building.

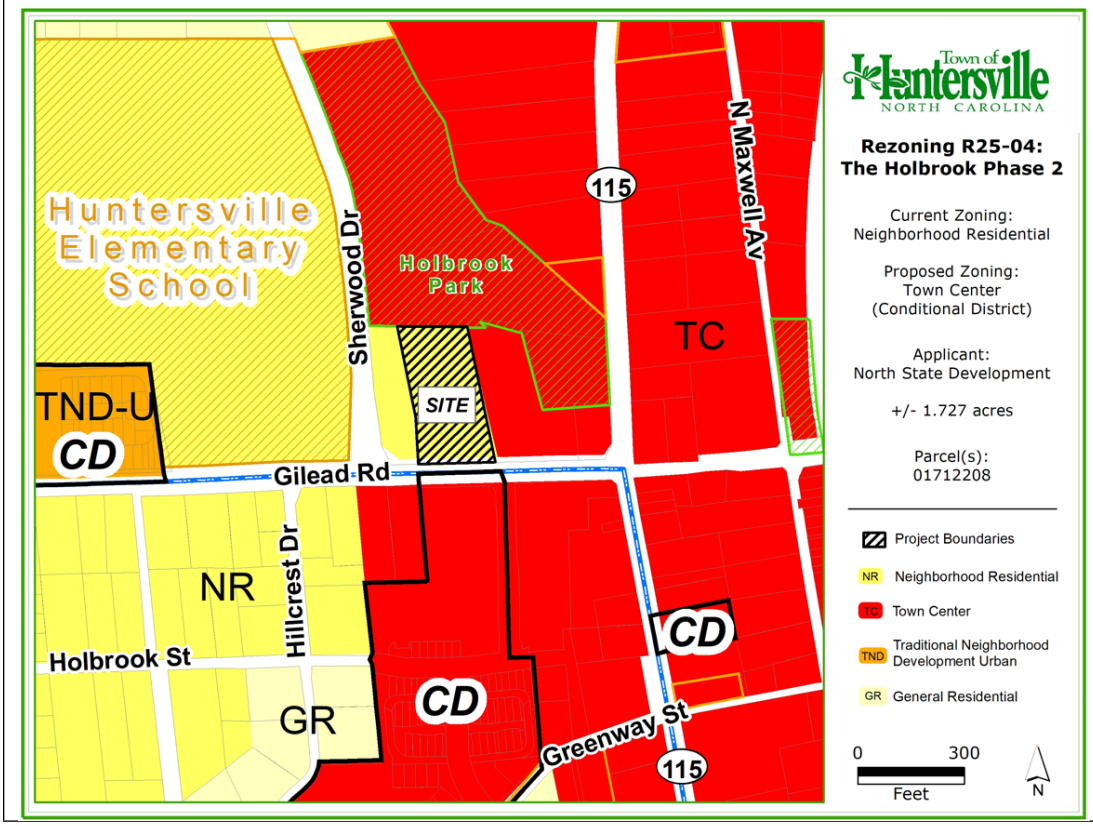
ACTION RECOMMENDED:
Conduct public hearing

FINANCIAL IMPLICATIONS:
N/A

ATTACHMENTS:
1. R25-04 The Holbrook Phase 2 - PB - 6 24 25
2. The Holbrook Phase 2 Rezoning Plan Set 06.11.2025
3. Rezoning Engineering Comment Summary - The Holbrook Phase 2 (R25-04)
4. HTC 2 Community Meeting Report Package
5. ToH General Application Rezoning - signed

Petition R25-04
The Holbrook Phase 2 Mixed Use Building

PART 1: PROJECT SUMMARY



Applicant: North State Development

Property Owner: Martha Rawdon

Property Address: 106 Gilead Road

Project Size: (+/-) 1.727 acres

Parcel Numbers: 01712208

Current Zoning: Neighborhood Residential (NR)

Current Land Use: Single Family Residential

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

Proposed Land Use: Mixed-use building – commercial and residential

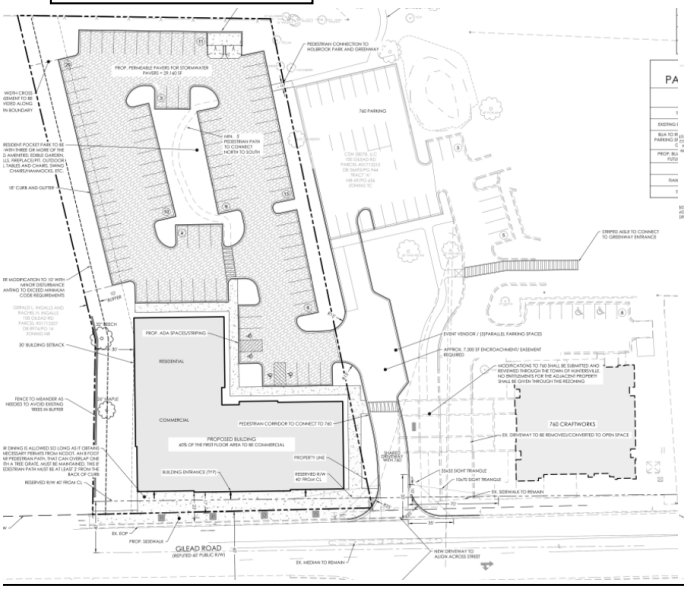
1. Purpose: Petition #R25-04 The Holbrook Phase 2 is a request by North State Development to rezone +/- 1.727 acres at 106 Gilead Road (ID 01712208) from Neighborhood Residential (NR) to Town Center Conditional District (TC-CD) for a mixed use building.
2. Adjoining Zoning and Land Uses.
   - North: Holbrook Park, Town Center (TC) zoning.
   - South: The Holbrook Phase 1 Mixed Use Building, Town Center (TC) zoning.
   - East: 760 Craftworks Brewery, Town Center (TC) zoning.
   - West: Single Family Home, Huntersville Elementary School, Neighborhood Residential (NR) zoning.
3. A neighborhood meeting was held on Wednesday April 30, 2025. The invitation list, invitation, attendance list, and summary of the meeting are included in the agenda packet for review. Several adjacent property owners attended the meeting to discuss the potential project and ask questions of the applicant.
4. Planning staff certifies that notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad was placed in the Charlotte Observer; and posting of a rezoning sign along Gilead Road in front of the property.

PART 2: REZONING/SITE PLAN

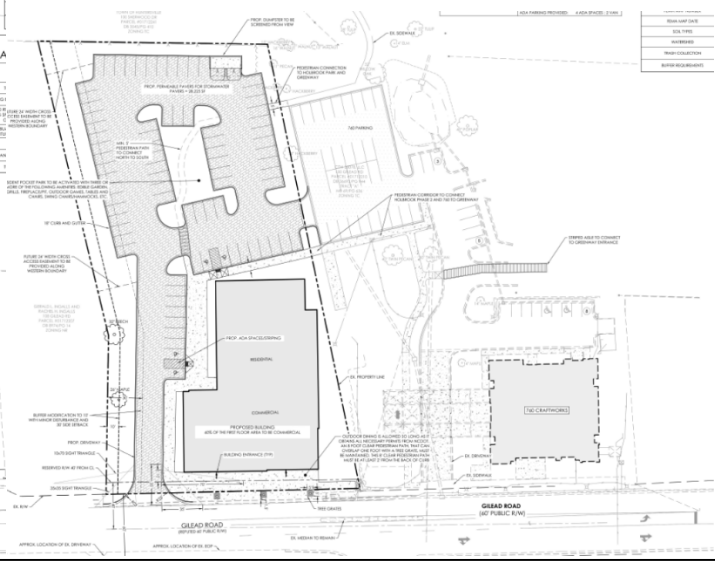
Site Plan Description

- The applicants are proposing to develop a total estimated 60,000 ft², 4-story mixed use building. The commercial space would be located along Gilead Road on the first floor, with residential apartments located on the back of the first floor and on the upper floors.
- The residential density of the development will be 55 residential units on 1.727 acres = 31.8 units per acre.
- The commercial area is proposed to be 9,000 ft² on the first floor (of the total 15,000 ft²), minus the utility area shared with the residential area. Please see the commercial area modification request below on page 3 for further information.
- There are 2 versions of the rezoning proposed. The first has a shared driveway with the adjacent 760 Craftworks Brewery (and site design changes) and the other is where the development provides its own separate driveway further west of the proposed building. If approved, either of these 2 versions would be permitted.
- The proposed development is a one building, one lot development with no subdivision proposed. Therefore, no subdivision or open space requirements are applicable.
- The building would provide all the ordinance required parking on-site; 83 parking spaces required, 96 parking spaces provided. No shared parking is proposed.
- The submitted site plan proposes to mitigate all the required tree save on the property. 3 specimen trees are required to be saved, no trees are proposed to remain undisturbed and saved. Therefore the 3 trees are proposed to be mitigated per Article 7.4 of the Zoning Ordinance.

Rezoning Plan: Option 1

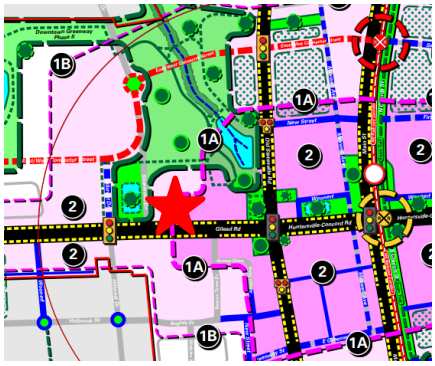


Rezoning Plan: Option 2



Rezoning Issues:

- Modifications:
  - Buffers: Article 9.64 of the Zoning Ordinance requires a 40-foot buffer when density of a multifamily building adjoins a detached house. The applicants are proposing a mixed-use building with multifamily adjacent to a single family detached house to the west. Therefore a 40-foot buffer is required along the western property line. A 20-foot buffer is proposed along the western property line in the option 1 site plan, and a 10-foot buffer is proposed on the option 2 site plan.



    - An additional buffer modification is proposed to disturb the buffer and replant.
    - The applicants have noted that additional evergreen trees would be added to the buffer landscaping.
    - STAFF COMMENT: Staff supports the reduction of the buffer considering the area of the subject parcel and the adjacent parcel are all recommended to transition to commercial/downtown area sometime in the future (Primary Gathering Area 1 A and B; see pink areas of the Huntersville Downtown Plan attached). Usually, in downtown settings, a mixture of uses are expected with minimal buffers or screening between various uses. With large evergreen screening, the proposed buffer should be enough to create a spatial and visual separation between the properties. See massing discussion below on page 5 for further buffer discussion.
    - UPDATE 6/13/25**:** The plan has been updated to show a 10-foot buffer on both site plan options. Staff would like to get clarification on the reason a 10-foot buffer is proposed, when a wider area is shown as undisturbed on sheet Z02.2. Staff recommends all the undisturbed area be designated as buffer, to be supplemented by additional plantings for a total of 20 feet of buffer. See additional buffer discussion below regarding massing on page 4.
  - Building Height: Article 4.4 of the Zoning Ordinance allows Shopfront Buildings to be a maximum 48 feet in height. The applicants are proposing a maximum height of 55 feet.
    - STAFF COMMENT**:** Staff supports the increase in building height. The increase is minimal and would be similar to new surrounding buildings.
      - Holbrook Phase 1 – 52 feet.
      - Huntersville Town Center – 49 feet
      - New Town Hall – 66 feet
  - Commercial Space Minimum: Article 4.4.6 of the Zoning Ordinance requires that the first floor of shopfront buildings include at least 60% commercial use; and that 60% calculation may not include any shared residential mechanical or utility rooms.
    - The first floor of the proposed building is 15,000 ft² in size. Therefore 9,000 ft² is required to be commercial use on the first floor, not including any shared residential utility area.
    - The applicants are requesting a modification to allow the building to reach the required 9,000 ft² using riser rooms and other mechanical areas that are shared with the residential portion of the building.
    - STAFF COMMENT: The purpose of the shopfront building requirement is to ensure a significant amount of the first floor of mixed-use buildings include commercial uses. If a significant portion of commercial, close to the required 60% is proposed, staff can support the modification. However, it is currently unknown how large the actual shared utility area will be. Rather than have an open-ended modification regarding the sharing of the utility rooms, staff recommends the modification be based on the numerical amount of commercial proposed per the ordinance requirement. In other words, if 9,000 ft² of commercial is required with no residential shared

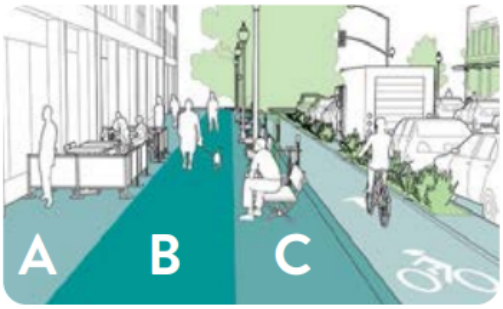
areas, a modification to allow 8,500 ft² could be considered with no residential shared area. Staff could support 8,500 ft² as that would still be 56% of the first-floor area.

- Massing: Article 3.2.6 D of the Zoning Ordinance requires new buildings to respect the general spacing, mass, and scale of existing buildings along the street. This section also allows buildings that exceed the scale and volume of existing buildings to demonstrate compatibility by varying their massing to reduce perceived scale and volume. The application includes a large 4-story building immediately adjacent to a single family 2-story home. Staff recommends that the proposed building would therefore not be compatible with the massing of the adjacent structure. To demonstrate compatibility and conform to ordinance requirements, the building would need to vary its architectural massing by lowering or "stepping down" its height to the west of the building. If no architectural variations are proposed, a modification from the ordinance is required.
  - UPDATE 6/13/25: The updated plan includes elevation graphics showing concepts of the proposed building. There is no "step down" in the height near the smaller 2-story building to the west nor is there a clear specific elevation of the western façade submitted. Therefore, a modification for this section of the ordinance is required. An updated modification request was added to the rezoning notes (note 11.F) on sheet Z03.1.
  - Therefore, the current mitigation for the massing issue on the plan is currently proposed to be solely a reduced 10-foot buffer along the western property line.
  - Staff has received feedback from the adjacent property owner expressing general concern with the reduction of the buffer from 40 feet to 10 feet. It was conveyed that although they are supportive of the overall project, the desire is for more undisturbed area to save as many trees as possible, and to keep the buffer closer to 20 feet in width.
- Traffic Impact Analysis Draft Submittal: Article 14.2.3 requires that when a TIA is required, the draft TIA shall be submitted to staff for review at least 30 days prior to the public hearing. A TIA determination for this project has not yet been completed. Therefore, if it is determined that TIA is required, a modification is required for this section of the ordinance.
  - UPDATE 6/13/25; The new plan includes a modification note requesting that no TIA be required. It states that "the applicant has agreed to contribute $15,000 toward a comprehensive downtown traffic study (CDTS). To be paid upon completion of the CDTS scoping approval by NCDOT and no later than issuance of a building certificate of occupancy".
    - STAFF COMMENT: Staff has not had an opportunity to review the new note with engineering. Staff will try to get further information for the presentation at the meeting.
- Main Pedestrian Entrance: Article 4.3 of the Zoning Ordinance requires that the "Primary Pedestrian Access" into the building be accessed from the street front. Article 12 defines the Primary Pedestrian Access as "the principle architectural and functional means of a public ingress and egress into a building as part of normal and customary establishment operations." Therefore, the primary means to enter and exit the building is required to be from the street front. The applicants intend to request a modification to allow only the commercial units to have access from the street front. The residential apartments (85% of the building area) would not have street access. Residents would be required to walk around the perimeter of the building to access the residential units. A note needs to be added to the plan requesting this modification.
  - STAFF COMMENT: Staff does not support this modification for the following reasons:
    1. The street frontage and access requirement has been a fundamental principle in the Huntersville Ordinance for 30 years, which has helped to create a walkable and unique development pattern set apart from its neighbors. Modifying the ordinance could set precedence that could alter future development design in Huntersville.
    2. The proposed building is in a downtown area where walkability and pedestrian orientation is of paramount concern. Not accommodating the residents of the development with street

access would be detrimental to the pedestrian orientation of the development, and not be consistent with recommended downtown design.

3. Not providing convenient street access for the building would be inconsistent with the principles and the Huntersville 2040 Plan, see 2040 Plan discussion below.

- Conditional Notes: The "Schematic Nature of the Rezoning Plan" note #3 on sheet Z03.1 would allow extraordinary flexibility to all aspects of the conditional plan. The number of buildings, uses, street locations, lot locations, sizes, building materials etc. could all significantly change due to this note. Staff is concerned that this note nullifies the intent of the conditional plan and could allow a completely different design to be built from what was presented to the Town Board and public. Flexibility for construction after sketch plan approval is routine and to be expected, but staff recommends the note be amended to only allow "minor revisions consistent with the general layout of the rezoning plan as approved by staff", or a variation thereof.
    - UPDATE 6/13/25: The updated note was amended to state minor changes are permitted consistent with the rezoning plan, as approved by staff. This is acceptable to staff.
- Gilead Road Street Front: The applicants are proposing a "plaza" in the front of the building along the street scape that encroaches into the public right of way. In addition, a note is added to the site plan stating that "outdoor dining is allowed in plaza except for a minimum 5 feet clear pedestrian path". Staff is concerned with the proposed frontage condition and with the amount of outdoor seating that would encroach into the right of way and sidewalk. Since this is a downtown building with high pedestrian traffic, staff recommends at least 12 feet back of curb for pedestrian use, including tree grate area. This will allow an estimated 12 feet of area outside of the building for restaurant seating, planters, furniture, etc, while keeping around 8 feet "free and clear" for the pedestrian (street trees to ROW). Staff will continue to work with the applicant to find an acceptable medium.
    - UPDATE 6/13/25: The amended plan includes a note that clarifies an 8-foot free and clear pedestrian area would be maintained, however that area would include areas 2 feet back from the curb. In other words, the applicant proposes to allow outdoor seating to extend far enough into the sidewalk that the pedestrian travel zone would meander in some spots to within 2 feet of the curb/road. Staff recommends that a minor degree of meandering could be appropriate, however pushing pedestrians within 2 feet from Gilead Road would be detrimental to a positive downtown pedestrian experience. The area closest to Gilead Road is usually reserved as a "buffer or furniture zone" that serves to create a separation of the pedestrian from the vehicular street. See 2040 Plan Downtown Graphic attached (Zone "C"). Pushing the pedestrian path ("B") into the furniture zone ("C") would create potential conflicts between streetlights, street trees, street furniture, and would create an uncomfortable pedestrian experience so close to vehicular traffic. Staff recommends that 8 feet generally be maintained from the street trees back for the pedestrian travel zone.



Source: NACTO

A | FRONTAGE ZONE: FUNCTIONS AS AN EXTENSION OF THE BUILDING. CAN BE USED FOR DINING, SIDEWALK SIGNS, POTTED PLANTS, BENCHES, ETC.

B | PEDESTRIAN TRAVEL ZONE: AT LEAST 5 FEET BUT WIDER IN MORE TRAFFICKED AREAS.

C | STREET FURNITURE ZONE: BETWEEN THE CURB AND THE CLEAR PATH, WHERE AMENITIES SUCH AS LIGHTING, BENCHES, AND STREET TREES ARE FOUND

- Building Elevations: The building elevations submitted appear to be of the Holbrook Phase 1 building already built. Staff recommends specific elevations for the phase 2 building be submitted for review and comment.
    - UPDATE 6/13/25: The updated plan includes an elevation sheet with graphics that are intended to represent the concept of both option 1 and 2 buildings (sheet Z07). The concept however is not complete as it does not clearly represent all elevations of both buildings. A note on the elevation states: "stylistically and thematically the elevation on Plan A and B will be consistent with the above images.

While balconies may be adjusted, general articulation will remain the same**.** Petitioner commits to having retail entrances on Gilead Road."

- STAFF COMMENT: Staff recommends that although not ideal, the included graphic meets the minimum to understand the concept of the elevations proposed.
- However, staff has architectural comments on the building and recommends modifications based on page 19 of the Huntersville Design Guidelines and the Shopfront Building Type of the Zoning Ordinance. https://www.huntersville.org/DocumentCenter/View/16554/Design-Guidebook-Website
    - From the 3D clips shown in the submittal, the front facade appears somewhat flat in parts along the front. Staff recommends more articulation of the building with more offsets/insets on the Gilead frontage.
    - To match the stylistic theme of other downtown buildings, staff recommends more brick and/or other durable materials on the façade.
    - To emphasize the entrances of the building, staff recommends canopies, recessed entries, permanent planters, raised roof lines, or other architectural features be used to highlight and define the building entrances along the street.
- The note on the elevations state that retail entrances would be on Gilead Road. However, staff would further recommend that no main commercial entrances be proposed on the side of the building, especially on the west side facing the adjacent residential home. A clarifying note is recommended especially for option 2 where the building is narrower along Gilead Road.
- Staff recommends the site plan options be clarified. They're referred to as "site plan" and "alternate site plan" as well as "Plan A", "Plan B" in the submittal.

- Pedestrian Connections: The Zoning Ordinance and the Huntersville 2040 Plan require and recommend pedestrian connectivity through the property. Staff recommends physical pedestrian connections through the parking lot, and ones that connect to the new 760 Craftworks sidewalk that leads to Holbrook Park and the Downtown Greenway. See the 2040 Plan Comments below.
    - UPDATE 6/13/25: The updated plan includes a new connection to the 760 Craftworks sidewalk that leads to Holbrook Park. A pedestrian corridor is also added through the parking lot island open space. However, that connection to Holbrook Park is not accommodated for completely through the parking lot. The connection is located behind a parking space, requiring pedestrians to walk between cars to reach the connection. At a minimum, staff recommends the connection straddle a parking space so pedestrians can walk between the parked cars. Ideally, a crosswalk through the lot is established, and a parking space is removed allowing an unimpeded connection.
- Minor Site Plan Comments: Several minor site plan comments remain unresolved. Staff recommends these comments be addressed on the updated rezoning submittals.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

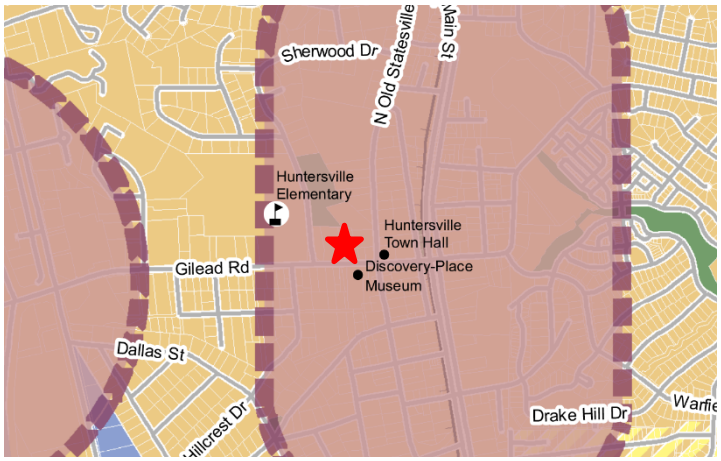
- The determination of whether a TIA is required for this project is currently under review by staff. If it is determined that a TIA is required, a modification will be needed to Article 14 of the Zoning Ordinance allowing the applicant to move through the public hearing portion of the process without the TIA draft being submitted 30 days prior to the hearing. See rezoning issues above and engineering memo included in the agenda packet. Or, the Town Board could continue the public hearing allowing the TIA to be completed and submitted for review prior to the continuation of the hearing. If it is determined a TIA is not required, the application can continue through the process as normal.

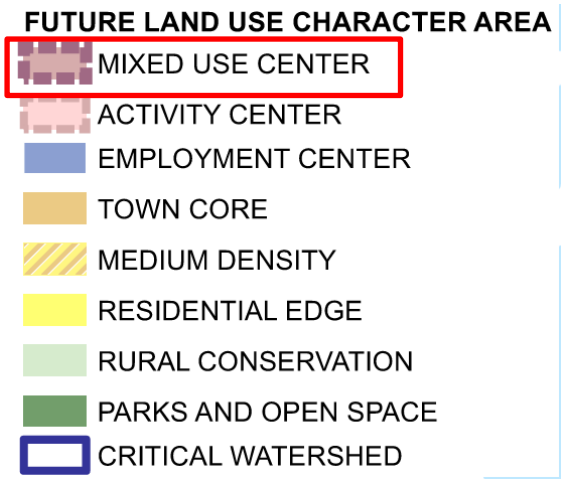
- UPDATE 6/13/25: A modification note has been added to the plan requesting exemption from TIA requirements. Rather the applicants would contribute $15,000 for a downtown traffic study. Staff has not had an opportunity to discuss this update with engineering at the time of staff report deadline. By Board meeting date staff will endeavor to provide more information.

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 – "Mixed Use Center"







Mixed-Use Centers

Mixed-Use Centers contain vertical mixed-use along key frontages. New development includes wide sidewalks, buildings are close to the street with high levels of transparency, and parking is located in the rear. A mix of housing is allowed, including urban options throughout (apartments, townhomes, cottage homes, etc.). Downtown has specific requirements for streetscape and development intensity, including a maximum first floor footprint.

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

- **Policy LU 1.1**: Utilize the Future Land Use Map during development approval process to ensure compatibility with long range plans.
  - STAFF COMMENT: The property proposed is in the Mixed-Use Center future character area of the 2040 Plan. This area recommends vertical mixed-use buildings and shopfront type development. Therefore, the proposed vertical mixed-use building would be a supported use. This is also a recommendation of the Huntersville Downtown Plan. See below.
- **Policy LU 5**: Focus more intense development in locations that can support growth.

  - STAFF COMMENT: The proposed development is in downtown near the intersection of 2 major thoroughfare intersections. However, a TIA may be required. If required, any TIA mitigation must be committed to for consistency with this policy.
- **Policy LU-6**: Support a mix of land uses in key locations.
  - STAFF COMMENT: The application includes a mix of residential apartments with commercial in an area suitable Town Core and Activity Center.
- **Policy EV-2.2 and 2.3:** Leveraging Downtown as a unique destination and attracting business to Downtown**.**
  - STAFF COMMENT: Adding more business space to downtown and to Gilead Road would encourage downtown as a destination. It would also attract retail businesses that would be open past 6 pm, offering goods and services to downtown residents.
- **Policy DT-11**: Promote residential development in Downtown Huntersville.
  - STAFF COMMENT: Adding additional rental apartments integrated with commercial uses is directly consistent with this policy.

STAFF COMMENT – The 2040 Huntersville Community Plan **DOES NOT** SUPPORT this project through the following sections:

- **Policy LU 7:** Require new development to follow design principles that reinforce the vision for the Town…commitment to traditional town planning and urban design principles.
  - STAFF COMMENT: The applicants are asking for a modification to not provide primary pedestrian access for the building on the street, with only commercial units having street entrances. See Main Pedestrian Access discussion above on page 4.
- **Policy EOS 4:** In urban environments, encourage the preservation of heritage trees and tree canopy enhancement.
  - STAFF COMMENT**:** The applicants are not proposing to save any specimen trees per code, as all of the trees on site are proposed to be disturbed. Mitigation of all the specimens on the property is required.
    - UPDATE 6/13/25: The adjacent property owner to the west has expressed to staff that for the buffer adjacent to their property line, they would like the applicant to disturb as little of the existing tree dripline as possible. Staff recommends the applicant research and attempt to apply techniques to improve mature tree preservation along the residential property line. For instance, could small retaining walls be installed along the western property line leaving more undisturbed area? Could the driveway for “option 2” use “root bridge” technology to disturb less of the tree line?
- **Policy LU-11.2**: Respect general spacing and massing of existing structures:
  - STAFF COMMENT: The proposed 4 story building is proposed to be located immediately adjacent to a 2-story single family home. The massing, height, and setback are not consistent with the existing home. In addition, the required buffers of the zoning ordinance that could assist with consistency are proposed to be substantially modified and reduced. Therefore, staff recommends this policy is not met. However, in a downtown context, with the adjacent single-family home also proposed to be commercial in the Huntersville Downtown Plan in the future, some flexibility could be appropriate. Staff recommends the architectural elevations be submitted to understand the massing closer to the western property line. Additionally, any feedback obtained from the adjacent property would be valuable to understand the temporary effect of the proposed building and the reduction of the buffer.
  - UPDATE 6/13/25: The adjacent property owners have expressed to staff that they support the application with the following principles:
    - More is done to preserve mature trees in the buffer.
    - A larger buffer is established closer to 20 feet.
    - The removal of the driveway/option 2 from the plan.

- **Policy DT 1**: Encourage future development in the Downtown area to adhere to the Regulating Plan.
    - STAFF COMMENT: The regulating plan/character and connections map of the 2040 plan does not call for this area to be part of the "Active Frontage" or "Downtown Tier". The map calls for this area to remain natural or open space (green coloring). Please see the map attached. The Downtown Plan discusses a similar option for this area. See the Downtown Plan discussion below. However, the subject property is immediately adjacent to the Tier 1 Downtown area (dark blue) and makes for a logical expansion if expanding Holbrook Park is not viable. To meet the intent of this recommendation at a minimum, staff recommends a highly amentized open space on the property as well as direct connections to Holbrook Park and the Downtown Greenway from Gilead Road.



- **Policy DT-1.1**: Encourage vertical mixed-use development with active visual engagement between the street and the ground and upper floors along Active Frontages.
    - STAFF COMMENT: Assuming this location is approved as an Active Frontage (above), this policy recommends that street frontages have building fronts with frequent pedestrian access points and façade articulations. Staff recommends building elevations be submitted for review for this policy. In addition, residential access from the front is not currently proposed.
    - UPDATE 6/13/25: Elevations were submitted and reviewed. Staff recommends some design amendment as described above in Part 2 of the report.

2023 Huntersville Downtown Master Plan

STAFF COMMENT – The 2023 Huntersville Downtown Master Plan **DOES** SUPPORT this project through the following sections:

- **Gathering – Key Recommendations – Primary Gathering Area**:
    - STAFF COMMENT: The Downtown Plan includes the subject property in the "Primary Gathering Area" which is considered the "Downtown Core Micro-District" (see dark pink area in the graphic attached). In this area, it is noted that "*This does mean that the entire Primary Gathering Area would or should contain Commercial Development*". Therefore, this mixed use building proposed would be consistent with the commercial and gathering recommendations of the Downtown Plan for Gilead Road.

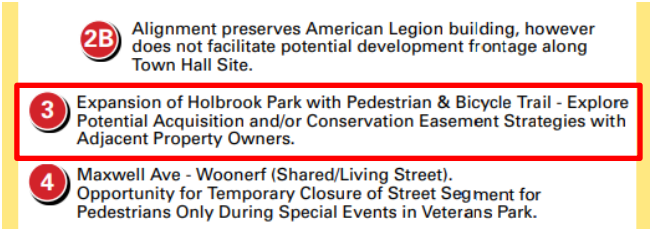


STAFF COMMENT – The 2023 Huntersville Downtown Master Plan **DOES NOT** SUPPORT this project through the following sections:

- **Key Notes and Initial Considerations**

- STAFF COMMENT: This section of the plan recommends "exploring" the possibility of extending Holbrook Park into the subject property (and the adjacent property to the west) toward Gilead Road. This general principle is also represented in the Huntersville 2040 Plan. See the Policy DT-1 discussion on page 8 of the staff report above. Staff does not conclude that this section of the plan implies a firm recommendation for the park to be expanded through the subject parcel. It is a recommendation for the Town to discuss it as a potential option. Planning staff's recommendation is that the subject area is better suited for further commercial and mixed-use *development as recommended by several Key Recommendations of the Downtown Plan mentioned above*. Such uses along core downtown streets are needed and are the building blocks to downtown development.





- In addition, Parks and Recreation staff also recommend that the focus on a potential Holbrook Park expansion be focused to the east, toward Old Statesville Road.
- However, the spirit and intent of having pedestrian connections and open space on these subject properties is found in both the 2040 Plan and the Downtown Plan. Therefore, to meet the principal intent of these plans, staff recommends good pedestrian connectivity and open space from Gilead Road back through to Holbrook Park.

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:
   Staff recommends that the reclassification to Town Center Conditional District (TC-CD) could be consistent with the overall character of adjacent development for the following reasons:
   - The property is surrounded by TC zoning to the north, east, and south.
   - The proposed development is very similar to the massing and potential land uses of the Holbrook Phase 1 immediately to the south of the subject property. It is also similar in character to Huntersville Town Center and the new Huntersville Town Hall which is currently under construction.
   - The inconsistency in the plan is with the adjacent single-family home to the west of the subject property. Buffers are used to create spatial separation and transition for different uses. In this application, however, the buffer is greatly reduced from 40 down to 10-20 feet. Therefore, consistency is a concern. However, as discussed above in the Huntersville Downtown Plan, the subject property is also planned for commercial use in the future. Thus, the inconsistency that could exist would not be present if anytime in the future the adjacent property is developed commercially as the downtown plan recommends. Staff recommends the applicant either increase the width of the buffer, include an architectural step down in building height to assist in consistency, or provide adjacent property owner feedback on the potential temporary inconsistency.
   - UPDATE 6/13/25: No architectural "step downs" are shown in the application and in the new elevations submitted. Therefore, staff recommends the applicant continue to work with the adjacent property owner to create an increased buffer with as much mature tree save as possible.

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, stormwater drainage systems, water supplies, and wastewater and refuse disposal.**
   STAFF COMMENT:
   - A Transportation Impact Analysis (TIA) could be required for this development. The determination of need is still under review. Please see the engineering memo attached.
   - Staff has no other indication that the proposed use will adversely affect the adequacy of public facilities.
   - UPDATE 6/13/25: Please see Part 3 above on the potential modification and contribution for traffic impact review.

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, or cultural resources.

PART 5: STAFF RECOMMENDATION

Staff strongly supports the principle of these properties being developed as a mixed-use building with commercial and retail along Gilead Road per the key recommendations of the Huntersville Downtown Plan. Although the Huntersville 2040 Plan and Downtown Plan both imply Holbrook Park could expand here, staff recommends that further commercial and residential development in core areas such as the subject property is a crucial component for building a sustainable and thriving downtown.

For further excellence in design, staff recommends there are additional opportunities available to the applicant including: affordable housing units, extraordinary design parking lot open space, public art program using the Huntersville Public Arts Commission, and a shared parking program.

Staff can recommend approval once the following design elements are addressed:

1. The western buffer is amended to be closer to 20 feet wide and disturb as little mature tree canopy as possible.
2. Amend the modification note to show the amount of code required commercial area proposed on Gilead Road, show at least 55% as code defined commercial space (8,250 ft²).
3. Amend the note concerning outdoor seating along Gilead Road to reserve 8 feet free and clear back from the street trees.
4. Include a breezeway or pedestrian entrance along Gilead Road giving street access to the residential portion of the building.
5. Update the building elevations along Gilead Road to include more building articulation, brick material, and emphasized building entrances along the street.
6. Clarification and addressing any comments from engineering staff on the proposed TIA modification.

PART 6: PUBLIC HEARING COMMENTS

The public hearing was held on Tuesday June 3, 2025. The live stream of the of the meeting can be viewed here: https://www.youtube.com/watch?v=5xAJwB_uHwE&t=5607s.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board review of the application is scheduled for Tuesday June 24, 2025.

PART 8: TOWN BOARD CONSIDERATION

Town Board final action consideration is scheduled for July 15, 2025.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- Rezoning Application
- R25-04 Rezoning Plan
- Neighborhood Meeting Report
- Engineering Report
- Rezoning Application

PART 10: CONSISTENCY STATEMENT – R25-04 The Holbrook Phase 2

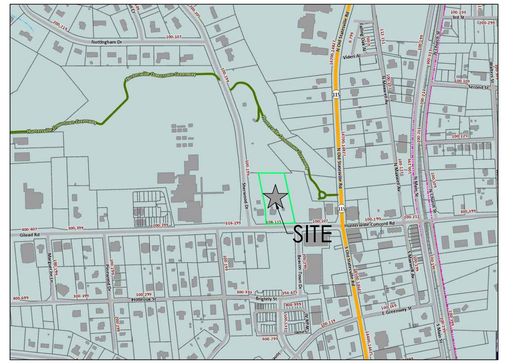
Planning Department	Planning Board	Board of Commissioners
APPROVAL: N/A	APPROVAL: In considering the proposed rezoning application R25-04, The Holbrook Phase 2, the Planning Board recommends approval based on the Plan being consistent with **(insert applicable plan reference)**. **It is reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**	APPROVAL: In considering the proposed rezoning application R25-04, The Holbrook Phase 2, the Town Board recommends approval based on the Plan being consistent with **(insert applicable plan reference)**. **It is reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**
DENIAL: In considering the proposed rezoning application R25-04, The Holbrook Phase 2, staff recommends denial of the application as it is inconsistent with policies LU-7, EOS-4, LU 11.2, and DT 1.1 of the Huntersville 2040 Plan. It is not reasonable and in the public interest to approve the Rezoning Plan because the development is inconsistent with the massing of adjacent development, does not comply with several requirements of the Huntersville Zoning Ordinance, and does not provide street access for potential residents of the development.	DENIAL: In considering the proposed rezoning application R25-04, The Holbrook Phase 2, the Town Board recommends denial based on the Plan being **(consistent OR inconsistent) with (insert applicable plan reference).** **It is not reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**	DENIAL: In considering the proposed rezoning application R24-16 Blythe Landing Residential, the Town Board recommends denial based on the Plan being **(consistent OR inconsistent) with (insert applicable plan reference).** **It is not reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**

Sheet List Table	
Sheet Number	Sheet Title
Z01	COVER
Z02	SURVEY-EXISTING FEATURES
Z02.1	SLOPE ANALYSIS
Z02.2	DEMO AND TREE SAVE
Z03	REZONING PLAN
Z03.1	ALTERNATE SITE PLAN
Z04	PRELIM GRADING PLAN
Z05	PRELIM LANDSCAPE
Z06	PRELIM UTILITY PLAN
Z07	BUILDING ELEVATIONS CONCEPT

R25-04

REZONING PLAN PACKAGE
PROPOSED
THE HOLBROOK PHASE 2 REZONING
HUNTERSVILLE, MECKLENBURG COUNTY, NC

ACCELA# CSP-500067



VICINITY MAP
SCALE: N.T.S.

OWNER
MARTHA M RAWDON
FRANCES M (GARNER L/TST) GARNER
189 SCALYBARK TRAIL
CONCORD NC 28027

DEVELOPER:
NORTH STATE DEVELOPMENT, LLC.
18825 W CATAWBA AVE, SUITE 250.
CORNELIUS NC, 28031
704-997-8255

NOTE:

1. OFF-SITE CONSTRUCTION OR GRADING REQUIRES A SIGNED AND NOTARIZED LETTER FROM THE AFFECTED PROPERTY OWNER(S) GRANTING PERMISSION. A SITE MAP IS TO BE ATTACHED TO THE LETTER SHOWING THE AFFECTED PROPERTY AND THE PROPOSED CONSTRUCTION ACTIVITY (IE; TYPE OF GRADING (CUT / FILL), UTILITY INSTALLATION, ROAD CONSTRUCTION, ETC.).
2. APPROVAL OF THIS SKETCH / CONCEPT PLAN DOES NOT IMPLY OR GUARANTEE APPROVAL AND / OR VESTING OF THE FINAL PRELIMINARY / CONSTRUCTION PLAN. FINAL PRELIMINARY / CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE PER ALL TOWN, COUNTY AND STATE REGULATIONS IN EFFECT AT TIME OF SUBMITTAL.
3. PERMEABLE PAVERS SHALL MEET REQUIREMENTS SET FORTH IN CHAPTER 4.12 OF THE NCDEQ STORMWATER DESIGN MANUAL

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

W&A ENGINEERING
CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT
121 GILEAD RD
HUNTERSVILLE, NC 28078
P: (704) 875-1615
WAENGINEERING.COM

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED SOLELY FOR THIS SPECIFIC PROJECT. W&A ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.

THE HOLBROOK PHASE 2
106 GILEAD ROAD
HUNTERSVILLE, NC

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

REVISIONS

DATE	COMMENT

INITIAL SUB. DATE: 03/03/2025
ISSUANCE DATE: 03/03/2025

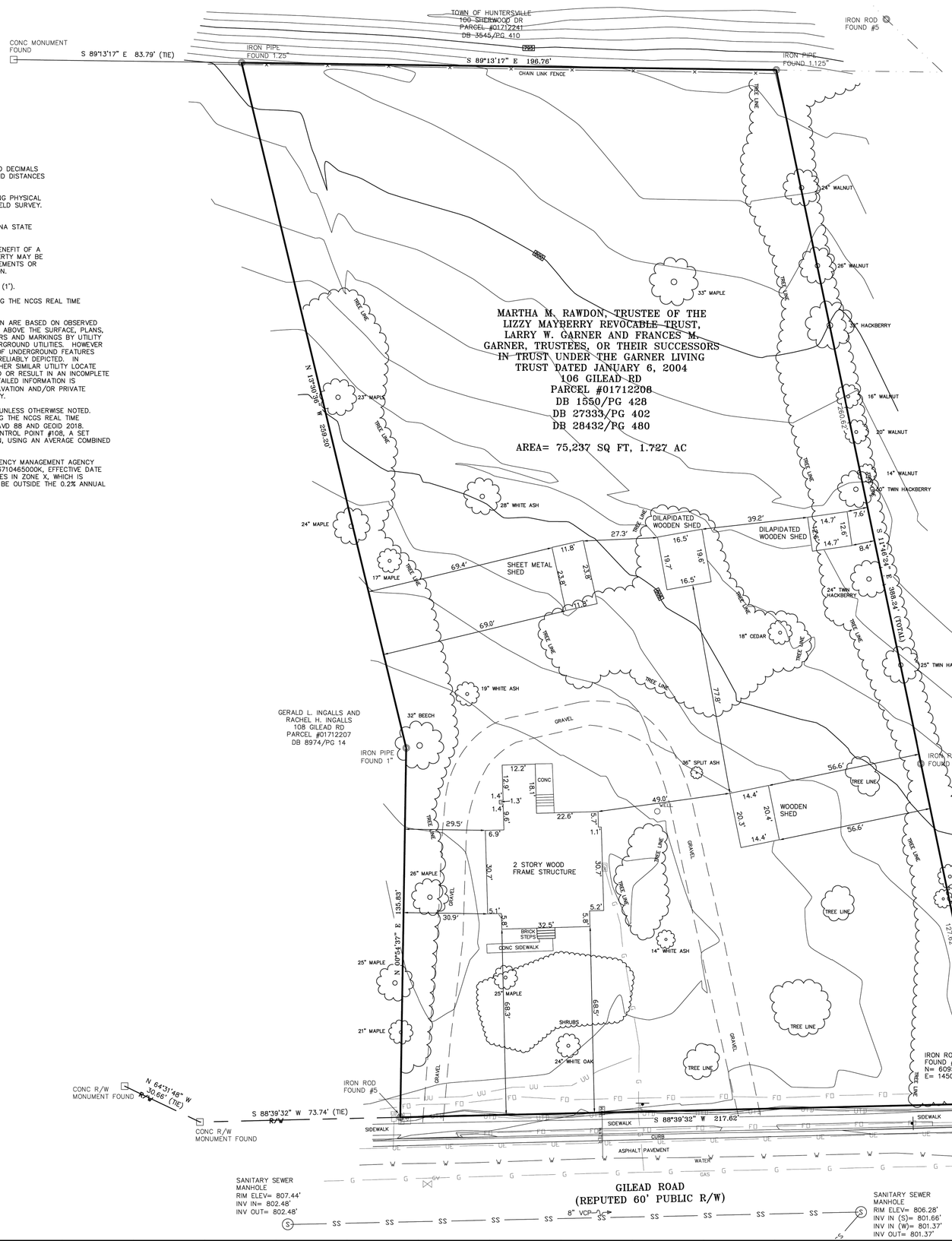
NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT LAF 477 MAT A. HERSON

HFI PROJECT #: 25-00003

COVER

Z01

N:\25-00003 - NorthState 2 106 Gilead\DWG\Sheets\Rezoning\Z01 - COVER.dwg 6-11-25 07:16:22 AM tfallova



GENERAL NOTES:

ALL DIMENSIONS ARE IN US SURVEY FEET AND DECIMALS THEREOF AND REPRESENT HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SHOWN.

THIS BOUNDARY SURVEY IS BASED ON EXISTING PHYSICAL EVIDENCE OBSERVED ON THE DATE OF THE FIELD SURVEY.

BASIS OF BEARINGS:
BEARINGS ARE BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83/2011.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION BY AN ATTORNEY. PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS OR CONDITIONS NOT OBSERVED OR SHOWN HEREON.

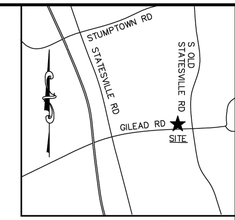
THE CONTOUR INTERVAL SHOWN IS ONE FOOT (1').

ELEVATIONS ARE BASED ON NAVD 88 UTILIZING THE NCGS REAL TIME NETWORK AND GEOID 2018.

THE LOCATION OF UTILITIES AS SHOWN HEREON ARE BASED ON OBSERVED EVIDENCE OF VISIBLE APPURTENANCES ON OR ABOVE THE SURFACE, PLANS, INFORMATION PROVIDED BY THE UTILITY OWNERS AND MARKINGS BY UTILITY LOCATORS TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR PRIVATE UTILITY LOCATE REQUESTS MAY BE NECESSARY.

ALL COORDINATES SHOWN HEREON ARE GRID UNLESS OTHERWISE NOTED. PROJECT CONTROL WAS ESTABLISHED UTILIZING THE NCGS REAL TIME NETWORK AND BASED ON NAD 83 / 2011, NAVD 88 AND GEOID 2018. THE PROJECT WAS LOCALIZED FROM FROM CONTROL POINT #108, A SET SURVEY NAIL, SHOWN AS BENCHMARK HEREON, USING AN AVERAGE COMBINED GRID FACTOR OF 0.999842856.

FLOOD ZONE: ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NUMBER 3710465000K, EFFECTIVE DATE NOVEMBER 16, 2018, THE SUBJECT PARCEL LIES IN ZONE X, WHICH IS DEFINED THEREON AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.



VICINITY MAP
NTS

ABBREVIATIONS:

R/W	=	RIGHT OF WAY
MB	=	MAP BOOK
DB	=	DEED BOOK
PG	=	PAGE
SQ FT	=	SQUARE FEET
AC	=	ACRES
CONC	=	CONCRETE
DIP	=	DUCTILE IRON PIPE
SSE	=	SANITARY SEWER EASEMENT
FFE	=	FINISHED FLOOR ELEVATION

LEGEND

□ ⊖ ⊙	=	FOUND SURVEY MARKER
Ⓢ	=	SANITARY SEWER MANHOLE
WV	=	WATER VALVE
WM	=	WATER METER
GM	=	GAS METER
GV	=	GAS VALVE
TV	=	TV PEDESTAL
T	=	TELEPHONE PEDESTAL
EB	=	ELECTRIC UNDERGROUND BOX
TF	=	TRANSFORMER
	=	SIGN
	=	LINE NOT SURVEYED
R/W	=	RIGHT OF WAY LINE
G	=	GAS LINE
W	=	WATER LINE
SS	=	SANITARY SEWER LINE
FO	=	FIBEROPTIC LINE
UE	=	UNDERGROUND ELECTRIC LINE
UTD	=	UNDERGROUND TELEPHONE DUCT
UU	=	UNKNOWN UNDERGROUND UTILITY

NC GRID, NAD 83/2011

0 20 40 60

SCALE: 1" = 20'

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION OF THE DEED(S) AND/OR MAP(S) AS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM THE DEED(S) AND/OR MAP(S) AS SHOWN HEREON; THAT THE POSITIONAL ACCURACY IS 0.10 FEET; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA PURSUANT TO TITLE 21, CHAPTER 56, SECTION .1600 OF THE NORTH CAROLINA ADMINISTRATIVE CODE.

I ALSO CERTIFY THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC / PLANIMETRIC SURVEY TO THE ACCURACY OF CLASS AA AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS C STANDARD; THAT THE SURVEY WAS COMPLETED ON 11/07/24; THAT CONTOURS SHOWN AS BROKEN LINES MAY NOT MEET THE STATED STANDARD; AND ALL COORDINATES ARE BASED ON NAD 83 / 2011 AND ALL ELEVATIONS ARE BASED ON NAVD 88.

Charles J.Dunbar Digitally signed by Charles J.Dunbar Date: 2024.12.09 16:01:34-05'00'

CHARLES J. DUNBAR, NC PLS L-4159 DATE

NORTH CAROLINA PROFESSIONAL SEAL L-4159 LAND SURVEYOR CHARLES J. DUNBAR

PREPARED FOR:
NORTH STATE DEVELOPMENT

DUNBAR GEOMATICS GROUP, PLLC
PROFESSIONAL LAND SURVEYING
P.O. BOX 2053
HUNTERSVILLE, NC 28070
704-995-6645
NC LIC NO. P-0865
DUNBAR GEOMATICS

TITLE:
MAP OF BOUNDARY AND TOPOGRAPHIC SURVEY OF
THE LANDS OF THE LIZZY MAYBERRY REVOCABLE TRUST AND GARNER LIVING TRUST
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA

SCALE: 1" = 20'
MAP DATE: 12/09/2024
FIELD DATE: 11/07/2024

DRAWN BY: SCD
CHECKED BY: CJD
CREW CHIEF: AR

FILE NO.: 06-44 JOB NO.: 24042

SHEET: 1 OF 1 DRAWING: 06_HUNTERSVILLE TOWN CENTER PHASE 2_BOUNDARY.TOPO

NOTES

1. SLOPE ANALYSIS IS BASED ON THE TOPOGRAPHIC SURVEY PROVIDED BY DUMBAR GEOMATICS GROUP PLLC, SEE SHEET Z02 FOR SURVEY.
2. THE SLOPE ANALYSIS APPROVED FROM THE SKETCH PLAN REVIEW WAS CREATED BY OTHERS AND WAS BASED ON GIS DATA. THAT ANALYSIS IS NOT INCLUDED IN THE PRELIMINARY / CONSTRUCTION PLAN PACKAGE.
3. SOIL TYPE AND HYDROLOGIC GROUP IS PROVIDED FROM USDA WEB SOIL SURVEY.



Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.10%	10.00%	
2	10.00%	15.00%	
3	15.00%	25.00%	
4	25.00%	25.00% +	

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

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THE HOLBROOK PHASE 2

106 GILEAD ROAD
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REVISIONS

DATE	COMMENT

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 1005 LAURA A. HENDRIX

HF1 PROJECT #: 25-00003

SLOPE ANALYSIS

Z02.1

N:\25-00003 - NorthState 2 106 Gilead\DWG\Sheets\Rezoning\Z02.2 - SLOPE ANALYSIS.DWG 6-11-25 07:16:40 AM tfallova

TREE SAVE CALCULATIONS

EXISTING TREE CANOPY REQUIRED TO BE SAVED - 0% EXISTING SPECIMEN TREES REQUIRED TO BE SAVED - 30% (TC)	
EXISTING TREE CANOPY ON SITE	12,332 SF (0.28 C)
EXISTING TREE CANOPY TO BE SAVED	2,239 SF (0.05 AC) -18%
EXISTING TREE CANOPY TO BE REMOVED	8,354 SF (0.19 AC) - 82%
EXISTING SPECIMEN TREES ON SITE	9 SPECIMEN TREES
EXISTING SPECIMEN TREES REQUIRED TO BE SAVED	0.3 x 9 = 3 SPECIMEN TREES (30%)
SPECIMEN TREES TO BE SAVED	0 SPECIMEN TREES
SPECIMEN TREES TO BE MITIGATED - TOTAL DBH OF REMOVED SPECIMEN TREES ABOVE THE ORDINANCE REQUIREMENT - NUMBER OF TREES TO BE REPLANTED @ 2" CAL.	3 SPECIMEN TREES 77 INCHES 39 TREES **

**NOTE: SPECIMEN TREES MAY BE MITIGATED BY THE PLANTING OF TREES ON SITE OR CONTRIBUTION TO THE TOWN TREE FUND/BANK. MITIGATION TREE LOCATIONS WILL BE REPRESENTED AT CONSTRUCTION DOCUMENT PHASE.

TREE LEGEND

- NON-SPECIMEN TREE - TO REMAIN
- SPECIMEN TREE
- NON-SPECIMEN TREE - TO REMOVE
- SPECIMEN TREE REMOVED
- TREE DRIPLINE + 5'

PLEASE NOTE: TREES SHOWN TO BE REMOVED ON THE ADJACENT, 760 BREWERY PROPERTY, WILL BE REMOVED AS A PART OF THE RTAP ASSOCIATED WITH THE 760 IMPROVEMENTS. THE REMOVED TREES AND TREE SAVE WILL NEED TO BE RECALCULATED FOR THEIR PROPERTY AT THAT TIME. MITIGATION MAY BE NECESSARY

TREE PROTECTION NOTES:

•APPLICABILITY
A TREE AND ROOT PRESERVATION PLAN DELINEATING AREAS OF TREE SAVE SHALL BE INCORPORATED AS PART OF THE LANDSCAPING, GRADING, AND EROSION CONTROL PLANS. THE FOLLOWING MEASURES SHALL BE FOLLOWED TO PROTECT EXISTING TREES ON A DEVELOPING SITE:
- PRIOR TO DEMOLITION, CLEARING, CONSTRUCTION, GRADING, AND INSTALLATION OF EROSION CONTROL MEASURES; TREE PROTECTIVE BARRIERS MUST BE INSTALLED AROUND ALL TREE SAVE AREAS BY THE DEVELOPER AND APPROVED BY THE TOWN.
- THE TREE PROTECTION FENCE SHALL BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA (DRIP LINE PLUS 5 FEET). TREE PROTECTION FENCING FOR A FOREST CANOPY STANDS AREA IS TO BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA AROUND THE FOREST EDGE. TREE PROTECTION FENCING SHALL CONSIST OF ORANGE SAFETY FENCING OR A COMBINATION OF ORANGE SAFETY FENCING WITH SILT FENCING AT A MINIMUM OF 4 FEET IN HEIGHT ON METAL OR WOOD POSTS.
- ALL TREE PROTECTION AREAS MUST BE DESIGNATED AS SUCH WITH "TREE SAVE AREA SIGNS" POSTED IN ADDITION TO THE REQUIRED PROTECTIVE FENCING. SIGNS REQUESTING SUBCONTRACTOR COOPERATION AND COMPLIANCE WITH TREE PROTECTION STANDARDS ARE RECOMMENDED FOR SITE ENTRANCES
- NO SOIL DISTURBANCE OR COMPACTION, STOCK PILING OF SOIL OR OTHER CONSTRUCTION MATERIAL, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT AND MATERIALS ARE ALLOWED WITHIN THE TREE SAVE AREA.
- NO ROPES, SIGNS, WIRES, UNPROTECTED ELECTRICAL INSTALLATION OR OTHER DEVICE OR MATERIAL, SHALL BE SECURED OR FASTENED AROUND OR THROUGH A TREE OR SHRUB.
- ALL PROTECTIVE MEASURES SHALL BE MAINTAINED THROUGHOUT THE LAND DISTURBING AND CONSTRUCTION PROCESS, AND SHALL NOT BE REMOVED UNTIL FINAL LANDSCAPING IS INSTALLED.

•ENCROACHMENT
IF ENCROACHMENT INTO A REQUIRED TREE SAVE/PRESERVATION AREA OCCURS WHICH CAUSES IRREPARABLE DAMAGE TO THE TREES, THE TREE PRESERVATION AND/OR REPLACEMENT PLAN SHALL BE REVISED TO COMPENSATE FOR THE LOSS. ENCROACHMENTS SHALL BE SUBJECT TO THE PENALTIES LISTED IN ARTICLE 7.9. ENCROACHMENTS, DAMAGE AND REMOVAL OF VEGETATION IN A TREE SAVE/PRESERVATION AREA SHALL BE REPLANTED IN ACCORDANCE WITH ARTICLE 7.4.5

•TREE REMOVAL
LAND DISTURBING PERMIT REQUIRED. LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL SUCH ACTIVITIES HAVE BEEN AUTHORIZED BY ISSUANCE OF A VALID LAND DISTURBING PERMIT AS SPECIFIED UNDER THE PROVISIONS OF THE CHARLOTTE-MECKLENBURG LAND DEVELOPMENT STANDARDS MANUAL AND EROSION AND SEDIMENTATION CONTROL MANUAL.

•MITIGATION
IF A REQUIRED TREE SAVE/PRESERVATION AREA OR REQUIRED UNDISTURBED BUFFER YARD IS DISTURBED FOR ANY REASON, IT SHALL BE RESTORED AT A RATE OF 10 TREES PER 1000 SQUARE FEET. TREES TO BE PLANTED SHALL HAVE A MINIMUM CALIPER OF 2 INCHES, SHALL BE 8-10 FEET IN HEIGHT AT INSTALLATION, AND SHALL BE AT LEAST 75% LARGE MATURING VARIETIES. WHERE A DISTURBED AREA ALSO FUNCTIONED TO BUFFER ADJACENT PROPERTIES OR PUBLIC STREET(S), AT LEAST 50% OF THE TREES SHALL BE EVERGREEN VARIETIES. TREES SHALL BE DISTRIBUTED THROUGHOUT THE DISTURBED AREA IN SUCH A WAY AS TO EFFECTIVELY REPLACE THE VEGETATION DISTURBED. WHERE UNDER STORY VEGETATION IS REMOVED OR DISTURBED IT SHALL BE REPLACED AT A RATE OF 40 SHRUBS PER 100 LINEAR FEET. SHRUBS SHALL BE EVERGREEN AND 3 FEET IN HEIGHT WHEN INSTALLED AND ARE EXPECTED TO REACH A MINIMUM HEIGHT OF 6 FEET AT MATURITY. WHEN A TREE IS DESTROYED DUE TO AN ACT OF GOD, IT SHALL BE REPLACED WITH THE SAME SPECIES OR COMPARABLE SPECIES, 2 INCH IN CALIPER IN SIZE. A PLANTING PLAN IS REQUIRED FOR STAFF REVIEW AND APPROVAL PRIOR TO COMMENCEMENT OF PLANTING.



N
W E
S
NORTH ARROW
0 15 30 60
GRAPHIC SCALE 1"=30 FT.

PARCEL ID 01712208
BUA TO BE REMOVED
(6,324 SF)
LEGEND

PARCEL ID 01712210
(760 CRAFTWORKS)
BUA TO BE REMOVED
(4,639 SF)
LEGEND

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

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THE HOLBROOK PHASE 2

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HUNTERSVILLE, NC

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REVISIONS

DATE	COMMENT

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025

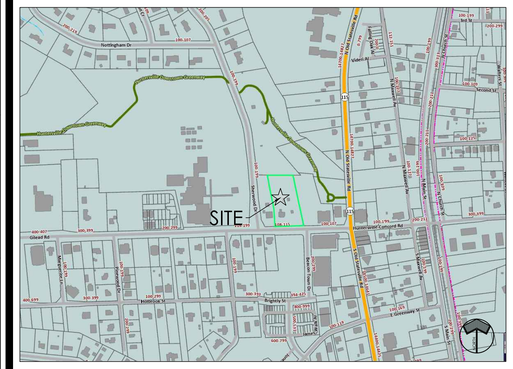
NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 2017 LAF 477 JOHN A. HENSON

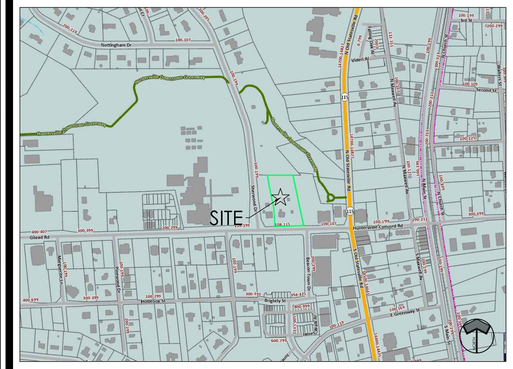
HFI PROJECT #: 25-00003

DEMO AND TREE SAVE

Z02.2

N:\25-00003 - NorthState 2 106 Gilead\DWG Sheets\Rezoning\Z02.2 TREE SAVE AREA.dwg 6-11-25 07:16:49 AM rfallova


SITE
Nottingham Dr
Gilead Rd
Vidett St
Huntersville-Concord Rd
Gateway Ln
Hunters Run Dr
Bradley Ln
Greenway Dr
Nisbet Ln
Hickory Grove Rd
Sherwood Dr
Woodcrest Dr
Oakwood Dr
Hillcrest Dr
Hillside Dr
Meadowlark Ln
Ashbrook Dr
Ashbrook Ct
Ashbrook Pl
Ashbrook Cir
Ashbrook Ln
Ashbrook Rd



VICINITY MAP

N.T.S.

REZONE STATEMENT OF PURPOSE

THE APPLICANT IS SEEKING TO REZONE PARCEL 01712208 (ZONED NR) TO TC(CD) ZONE THAT WILL ALLOW THE MIXED USE PROJECT AND TO SEEK MODIFICATIONS TO THE PERIMETER BUFFERS

NOTE:

CONCEPT STORMWATER NARRATIVE-PERMEABLE PAVERS ARE ANTICIPATED AS THE CHOICE FOR MEETING THE ORDINANCE.

17,000 SF BUILDING + 6,510 SF CONCRETE =23,510 SF IMPERVIOUS (EXCLUDES PAVERS)

10,000 CF VOLUME REQUIRED PER ACRE
0.51 AC IMPERVIOUS X 10,000 CF= 5,100 CF REQUIRED STORAGE

PERMEABLE PAVERS =28,225 SF
ASSUME 12" LARGE STONE (NO 2)
4" NO 57 STONE
28,225 SF *16" (1.33)= 37,540 CF

STORAGE IS MORE THAN SATISFIED AND MAY BE REDUCED PER CONSTRUCTION DOCUMENTS TO MEET THE ORDINANCE

IMPERVIOUS SUMMARY PARCEL ID 01712208

ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL SITE AREA	75,228 SF	1.727 AC	N/A
EXIST. BUA TO BE REMOVED	6,324 SF	0.145 AC	8.41 %
PROPOSED BUILDING	17,000 SF	0.39 AC	22.60 %
PROPOSED CONCRETE	6,510 SF	0.15 AC	8.65 %
MISC IMPERVIOUS	0 SF	0.00 AC	0.00 %
PROPOSED PAVERS	28,225 SF	0.65 AC	37.52 %
TOTAL IMPERVIOUS	51,735 SF	1.19 AC	68.77 %
TOTAL PERVIOUS	23,493 SF	0.54 AC	31.23 %

PARKING CALCULATIONS

COMMERCIAL 1 SPACE PER 500 SF	10,200 SF/500 =	21 SPACES REQUIRED
RESIDENTIAL 1 BEDROOM DWELLING UNIT= 1 SPACE DWELLING UNITS WITH MORE THAN ONE BEDROOM= 1.5 SPACES	52 UNITS (40)1BR + (12) 2BR =	58 REQUIRED
	TOTAL PARKING REQUIRED:	79 PARKING SPACES
	TOTAL PARKING PROVIDED:	79 PARKING SPACES
	ADA PARKING REQUIRED:	4 ADA SPACES ; 1 VAN
	ADA PARKING PROVIDED:	4 ADA SPACES ; 2 VAN

SITE DATA TABLE

PARCEL ID	01712208 (DB28432 - PG 480)
LOCATION	106 GILEAD RD, HUNTERSVILLE, NC 28078
JURISDICTION	HUNTERSVILLE
OWNER	MARTHA M RAWDON 189 SCALYBARK TRAIL CONCORD NC 28027
ZONING	EXISTING: NR | PROPOSED: TC (CD)
TOTAL PARCEL AREA	1.727 AC
LAND USE	MIXED USE (COMMERCIAL & RESIDENTIAL)
UNITS	52 (MAX. 55)
PROPOSED DENSITY	52 UNITS / 1.727 ACRES = 30.11 UNITS PER ACRE
PROPOSED BUILDING TYPE	SHOPFRONT BUILDING
MIN. SIDE SETBACK	N/A
MIN. REAR SETBACK	N/A
MAX. BUILDING HEIGHT	55'
PARKING SPACES REQUIRED	77
PARKING SPACES PROVIDED	79
DISTURBED AREA	1.7 AC
FEMA MAP NUMBER	3710465000K
FEMA MAP DATE	11/16/2018
SOIL TYPES	CeB2 (50%) - CeD2 (50%)
WATERSHED	McDowell
TRASH COLLECTION	DOUBLE DUMPSTER
BUFFER REQUIREMENTS	WESTERN PROPERTY LINE - 40' BUFFER MODIFICATION TO 10' BUFFER (WITH 30' BUILDING SETBACK)

REZONING NOTES

1. REZONING PETITION. THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY MARTHA M RAWDON ("PETITIONER") FOR THAT APPROXIMATELY 1.727 ACRE TRACT OF LAND (THE "PROPERTY") IDENTIFIED ON THIS SITE PLAN AS THE HOLBROOK PHASE 2 (THE "PROJECT"). THE PURPOSE OF THE REZONING PETITION IS TO CONVERT THE ZONING CLASSIFICATION OF THE PROPERTY FROM THE NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT TO TC(CD) TO ALLOW A MIXED USE BUILDING OF RESIDENTIAL AND COMMERCIAL IN ACCORDANCE WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS AND THE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE").

2. DEVELOPMENT STANDARDS. DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE REZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE DATE OF SUBMITTAL OF THE REZONING PETITION (THE "FILING DATE"). SUBJECT IN ALL RESPECTS TO THE RIGHTS OF THE PETITIONER UNDER THE PERMIT CHOICE ACT, N.C.G.S. 143-755, UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARD(S), OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE DATE OF SUBMITTAL OF THE REZONING PETITION FOR THE TOWN CENTER DISTRICT TC(CD) ZONING GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN

3. SCHEMATIC NATURE OF REZONING PLAN. THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND EXACT LOCATIONS, ARCHITECTURE, SIZE, NUMBER OR QUANTITY AND CONFIGURATIONS , UNITS AND BUILDINGS MAY BE MODIFIED DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT SO LONG AS SUCH MODIFICATION IS COMPATIBLE AND IN HARMONY WITH THE GENERAL LAYOUT OF THE REZONING PLAN, AS APPROVED BY STAFF.

4. VESTED RIGHTS. THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN FOR A PERIOD OF FIVE YEARS PURSUANT TO THE PROVISIONS OF THE ORDINANCE AND 160D OF THE NORTH CAROLINA GENERAL STATUTES.

5. USE AND COMPATIBILITY. THE SITE IS LOCATED AT 106 GILEAD ROAD HUNTERSVILLE 28078. PERMITTED USES INCLUDE ANY USES (INCLUDING ACCESSORY USES) PERMITTED IN THE TC ZONING DISTRICT, INCLUDING MULTI-FAMILY RESIDENTIAL, ATTACHED RESIDENTIAL, RETIREMENT COMMUNITY AND COMMERCIAL USES, SUBJECT TO THE DEVELOPMENT STANDARDS AND APPLICABLE ORDINANCE REQUIREMENTS ASSOCIATED WITH SUCH USES. ANY LABELLING OR TABLES SHOWN ON THE REZONING PLAN MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT NOTES.

6. ACCESS. THE PRIMARY VEHICULAR ACCESS TO THE PROPERTY WILL BE FROM THE PROPOSED DRIVEWAY TO SHARE ACCESS WITH PARCEL #01712210 (760 CRAFTWORKS).DRIVEWAY TO ALIGN ACROSS THE STREET, UNDER THE ORDINANCE, ALL BUILDINGS SHALL FRONT ONTO A PUBLIC STREET EXCEPT AS IS PERMITTED UNDER ARTICLE 8.1.1. CROSS ACCESS AND PARKING EASEMENTS SHALL BE GRANTED AS NEEDED TO PROVIDE ACCESS OVER SHARED DRIVEWAYS AND RIGHTS TO SHARED PARKING, IF ANY.

7. STORMWATER ELEMENTS. BUILT-UPON AREAS SHALL BE IN ACCORDANCE WITH THE ORDINANCE AS REQUIRED FOR THE TC DISTRICT AND THE WATERSHED OVERLAY. STORMWATER DETENTION PROPOSED WOULD BE PERMEABLE PAVERS OR ANOTHER METHOD AS ALLOWED BY THE TOWN OF HUNTERSVILLE. THE DESIGNS FOR STORMWATER MANAGEMENT SHALL BE FINALIZED DURING THE CONSTRUCTION PHASE AND SHALL BE COMPLETED AS A PART OF THE INFRASTRUCTURE IMPROVEMENTS.

8. SUBDIVISION. THE PROPERTY IS ONE DEVELOPMENT AND MAY BE SUBDIVIDED WITHOUT A REZONING TO ALLOW SEPARATE OWNERS OF INDIVIDUAL PARCELS SO LONG AS SUCH SUBDIVISION FOLLOWS APPLICABLE LAW INCLUDING SUBDIVISION REGULATIONS. HOWEVER, RECOMBINATION, CONDOMINIUMIZATION OR REDUCTION IN THE NUMBER OF PARCELS MAY OCCUR IN ACCORDANCE WITH THE REGULATIONS OF THE ORDINANCE.

9. ELEVATIONS. THE ELEVATIONS ARE SUBMITTED AS EXAMPLES ONLY, AND DO NOT REPRESENT ACTUAL ELEVATIONS FOR THIS PROJECT. STAFF MAY APPROVE ELEVATIONS SUBMITTED DURING CONSTRUCTION THAT ARE GENERALLY CONSISTENT WITH THE RENDERINGS INCLUDED WITH THE REZONING PLAN.

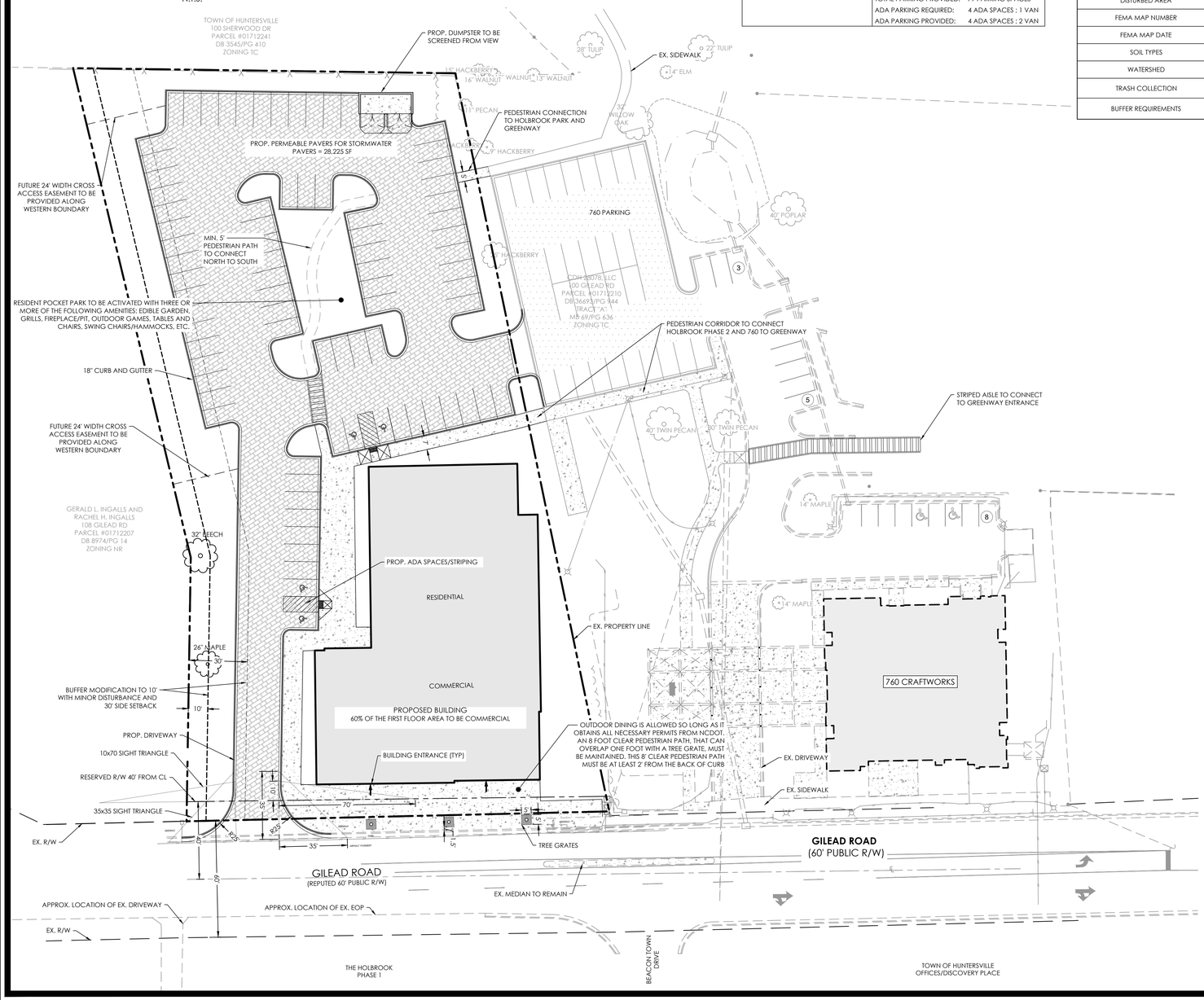
10. TRASH. GARBAGE SERVICES WILL BE PROVIDED VIA DUMPSTER ON SITE SCREENED FROM VIEW.

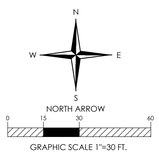
11. MODIFICATION. DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE HAVE BEEN INCLUDED IN THIS REZONING PLAN TO ACHIEVE EXCEPTIONAL DESIGN. TOWN BOARD APPROVAL OF THIS REZONING PLAN CONSTITUTES APPROVAL OF UNIQUE DESIGN ELEMENTS SHOWN ON THE REZONING PLAN THAT ARE MINOR MODIFICATIONS FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:

A. REDUCE WESTERN BUFFER TO 10' IN WIDTH
B. ALLOW MINOR GRADING INTO 10' BUFFER AND REPLANTING
C. ALLOW FOR A MAX. BUILDING HEIGHT OF 55'
D. ANY WASTE ROOM, RISER ROOM, UTILITY ROOM, OR ENTRANCE LOBBY THAT SERVE THE COMMERCIAL AS WELL AS OTHER AREAS OF THE BUILDING, WILL BE INCLUDED IN THE SQUARE FOOTAGE FOR THE 60% COMMERCIAL CALCULATION.
E. LIMITED SIDE YARD PARKING AS LONG AS IT IS A MINIMUM OF 70 FEET FROM GILEAD ROAD.
F. TO ADDRESS MASSING - ALLOW FOR A 4-STORY BUILDING NEXT TO AN EXISTING 2-STORY BUILDING
G. NO RESIDENTIAL BUILDING ENTRANCE REQUIRED ON GILEAD RD
H. NO TIA REQUIRED. THE APPLICANT HAS AGREED TO CONTRIBUTE $15,000 TOWARD A COMPREHENSIVE DOWNTOWN TRAFFIC STUDY (CDTS) , TO BE PAID UPON COMPLETION OF THE CDTS SCOPING APPROVAL BY NCDOT AND NO LATER THAN ISSUANCE OF A BUILDING CERTIFICATE OF OCCUPANCY.

IN LIGHT OF THE ABOVE MODIFICATIONS, THE PETITIONER COMMITS TO THE FOLLOWING EXCELLENT DESIGN TERMS:

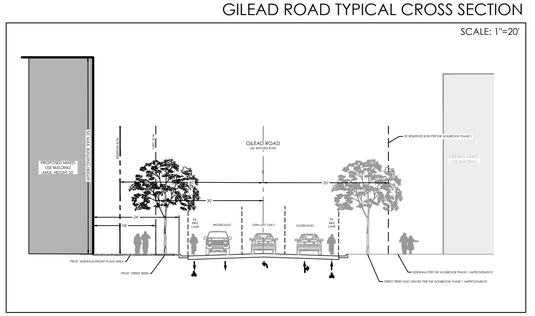
- COMMITMENT TO MORE THAN ONE USE TO CREATE A DYNAMIC MIXED-USE COMMUNITY
- CREATION OF AN ACTIVE AND ENGAGING PUBLIC REALM WITH A COMBINATION OF EITHER PUBLIC BENCHES, OUTDOOR DINING, STREET TREES, PLANTERS, SIGNAGE, AND/OR ART.
- DIFFERENTIATED HARDSCAPE PATTERNS/MATERIALS FOR AN ELEVATED EXPERIENCE
- QUANTITY OF PLANTING MATERIAL TO BE ABOVE CODE REQUIREMENTS ACROSS THE SITE WITH PARTICULAR ATTENTION TO THE LANDSCAPE BUFFER
- A 30' BUILDING SETBACK FROM THE WEST BOUNDARY
- ENHANCED ARCHITECTURAL DESIGN INCLUDING A TALLER GROUND FLOOR TO CREATE A TRADITIONAL BUILDING BASE. WALLS OVER 20 FEET WIDE WITHOUT WINDOWS OR DOORS TO BE BROKEN UP BY EITHER CHANGE OF PATTERN, MATERIAL, OR COLOR; AND 50% GROUND FLOOR TRANSPARENCY ALONG GILEAD.
- PEDESTRIAN CONNECTION FROM THE PROPERTY TO THE GREENWAY
- RESIDENT PARK AND PEDESTRIAN CORRIDORS/CONNECTIONS THROUGHOUT SITE.
- BUILDING TO BE DESIGNED TO MEET AN INDUSTRY GREEN BUILDING STANDARD; NGBS BRONZE .
- INCORPORATION OF PUBLIC ART





GILEAD ROAD TYPICAL CROSS SECTION

SCALE: 1"=20'



NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

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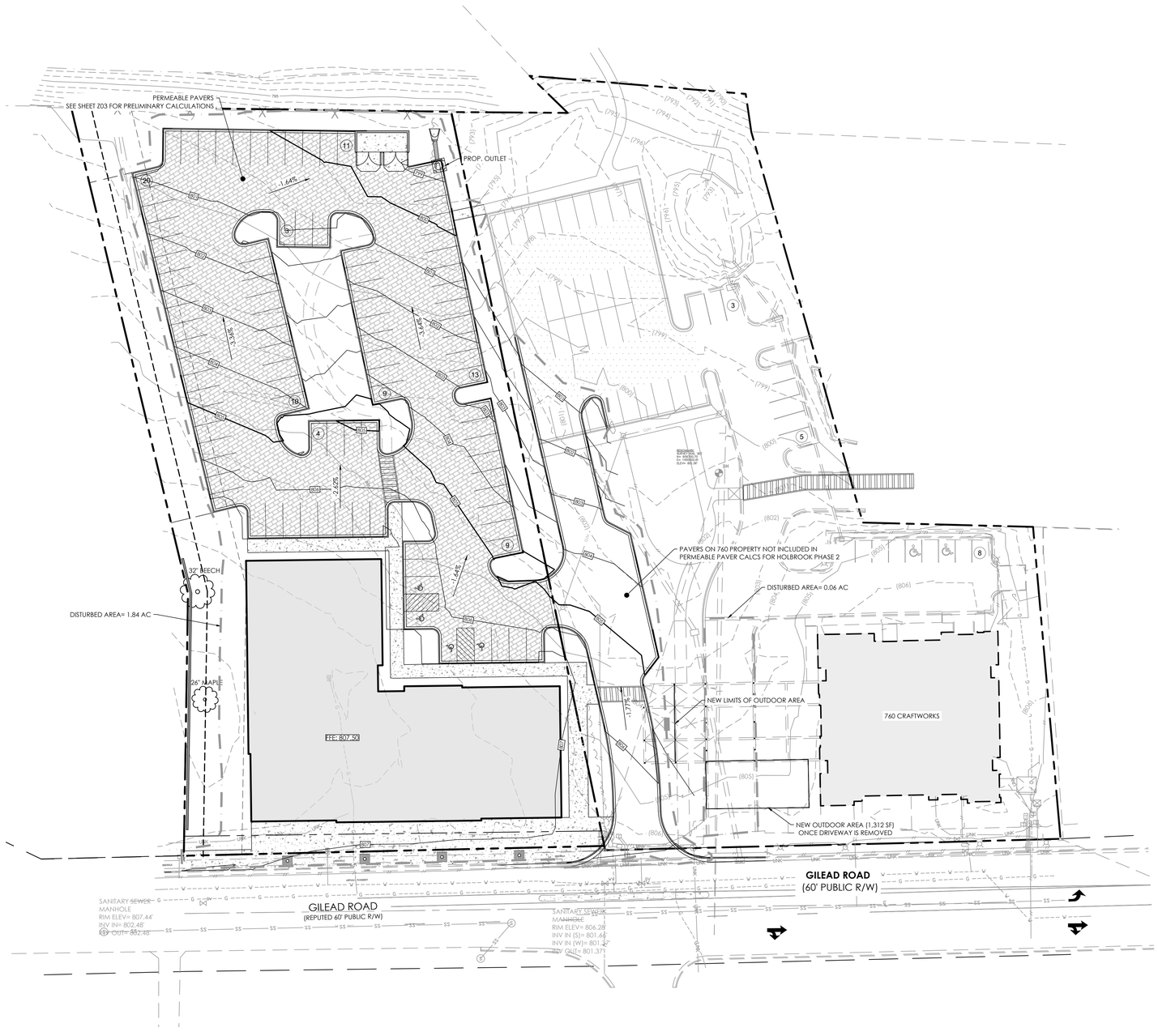
NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT SEAL 700 CHRISTOPHER A. HENSON

HFI PROJECT #: 25-00003

ALTERNATE SITE PLAN

Z03.1

N:\25-00003 - NorthState 2 106 Gilead\DWG\Sheets\Rezoning\Z03.1 ALTERNATE SITE PLAN.dwg 6-11-25 07:17:07 AM tfallova



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

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REVISIONS

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NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 040703 JAY A. HENSON

HFI PROJECT #: 25-00003

PRELIM GRADING PLAN

Z04

N:\25-00003 - NorthState 2 106 Gilead\DWG\Sheets\Rezoning\Z04 - PRELIM GRADING.dwg 6-11-25 07:17:17 AM rtallova

GENERAL PLANTING NOTES:

1. THIS PLAN FOR PLANTING LOCATIONS ONLY. IF FOUND CONDITIONS VARY FROM THIS, CONTRACTOR TO CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO DO SO WILL RESULT IN CONTRACTOR'S LIABILITY TO REPLACE PLANT MATERIALS.
2. CONTRACTOR TO COORDINATE WITH OWNER'S REPRESENTATIVE FOR EXISTING PLANT MATERIAL TO BE REMOVED AND/OR RELOCATED.
3. CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND AND ABOVE GROUND UTILITIES. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO ANY AND ALL PUBLIC OR PRIVATE UTILITIES. CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE COST OF REPAIR TO ALL DAMAGED UTILITIES.
4. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL PLANT MAINTENANCE, INCLUDING SHRUBS AND GROUNDCOVER, AND SHALL MAINTAIN AREA IN A WEED AND DEBRIS FREE CONDITION, THROUGHOUT GUARANTEE PERIOD.
5. WHERE TREES ARE PLANTED IN ROWS, THEY SHALL BE UNIFORM IN SIZE AND SHAPE.
6. SIZES SPECIFIED IN THE PLANT LIST ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE JUDGED. FAILURE TO MEET MINIMUM SIZE ON ANY PLANT WILL RESULT IN REJECTION OF THAT PLANT.
7. PLANTING SIZE DETERMINATION:
   SHADE TREES: HEIGHT SHALL BE MEASURED FROM THE CROWN OF THE ROOT BALL TO THE TOP OF MATURE GROWTH, SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE CROWN FROM THE CENTER OF THE TRUNK. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH. SINGLE TRUNK TREES SHALL BE FREE OF "V" CROTCHES THAT COULD BE POINTS OF WEAK LIMB STRUCTURE OR DISEASE INFESTATION.

   SHRUBS: HEIGHT SHALL BE MEASURED FROM THE CROWN OF THE ROOT BALL TO THE AVERAGE HEIGHT OF THE TOP OF THE PLANT. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE SHRUB MASS. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH.
8. ALL PLANTS SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL BRANCHED, FREE OF DISEASE, INSECT EGGS, AND LARVAE, AND SHALL HAVE ADEQUATE ROOT SYSTEMS.
9. ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED PLANTS AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS WHICH ARE GOOD QUALITY AND ARE IN A HEALTHY GROWING CONDITION. ALL ROOT BOUND PLANTS SHALL BE REJECTED.
10. GROUPS OF SHRUBS SHALL BE PLACED IN A CONTINUOUS MULCH BED WITH SMOOTH CONTINUOUS LINES. ALL MULCHED BED EDGES SHALL BE CURVILINEAR IN SHAPE FOLLOWING THE CONTOUR OF THE PLANT MASS. TREES LOCATED WITHIN FOUR FEET OF SHRUB BEDS SHALL SHARE SAME MULCH BED.
11. CONTRACTOR TO SLIGHTLY ADJUST PLANT LOCATIONS IN THE FIELD AS NECESSARY TO BE CLEAR OF DRAINAGE SWALES AND UTILITIES. FINISHED PLANTING BEDS SHALL BE GRADED SO AS TO NOT IMPEDE DRAINAGE AWAY FROM BUILDINGS. IF SIGNIFICANT RELOCATIONS ARE REQUIRED, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH RELOCATIONS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY OF PLANT MATERIALS.
12. ALL PLANT MATERIAL SHALL BE SPACED AND LOCATED PER PLAN. IF CONFLICTS ARISE BETWEEN ACTUAL SIZE OF AREA AND PLANS, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY TO RELOCATE MATERIALS.
13. ALL SUBSTITUTIONS OF PLANT MATERIAL ARE TO BE REQUESTED IN WRITING TO THE OWNER'S REPRESENTATIVE AND APPROVED IN WRITING BY THE OWNER PRIOR TO INSTALLATION. FAILURE TO OBTAIN SUBSTITUTION APPROVAL IN WRITING MAY RESULT IN LIABILITY TO THE CONTRACTOR.
14. ALL CONTRACTORS SHALL BE REQUIRED TO COMPLETELY REMOVE ALL TRASH, DEBRIS AND EXCESS MATERIALS FROM THE WORK AREA AND THE PROPERTY (ESPECIALLY AT ALL CURB, GUTTERS AND SIDEWALKS) DAILY DURING INSTALLATION.
15. CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE IMPROVEMENTS, INCLUDING SEEDING. CONTRACTOR MUST CONTACT THE OWNER AT LEAST 10 WORKING DAYS IN ADVANCE TO SCHEDULE ACCEPTANCE INSPECTION(S). CONTRACTOR MUST REPLACE ALL DEAD OR UNACCEPTABLE PLANTS DURING THE FOLLOWING RECOMMENDED PLANTING SEASON.
16. ADJUST TREE PLANTING LOCATIONS TO AVOID UNDERGROUND UTILITIES WHERE POSSIBLE. CONTACT OWNER'S REPRESENTATIVE FOR A COORDINATED SOLUTION FOR ANY UTILITY CONFLICTS. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO ANY AND ALL PUBLIC OR PRIVATE UTILITIES.
17. REFER TO PLANTING DETAILS FOR ADDITIONAL PLANTING INFORMATION.
18. ALL PLANTINGS SHALL COMPLY WITH CURRENT LOCAL ORDINANCES AND GUIDELINES.
19. LANDSCAPE AREAS TO BE IRRIGATED WITH AUTOMATIC IRRIGATION SYSTEM.

1.1 PLANTING SOIL MIX

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

SOIL TEST PROVIDED BY CONTRACTOR REQUIRED FOR TOPSOIL MIX.

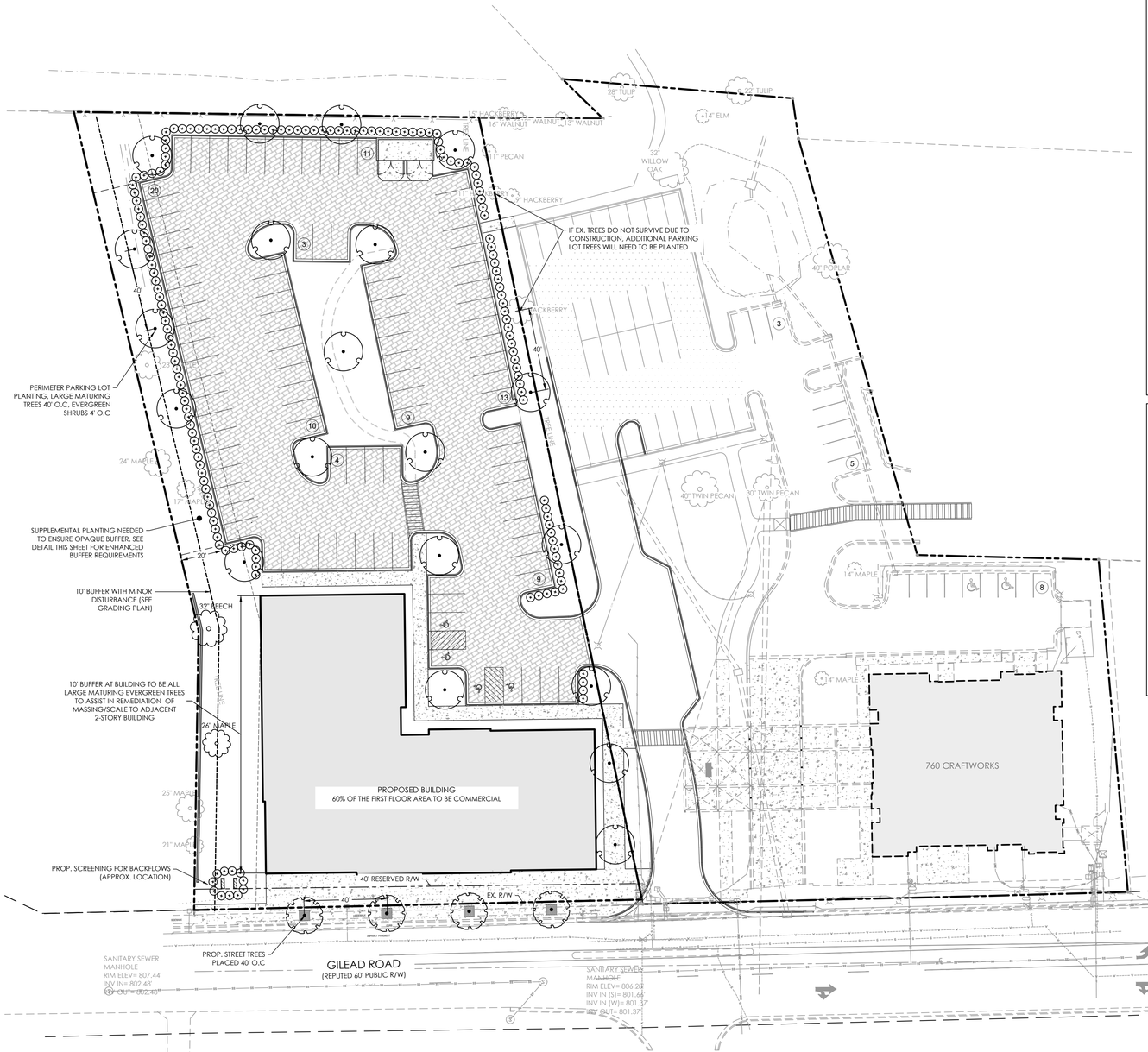
SEED/SOD/MULCH:

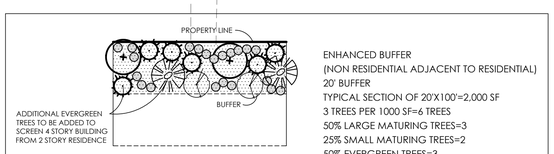
1. TURF AREAS WILL BE SEEDED OR SODDED WITH REBEL II FESCUE WITH EXCEPTION OF SOD WITHIN THE FLOOR OF STORMWATER MANAGEMENT AND WATER QUALITY BASINS AND FILTERS. SOD WILL BE REQUIRED NEXT TO BUILDING STRUCTURES, DRIVEWAYS ENTRANCES AND AREAS DISTURBED IN THE FRONT SETBACK AS NOTED ON PLAN. LANDSCAPE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

PLANTING NOTES:

1. ALL PERIMETER SCREENING SHRUBS MUST BE NO LESS THAN 36" IN HEIGHT AT PLANTING
2. ALL PARKING LOT SHRUBS MUST BE NO LESS THAN 24" IN HEIGHT AT PLANTING

PLEASE NOTE: TREE AND SHURBS LOCATION ARE CONCEPTUAL IN NATURE, SUBJECT TO CHANGE WITH FULL DESIGN AT PRELIMINARY PLANS.





ENHANCED BUFFER
(NON RESIDENTIAL ADJACENT TO RESIDENTIAL)
20' BUFFER
TYPICAL SECTION OF 20'X100'=2,000 SF
3 TREES PER 1000 SF=6 TREES
50% LARGE MATURING TREES=3
25% SMALL MATURING TREES=2
50% EVERGREEN TREES=3
SHRUBS-10 PER 1,000 SF=21 EVERGREEN

20' ENHANCED BUFFER DIAGRAM

TREE PLANTING NOTES:

1. ALL TREES SHALL BE PLANTED PER TOWN OF HUNTERSVILLE STANDARDS AND DETAILS
2. ALL STRAPPING AND TOP 2/3 OF WIRE BASKET MUST BE CUT AWAY AND REMOVED FROM THE ROOT BALL PRIOR TO BACKFILLING PLANTING PIT.
3. LARGE MATURING TREES MAY NOT BE PLANTED WHERE OVERHEAD DISTRIBUTION OR TRANSMISSION LINES EXIST. IF TREES CONFLICT WITH POWER LINES OR SIGNS, CALL THE URBAN FORESTER TO RESOLVE BEFORE PLANTING.
4. ADJUST TREE PLANTING LOCATIONS TO AVOID UNDERGROUND UTILITIES.
5. NEW TREES SHALL BE A MINIMUM 2" CALIPER FOR STREET TREE REQUIREMENTS.
6. SEE TREE PRESERVATION NOTES ON GRADING AND EROSION CONTROL SHEETS.
7. ALL TREES ARE TO BE NURSERY GROWN, BALL AND BURLAP (B&B) PREFERRED, MINIMUM TREE SIZE IS 2" CALIPER (MEASURED 6" ABOVE ROOT BALL), 8' MINIMUM HEIGHT.
8. STAKING IS OPTIONAL. RUBBER HOSE AND ROPE OR WIRE FOR STAKING IS NOT RECOMMENDED. NO WIRE OR ROPE IS TO BE IN DIRECT CONTACT WITH TRUNK. REMOVE ALL TRUNK WRAP, TREE STRAPS, AND STAKING WIRE OR ROPE AFTER ONE GROWING SEASON.
9. GUY WIRES ARE NOT PERMITTING IN THE STREET RIGHT-OF-WAY.
10. ALL TREES AND SHRUBS SHALL MEET THE NORMAL REQUIREMENTS FOR THE AMERICAN STANDARD FOR NURSERY STOCK, LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMAN (AAN).
11. NEW AND EXISTING TREES ARE PERMITTED WITHIN SITE TRIANGLE, BUT MUST BE LIMED UP TO 6' HEIGHT CLEARANCE PER ADA REQUIREMENTS.
12. SIMILAR CRITERIA FOR TREE PLACEMENT AND PRUNING UP SHOULD BE CONSIDERED AT DRIVEWAY/STREET INTERSECTIONS.
13. CONTRACTOR TO MAINTAIN CLEAR LEVEL BETWEEN 30" AND 72" ABOVE STREET. AREA MUST BE FREE OF LIMBS AND FOLIAGE FOR SAFE CROSS VISIBILITY.

TREE PROTECTION NOTES:

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

A. FOR TREES 10" OR LESS DBH: PROTECTIVE BARRICADES SHALL BE PLACED A MINIMUM DISTANCE OF 5' FROM THE BASE OF EACH PROTECTED TREE, OR OUTSIDE THE DRIPLINE, WHICHEVER IS GREATER.
B. FOR TREES GREATER THAN 10" DBH: PROTECTIVE BARRICADES SHALL BE PLACED AT A MINIMUM DISTANCE EQUAL TO 10' FROM THE BASE OF THE PROTECTED TREE PLUS AN ADDITIONAL 1' FOR EACH ADDITIONAL 1" DBH GREATER THAN 10" DBH, OR OUTSIDE THE DRIPLINE, WHICHEVER IS GREATER.
C. CONSTRUCTION ACCESS TO A SITE SHOULD OCCUR WHERE AN EXISTING OR PROPOSED ENTRANCE/EXIT IS LOCATED.
D. WHERE GRADING WITHIN A TREE DRIPLINE CANNOT BE AVOIDED.
E. LIMIT CUT AND FILLS TO ½ TO ⅔ THE AREA WITHIN THE DRIPLINE.
F. AVOID CUT AND FILL AROUND ENTIRE CIRCUMFERENCE OF TRUNK.
G. WHERE GRADING LEAVES ROOTS EXPOSED, CUT ROOTS CLEAN.
H. AVOID FILLING WITHIN THE DRIPLINE OF A TREE WITHOUT SOME MECHANISM TO ALLOW AIR AND WATER TO REACH THE ROOTS.

IRRIGATION NOTES:

1. COORDINATE PLANT INSTALLATION WITH IRRIGATION CONSTRUCTION. IRRIGATION PIPES, VALVES, CONTROLLER, SLEEVES AND HEADS SHALL NOT INTEFER WITH PLANT ROOT BALLS OR CAUSE DAMAGE TO ANY PLANTS.
2. CONTRACTOR TO SUBMIT IRRIGATION PLANS TO HENSONFOLEY FOR APPROVAL. IRRIGATION PLANS TO INCLUDE A COMPLETE SEPARATION OF TURF AND SHRUB ZONES, LOCATION AND SIZES OF ALL HEADS AND VALVES, LOCATION AND SIZES OF ALL IRRIGATION SLEEVES, CONTROLLER SIZE AND LOCATION, MANUFACTURE SPECIFIED AND SYSTEM OPERATING PRESSURE.
3. CONTRACTOR SHALL LAMINATE A SEASONAL RUN TIME SCHEDULE FOR EACH IRRIGATION ZONE AND MOUNT INSIDE IRRIGATION CONTROLLER FOR OWNER/MAINTAINCE PERSONAL FUTURE REFERENCE. SCHEDULE SHOULD PROVIDE A MIN. 4" TURF COVERAGE AND 2" SHRUB COVERAGE
4. CONTRACTOR SHALL ADJUST ALL HEADS IN FIELD TO INSURE MAXIMUM COVERAGE, ELIMINATE OVERTHROW ONTO PAVED AREAS, BUILDING AND WALL SURFACES. LOCATE HEADS 3" CLEAR OF ALL HARDSCAPE SURFACES.
5. ALL VALVES SHALL BE REMOTE AUTOMATIC VALVES MOUNTED IN SUBSURFACE VALVE BOX.
6. CONTRACTOR SHALL VERIFY THAT ALL PERTINENT LOCAL AND STATE CODES ARE BEING OBSERVED.
7. CONTRACTOR TO PROVIDE A FULL 1 YEAR GUARANTEE ON ALL IRRIGATION EQUIPMENT AND WORKMANSHIP.
8. CONTRACTOR SHALL PROVIDE SYSTEM CONTROLLER WITH MANUAL OVERRIDE AND LOCATE IT WITHIN THE BUILDING ON THE BACK WALL OF THE RECEIVING AREA.

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NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 706 SEAL DAVID A. HENSON

HFI PROJECT #: 25-00003

PRELIM LANDSCAPE

Z05

N:\25-00003 - NorthState 2 106 Gilead\DWG Sheets\Rezoning\Z05 - PRELIM LANDSCAPE PLAN.dwg 6-11-25 07:17:27 AM tfallows

GENERAL SITE UTILITY NOTES:

1. ALL PIPE LENGTHS ARE HORIZONTAL DISTANCE AND ARE APPROXIMATE.

2. CONTRACTOR SHALL PROVIDE ALL THE MATERIALS AND APPURTENANCES NECESSARY FOR THE COMPLETE INSTALLATION OF THE UTILITIES. ALL PIPES AND FITTINGS SHALL BE INSPECTED BY THE BUILDING INSPECTOR PRIOR TO BEING COVERED.

3. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, REGULATIONS, AND/OR LOCAL STANDARDS IMPOSED BY LOCAL UTILITY.

4. ALL WATER LINES SHALL HAVE A MINIMUM COVER OF 36" ABOVE TOP OF PIPE.

5. CONTRACTOR SHALL ADJUST LOCATION OF PROPOSED WATER LINES AS REQUIRED TO AVOID CONFLICTS WITH STORM SEWER OR OTHER UTILITIES.

6. CLEANOUTS ARE TO BE SPACED FOR A MAXIMUM OF 75 FEET ON 4" LINES AND 100 FEET ON 6" LINES.

7. LOCATION, SIZE AND INVERT ELEVATIONS OF SANITARY SEWER SHALL BE COORDINATED WITH THE APPROVED PLUMBING PLANS FOR THE BUILDING.

8. THRUST BLOCKS ARE REQUIRED AT EACH FIRE HYDRANT, TEE, BLOWOFF, AND ELBOW.

9. GENERAL CONTRACTOR SHALL INSTALL UTILITIES TO WITHIN 5' OF BUILDING. PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR UTILITIES IN THE BUILDING AND WITHIN 5' OF THE BUILDING.

10. INSTALLATION AND REPAIR OF UNDERGROUND ELECTRICAL, GAS AND TELEPHONE UTILITIES AND DISTURBED AREAS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR OR APPLICABLE UTILITY COMPANY. THE DISTURBED AREAS BENEATH EXISTING ASPHALT SHALL BE RE-COMPACTED TO THE REQUIRED SPECIFICATIONS, AND THE STONE BASE AND ASPHALT BE RETURNED TO ITS ORIGINAL CONDITION.

11. THE GENERAL CONTRACTOR SHALL COORDINATE ALL NEW UTILITY TAP/CONNECTION LOCATIONS WITH THE UTILITY DEPARTMENT. FEES SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. HOWEVER, IMPACT/CAPACITY FEES TO BE PAID BY DEVELOPER/OWNER.

12. THERE SHALL BE NO TAPS, PIPING BRANCHES, UNAPPROVED BYPASS PIPING, HYDRANTS, FIRE DEPT. CONNECTION POINTS, OR OTHER WATER-USING APPURTENANCES CONNECTED TO THE SUPPLY LINE BETWEEN ANY WATER METER AND ITS CLTWATER-REQUIRED BACKFLOW PREVENTER

13. EACH CLT WATER-REQUIRED BPA IS REQUIRED TO BE TESTED BY A CLWATER-APPROVED CERTIFIED TESTER PRIOR TO PLACING THE WATER SYSTEM IN SERVICE.

14. ALL FIRE LINE UNDERGROUND PIPING SHALL BE INSPECTED AND ALL TESTS WITNESSED BY FIRE MARSHAL PRIOR TO COVERING OF ANY INSTALLATION OF THE FIRE PROTECTION LINES

IRRIGATION SLEEVING NOTES:

1. CONTRACTOR SHALL LAY ALL SLEEVES AND CONDUIT AT 2'-0" BELOW THE FINISH GRADE OF THE TOP OF PAVEMENT.

2. CONTRACTOR SHALL MARK THE LOCATION OF ALL SLEEVES AND CONDUIT WITH THE SLEEVING MATERIAL "ELLED" TO 2'-0" ABOVE FINISH GRADE AND CAPPED.

3. CONTRACTOR SHALL FURNISH THE IRRIGATION DESIGNER WITH AN "AS-BUILT" DRAWING SHOWING ALL SLEEVES AND THE RESPECTIVE DEPTHS BELOW THE FINISH GRADE AND/OR PAVEMENT.

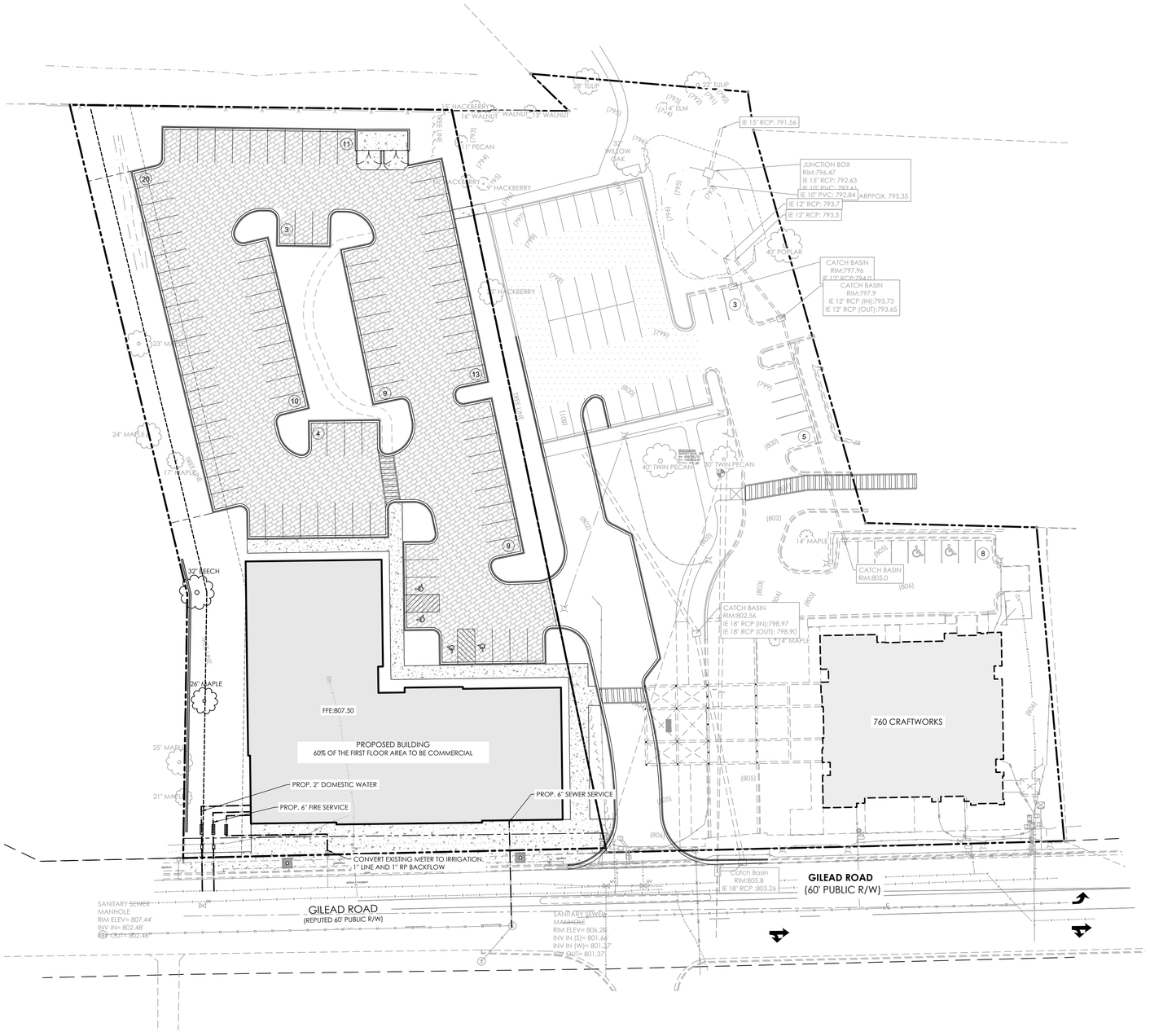
4. EXTEND ALL SLEEVES TO 2'-0" BEYOND THE EDGE OF ALL PAVEMENT.

5. ADD 4" DIAMETER SLEEVES TO ALL ISOLATED PLANTING AREAS NOT SHOWN ON THIS DRAWING, OR UNDER PAVEMENT ADDED AFTER THIS PLAN WAS COMPLETED.

6. ALL SLEEVES SHALL BE SCHEDULED 40 PVC.

CLT WATER NOTES:

- CUSTOMER IS RESPONSIBLE FOR STAKING SITE AS NECESSARY TO DETERMINE SERVICE LOCATIONS AND ELEVATIONS PRIOR TO CLT WATER CONTRACTOR MOBILIZING TO INSTALL SERVICES. SITE ADDRESS MUST BE VISIBLY POSTED AT SITE
- ON-SITE CONTRACTOR IS RESPONSIBLE FOR RELOCATING ANY APPLICABLE CONFLICTING UTILITIES NECESSARY TO COMPLETE SERVICE INSTALLATIONS. ADDITIONAL FEES MAY APPLY AND CONSTRUCTION TIMELINES EXTENDED IF CONFLICTING UTILITIES ARE NOT SHOWN ON PLANS.
- WATER AND SEWER CONNECTIONS SHALL NOT BE LOCATED WITHIN PROPOSED CONSTRUCTION ENTRANCES.
- PAYMENT FOR A QUOTED SERVICE CONNECTION SHALL BE CONSIDERED ACKNOWLEDGEMENT & APPROVAL OF CLT WATER COMMENTS BY THE APPLICANT; PAYMENT DOES NOT INCLUDE ANY ADDITIONAL FEES REQUIRED DUE TO UNFORESEEN CONDITIONS THAT ARE/WERE NOT DEPICTED ON THE SITE PLAN PROVIDED BY THE APPLICANT.
- BACKFLOW PREVENTION REVIEW SHALL BE COORDINATED THROUGH MECKLENBURG CO. CODE ENFORCEMENT PERMITTING PROCESS AT TIME OF APPLICATION FOR BUILDING PERMITS. THESE REQUIREMENTS CAN BE FOUND AT HTTP://CHARLOTTENC.GOV/WATER/PAGES/BACKFLOWCONSTRUCTIONGUIDELINES.ASPZ. ANY REVISION TO TAP AND/OR METER LOCATIONS MAY BE SUBJECT TO RE-SUBMITTAL TO BACKFLOW FOR REVIEW
- CLT WATER WILL INSTALL THE 8" LATERAL INTO THE EXISTING MH AND BRING INSIDE R/W AS SHOWN. CLT WATER WILL INSTALL THE PRIVATE MH JUST BEYOND THE R/W
- IF YOUR WATE RCONNECTION IS 2" OR LARGER AND SERVING MORE THAN ON STRUCTURE, YOU MUST SUBMIT FOR A CLTW PRIVATE WATER PERMIT - VISIT WEBSITE FOR PRIVATE WATER PERMITTING INFORMATION HTTP://CHARLOTTENC.GOV/WATER/PAGES/INSTALLATIONDEVELOPMENT SERVICES.ASPX
- THE ALTERNATE INSTALL PROGRAM IS AVAILABLE PER THE OWNER'S REQUEST TO HELP EXPEDITE INSTALLATION AND CONSTRUCTION SHCEUDLES. FOR MORE INFORMATION REGARDING THE ALTERNATE INSTALL PROGRAM PLEASE CONTACT ZACH PELLICONE@CHARLOTTENC.GOV



NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

W&A ENGINEERING
CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT
121 GILEAD RD
HUNTERSVILLE, NC 28078
P: (704) 875-1615
WAENGINEERING.COM

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THE HOLBROOK PHASE 2

106 GILEAD ROAD
HUNTERSVILLE, NC

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

REVISIONS

DATE	COMMENT

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 1706 JOHN A. HENSON

HFI PROJECT #: 25-00003

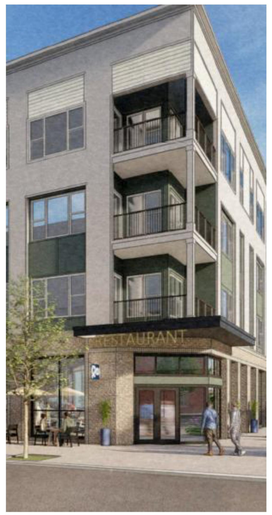
PRELIM UTILITY PLAN

Z06

N:\25-00003 - NorthState 2 106 Gilead\DWG Sheets\Rezoning\Z06 - UTILITY PLAN.dwg 6-11-25 07:17:37 AM tfallova

BUILDING ELEVATION

South Elevation Concepts



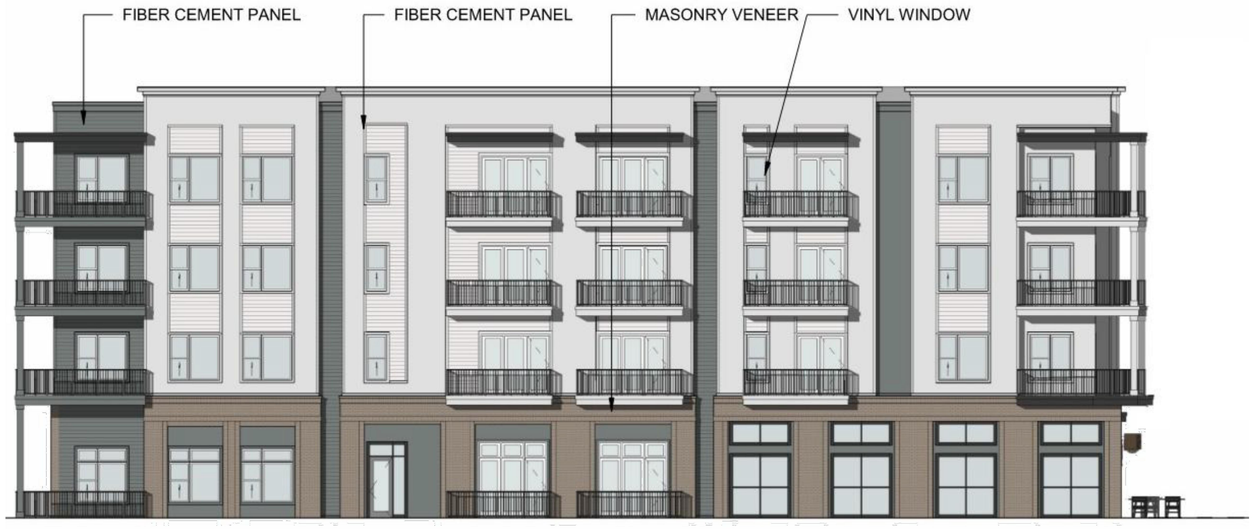




West/East/North
Elevation Concepts







Stylistically and thematically the elevations on Plan A and B will be consistent with the above images. While balconies may be adjusted, general articulation will remain the same. Petitioner commits to having retail entrances on Gilead.

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THE HOLBROOK PHASE 2

106 GILEAD ROAD
HUNTERSVILLE, NC

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

REVISIONS

DATE	COMMENT

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025

HFI PROJECT #: 25-00003

BUILDING ELEVATIONS CONCEPT

Z07

N:\25-00003 - NorthSuite 2 106 Gilead\DWG\Sheets\Rezoning\Z06 - BUILDING ELEVATIONS CONCEPT.dwg 6x11-25 07:23:52 AM tfallova

Town Engineering Rezoning Comment Summary
R24-15 The Holbrook Phase 2 (CSP-500067)
106 Gilead Rd (PID 01712208)
Huntersville, NC 28078

General Project Information

This proposed rezoning is located on the north side of Gilead Road approximately 350 feet West of the intersection of NC-115 and Gilead Road. It consists of mixed-use development with a driveway connection to Gilead Road. Two options for the site have been provided by the applicant. The first option proposes a two-story mixed-use building, associated parking and a shared driveway on the adjacent western parcel (PID 01712210) replacing the existing driveway for this parcel. The second option shows different configuration for the building and parking with a driveway being proposed onsite at the westernmost side of the parcel (with the existing, offsite driveway to remain).

Engineering Staff Comments

Based on the TIA Determination, the development is over the threshold to require a TIA. TIA scoping was submitted on 5/12/25 with comments returned on 5/16/25 with a resubmittal required. Based on the information in the scoping submittal, a TIA may be required.

Site Plan Comments:

1) Provide a list of committed TIA improvements on cover page (if any).
2) For both options, development is proposed on an adjacent parcel (PID 01712210). Work or easements proposed on adjacent parcels will require written approval from the adjacent property owner prior to construction document approval.
3) Coordinate with NCDOT regarding driveway locations for both options
4) Remove street trees that do not meet NCDOT clear zone and sight distance requirements.
5) Address other transportation and stormwater related minor comments.

The Holbrooks Phase 2 (R25-04)

Community Meeting Report

Date: April 30, 2025

Time: 6:00pm – 7:00pm

Location: Huntersville Arts & Cultural Center, 109 S Old Statesville Rd, Huntersville 28078

Roster of Persons in Attendance: **See attached sign-in sheets**

Agenda:

1. Applicant presentation & rezoning description
2. Neighborhood attendees' question & answer session

Applicant and the attendee discussed the following comments and questions:

General Discussion & Presentation

- Development team introduction and property location discussion.
- The Applicant shared site plan and representative images with the attendee.
- General discussion around the driveway and property frontage, including 2 driveway options.
- General discussion regarding open space, trees, and pedestrian passageways.
- Overview of Huntersville 2040 Land Use Plan policies and how this project aligns with the goals of the plan.
- Community benefits created by the project.
    - Dynamic mixed-use building
    - Greenway connections – activating pedestrian pathways
    - 2 retail brokers engaged by Applicant to find the right tenants that want to be in downtown Huntersville
    - Architectural design commitments to reach the excellent design standard of the Zoning Ordinance.
- General discussion regarding the project timeline moving forward.
- Existing conditions on the property and potential by-right development.
- Overview of the modifications that the Applicant is requesting.
    - Limited side yard parking
    - Ground floor retail calculations
    - Western buffer reduced to 10' to allow grading and planting in the buffer
    - Building height to allow for substantial retail tenants on ground floor
    - Retail entrance meets the code requirements of a main pedestrian entrance along a public street.
- Applicant shared color palate examples of the Gilead Road exterior and neighbors weighed in on which options they liked the most.

Questions

***Answers in BOLD**

1. Where will the garbage go? **There is trash collection on the property. On trash day the trash would be moved to the rear of the property for the garbage truck to pick up.**
2. Will garbage location hinder retail tenants? **There will be a path for "trash tuggers" to bring the trash cans to the pick up spot. The path will be kept clean and clear and made sure to drain properly.**
3. Will you be able to make a left turn out of the property? **Currently there is a median restricting left turns. However, the Town might have an interest in making that a full movement turn and the Applicant will support whatever the Town is in favor of.**
4. Is there a gate at the back of the property for people to connect to the park? **Yes, there is a natural crossing to go to the greenway and then also a sidewalk that goes directly to the pickleball courts. Pedestrians will also be able to walk from the park and cut through the property to get to Gilead Road and the current and future retail options.**
5. Is there any progress on saving trees on the property? **The Applicant has engaged an arborist to review the tree save opportunities. The intent is to save as many trees as possible and the Applicant may be able to reorient some parking spaces to save a few additional trees. There are a few trees on the west side that could work better as a buffer to the adjacent property.**
6. Will the exterior design look similar to the North State project across the street? **The design of the building will make sure that the ground floor has a retail feel with a focus on the pedestrian realm.**

Holbrook Phase 2 Rezoning – R25-04

Community Meeting

Held on 04/30/2025

6-7 pm

Attendees:

Name	Address	Email/Phone #
Frank Gammon	8912 Deerland Ct, Huntersville	gammonf@icloud.com
Brad Priest	107 Gilead Rd, Huntersville	bpriest@huntersville.org
Dan Boone	317 Southland Rd, Huntresville	danboonenc@gmail.com
Jerry&Rachel Ingles	108 Gilead Rd, Huntersville	704-728-6917
Amber Kovacs	207 Greenway St, Huntersville	
Mert&Martha Rawdon	189 Scalybark Trail, Concord	
Amy Hallman	100 Cambridge Rd, Huntersville	amytaylor@roadrunner.com

NOTICE TO INTERESTED PARTIES
OF OFFICIAL COMMUNITY MEETING

Subject:	Application for Conditional Rezoning from NR to TC (CD) filed by North State Development to construct a commercial and residential mixed-use building on +/- 1.757 acres of land located at 106 Gilead Road, Huntersville, Mecklenburg County, NC bearing Parcel ID No. 01712208.
Date and Time of Meeting:	**April 30th, 2025** **6-7 pm**
Place of Meeting:	**Huntersville Arts & Cultural Center** 109 S Old Statesville Rd, Huntersville, NC 28078
Applicant:	North State Development
Property Owner:	Martha M. Rawdon, Frances M Garner, Larry W Garner
Application No:	**R-25-04**

Dear Neighbor:

We are assisting North State Development in the Conditional Rezoning of the Sites for the proposed development as listed above. The Sites will be developed in accordance with the town of Huntersville zoning ordinance. North State Development will hold a Community Meeting for this Conditional Rezoning on April 30th, 2025.

The Community Meeting is intended to assist with the exchange of information and dialogue related to the Conditional Rezoning. A Community Meeting is required as part of the Conditional Rezoning process, but applicants may hold additional Community Meetings to solicit feedback from the community. Accordingly, on North State Development's behalf, we invite you to attend this Community Meeting on the date, time, and place set forth above.

North State Development's representatives look forward to sharing this Conditional Rezoning proposal with you and answering questions you may have. For more information about the Conditional Rezoning process, and to learn more about this Conditional Rezoning, please visit the Town of Huntersville Planning Department's website at www.huntersville.org/planning.

If you are unable to attend the Community Meeting as scheduled, or have any questions or comments about this matter, please feel free to call Tess Fallova, at W&A Engineering at 704-875-1615 ext. 310.

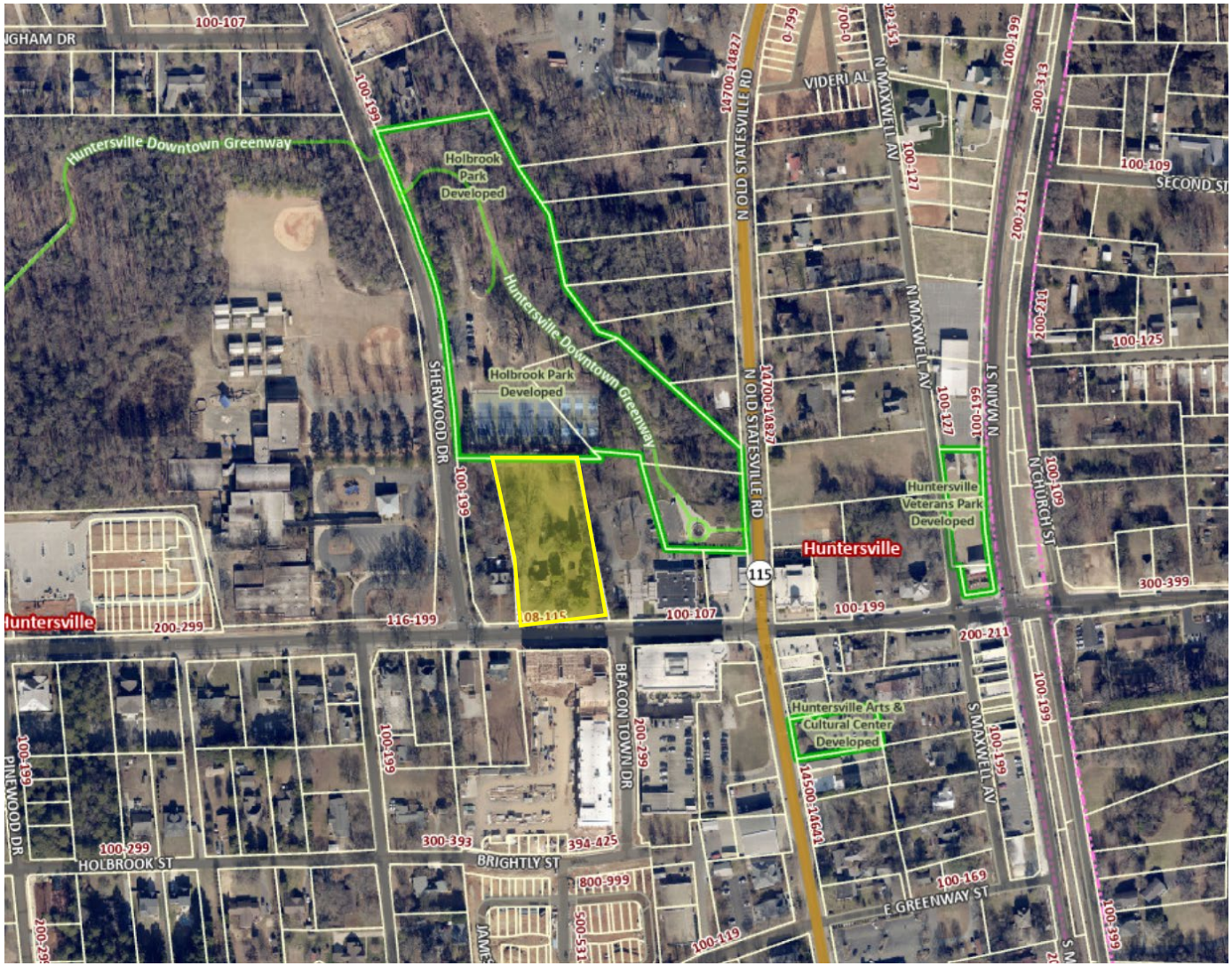
cc: Brad Priest, Principal Assistant Planning Director (via email)

ownrlstnme	ownrfrstnm	ownr2lstnm
BAKER	DAVID	
BALLARD	WAYNE	BALLARD
BORING PROPERTIES LLC		
BOWMAN DEVELOPMENT GROUP INC		
BUTLER	MARK	
CAPITAL PLAN ADVISORS LLC		
CDH 28078 LLC		
CELIS	JOSE NOEL	
CHARLOTTE MECKLENBURG BOARD OF EDUCATION		
GUIGNARD	CHARLES	
HALLMAN	AMY	
HFH INVESTMENTS LLC		
HUANG	DERONG	
INGALLS	GERALD L	INGALLS
JMPH PROPERTIES LLC		
KOTHADIA	MANSUKHLAL	KOTHADIA
LOWRY	FRANKLIN MICHAEL	LOWRY
MADISON SIMMONS HOMES & COMMUNITIES LLC		
MAYORS CORNER HOMEOWNERS ASSOCIATION INC		
MEETING STREET TOWNS IV LLC		
NORTH MECKLENBURG PROPERTIES LLC		
NSR-HTC LLC		
NSR-HTC LLC		
PENARANDA	JORGE	TEJADA
RAWDON	MARTHA M	GARNER
RED CEDAR HOMES NC LLC		
TOWN OF HUNTERSVILLE		
TOWN OF HUNTERSVILLE		
VERMILLION ANCHOR MILL VILLAGE LLC		
VERMILLION COMMUNITY ASSOCIATION INC		C/O KUESTE
VERMILLION FRONT LLC		
VERMILLION GARDEN DISTRICT LLC		
VERMILLION VILLAGE LLC		
WHITE HILL LIMITED		PARTNERSH
WOODS	SKYLAR	

ownr2frstn	mailaddr1	zipcode	state	mailcity
	20415 MARBLEHEAD CT	28031	NC	CORNELIUS
CAROL	102 HILLCREST DR	28078	NC	HUNTERSVILLE
	500 CHANNING CIR NW	28027	NC	CONCORD
	13815 CINNABAR PLACE	28078	NC	HUNTERSVILLE
	5433 MILHAVEN LN	28269	NC	CHARLOTTE
	9604 BAMBURGH LN	28078	NC	HUNTERSVILLE
	19032 MOUNTAINVIEW DRIVE	28031	NC	CORNELIUS
	201 GILEAD RD	28078	NC	HUNTERSVILLE
	PO BOX 30035	28230	NC	CHARLOTTE
	PO BOX 1766	28070	NC	HUNTERSVILLE
	100 CAMBRIDGE RD	28078	NC	HUNTERSVILLE
	121 GILEAD RD	28078	NC	HUNTERSVILLE
	223 CESSNA RD	28027	NC	CONCORD
RACHEL H	PO BOX 2786	28070	NC	HUNTERSVILLE
	8715 PRESERVE POND RD	28031	NC	CORNELIUS
VILAS	227 KNOXVIEW LN	28117	NC	MOORESVILLE
AMANDA LEIGH	9140 CANTRELL WY	28078	NC	HUNTERSVILLE
	18825 W CATAWBA AV STE 250	28031	NC	HUNTERSVILLE
C/O LESLIE GANDY	19810 W CATAWBA AV UNIT C	28031	NC	CORNELIUS
	274 GILEAD RD	28078	NC	HUNTERSVILLE
	PO BOX 601	28164	NC	STANLEY
	800 GREEN VALLEY RD STE 203	27408	NC	GREENSBORO
	800 GREEN VALLEY RD STE 203	27408	NC	GREENSBORO
SANDRA	103 HILLCREST DR	28078	NC	HUNTERSVILLE
FRANCES M (GARNER L/TST)	189 SCALYBARK TRAIL	28027-7550	NC	CONCORD
	1235 E BLVD STE E	28203	NC	CHARLOTTE
	PO BOX 664	28078	NC	HUNTERSVILLE
	PO BOX 664	28070	NC	HUNTERSVILLE
	13815 CINNABAR PLACE	28078	NC	HUNTERSVILLE
R MANAGEMENT GROUP LLC	130 BEN CASEY DR STE 100	29708	SC	FORT MILL
	13815 CINNABAR PLACE	28078	NC	HUNTERSVILLE
	PO BOX 1378	28036	NC	CORNELIUS
	2400 SOUTH BOULEVARD STE 300	28203	NC	CHARLOTTE
IP	PO BOX 25168	27114	NC	WINSTON-SALEM
	14024 SIMS RD	28078	NC	HUNTERSVILLE

R25-04: 106 Gilead Rd Rezoning

Community Meeting
April 30, 2025



DEVELOPMENT TEAM

Owner/Developer

NORTH STATE DEVELOPMENT

Civil Engineer & Landscape Architect

W&A ENGINEERING

Development Manager

THE LAGNIAPPE GROUP

Architect & Interior Design

cline

And a lot more people.....

REZONING PROCESS

- Preliminary staff meetings (January 2025)
- Rezoning Plan submittal and staff comment review cycles (March-Ongoing)
- Stakeholder meetings (January 2025-Ongoing)
- Commissioner meetings
- Required Community Meeting (TODAY)
- Commissioner Public Hearing (June 3)
- Planning Board Meeting (June 24)
- Commissioner Final Action (July 15)
- Continued stakeholder meetings throughout

EXISTING CONDITIONS









BY RIGHT DEVELOPMENT OPTION

Currently zoned Neighborhood Residential District (NR), a landowner could develop a residential only property without any input other than site permit review.

But we know retail is needed in Downtown and we want to be part of that solution. ...hence the rezoning.

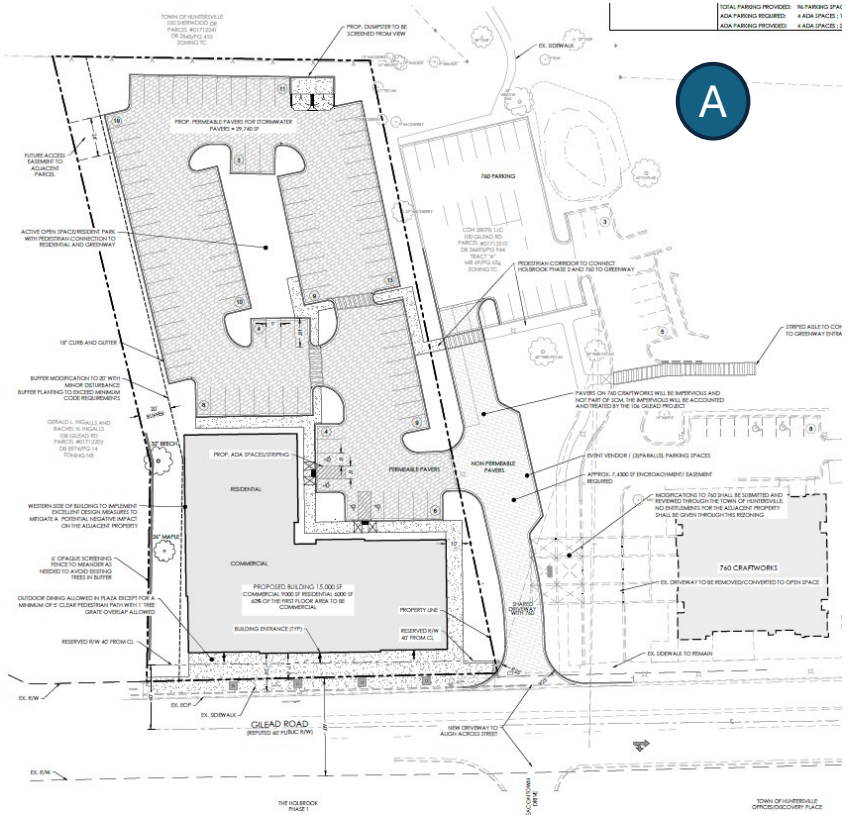
Neighborhood Residential District (NR)

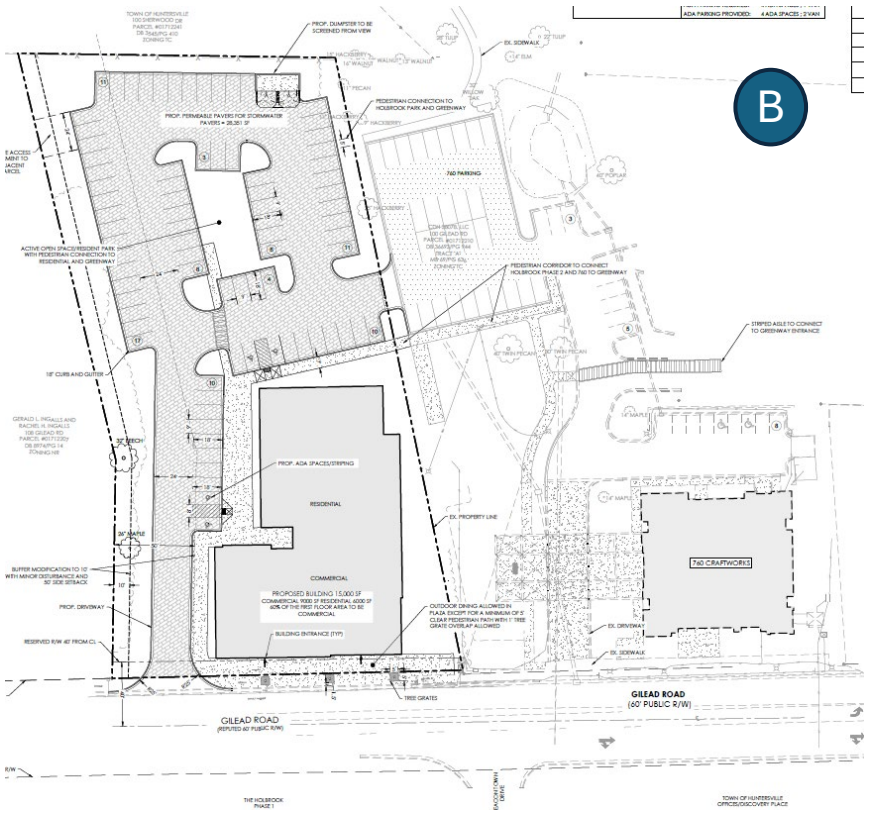
The Neighborhood Residential District provides for residential infill development surrounding the traditional town center and its logical extensions. This district also provides for town-scaled residential development within walking distance (generally ½ mile) of satellite village centers, identified on the Land Development Plan. Streets in the Neighborhood Residential District must be interconnected, according to Article 5, Streets, and Urban Open Space provided according to Article 7. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use buildings at residential scale, according to locational criteria. The intensity to which permitted uses may be built is regulated by the building type which corresponds to the use.

DEVELOPMENT INTENT

Leverage the central location to bring much-desired retail and housing options to the Downtown with a focus on activating the pedestrian realm to enhance the Main Street community vibe. Utilize existing Holbrook Community to deliver top quality spaces.

Up to 55 Residential Units
~9,000 Gross Retail Square Feet





Two plan options to create flexibility as we undergo stakeholder discussions: (A) Seeks to make improvements on 760 Brewery's property for a shared driveway and (B) Utilizes only the subject property

DOWNTOWN MASTER PLAN

Details in the Organizing Principles (Mobility, Nature, Gathering, Living, Civic, and Soul) resonate with our project, as quoted below.

1. Create an optimal pedestrian environment
2. Connect greenways to downtown
3. Make downtown more walkable and bikeable
4. Acquire ROW to improve streets
5. Address blind corners
6. Integrate… greens into the passive and active recreation and events of everyday urban life
7. Plant and protect street trees, which enhance beautification and pedestrian walkability, and help to calm traffic
8. Plant hearty, fast growing street trees
9. Smaller urban parks
10. Native plants
11. Enhance beauty of the neighborhoods
12. Encourage uses that support, facilitate and celebrate a walking environment
13. Promote a balance of food and beverage venues and those stores that support town life and that appeal to visitors
14. Provide for office uses in step with Post-Covid expectations of Live/Work/Play
15. Create destinations to walk to
16. Development that brings the community together
17. Restaurants and breweries are needed
18. Engaging ground floor retail and destination areas
19. Include housing options for all
20. Mixed use housing from high density to low
21. Thoughtful planning and design of residential buildings
22. Welcome and manage an institutional responsibility to be a good neighbor, supporting and adding to the life of the street
23. Strive toward being the example for the change the community wants to see
24. Reflect a natural and moderated evolution and integration of a small rural town into a 21st Century metropolitan region
25. Build at a scale, at a rhythm, and according to patterns that respect historical precedent
26. Strive for the “X” Factor: An experience lived that becomes your identity.
27. More small/local businesses
28. Locally expressive, intentional, and well-maintained approach to streetscape
29. Outdoor merchandizing
30. Art installations and decorative landscaping
31. Neat and eclectic downtown

MODIFICATIONS

- Limited side yard parking as long as it is a minimum of 70 feet from Gilead
- Back of house rooms shared by retail and residential to count towards retail calculation
- Western buffer to be reduced to 10’ or 20’ and allow grading and planting in the buffer
- Building height of 55’
- Retail tenant entrances constitute the code requirement of a main pedestrian building entrance along public street





COMMUNITY BENEFITS

- Commitment to more than one use to create a dynamic mixed-use community
- Pedestrian connection to Greenway
- Active, engaging public realm (benches, outdoor dining, planters, art, signage, intentional material selection, etc)
- Retail merchandising strategy that will bring food, beverage, services, and entertainment to Downtown
- More landscaping than code requirement
- Open space amenity for residents
- Privacy fencing along West property boundary
- Architectural design commitments
  - Taller Ground Floor, creating a traditional building base
  - Change of pattern, material, or color where doors and windows don't exist within 20 feet
  - 50% ground floor transparency along Gilead
- Designed to National Green Building Standards

- Downtown Master Plan 2023



• Bridge existing gaps in pedestrian and bicycle mobility and connectivity with new and/or enhanced trails and sidewalks within and between Public Greenways and Parks, and the Downtown core.

- Downtown Master Plan 2023

Exhibit Shows the main pedestrian paths in red

DRAFT EXTERIOR DESIGN

Architect provided the following draft conceptual elevations for the development team's review. We would like to gather input from community along with our review. Final conceptual elevations will be shared with staff and elected officials during the rezoning process.



Gilead Facade

DRAFT EXTERIOR DESIGN



Gilead NW facing



Gilead NE facing



Gilead NW facing



South perspective from parking lot

DRAFT EXTERIOR DESIGN

What color palates are we drawn to?









COMMUNITY FEEDBACK

1. What stakeholders are not in the room that you think we should connect with to be sure all are a part of the conversation?
2. What clarifications do you need to understand the development intent?
3. Did we miss addressing any concerns you may have?
4. What do you like about the plan that we should make sure stays in?
5. What type of retail tenants do you want to see in Downtown?
6. Other?

CONTACT

Rachel Krenz – Rachel@TheLagniappeGroup.com, 571.214.9325

TRAFFIC IMPACT

While the project alone doesn't warrant a traffic impact analysis, we are studying the project as a second phase to The Holbrook.

Trips in Previously Approved TIA

Downtown Huntersville Trip Generation Table - Per NCDOT Rates vs. Equation Sheet

Land Use [ITE Code]			AM Peak Hour			PM Peak Hour		
			Enter	Exit	Total	Enter	Exit	Total
Previous TIA								
Single-Family Detached Housing [210]	7	DUs	3	8	11	5	3	8
Multi-Family Housing (Low Rise) [220]	53	DUs	6	21	27	22	13	35
Multi-Family Housing (Mid Rise) [221]	138	DUs	13	35	48	37	24	61
Retail [820]	12,000	SF	98	60	158	54	59	113
Total Proposed Development Trips			**120**	**124**	**244**	**118**	**99**	**217**
Internal Capture Reduction			*-1*	*-1*	*-2*	*-17*	*-17*	*-34*
Pass-By Reduction			*0*	*0*	*0*	*-17*	*-16*	*-33*
Total Proposed Development Trips With Reductions			**119**	**123**	**242**	**84**	**66**	**150**

References:
Trip Generation, 10th Edition, Institute of Transportation Engineers, Washington, DC. 2017.
*NCHRP does not have calculations for daily trips
Pass-By Reduction: [820] 0% AM, 34% PM

Trips with Existing Holbrook plus current rezoning

Land Use [ITE Code]			AM Peak Hour			PM Peak Hour		
			Enter	Exit	Total	Enter	Exit	Total
Updated Plan								
Phase 1								
Single-Family Detached Housing [210]	11	DUs	2	8	10	8	4	12
Single-Family (Attached) Housing [215]	41	DUs	4	12	16	12	9	21
Multi-Family (Low-Rise) Housing [220]	134	DUs	15	49	64	49	29	78
Strip Retail [822]	9,000	SF	13	8	21	30	29	59
Phase 1 Total Trips			**34**	**77**	**111**	**99**	**71**	**170**
Phase 2								
Multi-Family (Low-Rise) Housing [220]	55	DUs	10	30	40	28	16	44
Strip Retail [822]	9,000	SF	13	8	21	30	29	59
Phase 2 Total Trips			**23**	**38**	**61**	**58**	**45**	**103**
Total Development Trips			**57**	**115**	**172**	**157**	**116**	**273**
Internal Capture Reduction			*-2*	*-2*	*-4*	*-17*	*-17*	*-34*
Total Proposed Development Trips With Reductions			**55**	**113**	**168**	**140**	**99**	**239**
Difference Between Updated Plan and Previous TIA Trips			**-64**	**-10**	**-74**	**56**	**33**	**89**

References:
Trip Generation, 11th Edition, Institute of Transportation Engineers, Washington, DC. 2021.
*NCHRP does not have calculations for daily trips

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 02/13/2025

Name of Project The Holbrook Phase 2 Phase # (if subdivision) _____

Project Address 106 Gilead Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01712208

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

Property Size (acres) 1.727 AC Street Frontage (feet) 217

Current Land Use Single Family House

Proposed Land Use(s) Mixed use , Residential and commercial building.

Is the project within Huntersville's corporate limits?
Yes x 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.

The request is to rezone parcel 01712208 from NR to TC(CD) to include a15,000 sf mixed use building. There will be max. 55 residential units and 9,000 sf of commercial space.

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 North State Development Phone 704-997-8285

☐ 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 Development Manager Email wstreet@northstatedevelopment.com

Address of Applicant 18825 W. Catawba Ave, Suite 250, Cornelius, NC 28031

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

North State Development	Shane Seagle	704-997-8285	sseagle@northstatedevelopment.com
Development Firm	Name of Contact	Phone	Email
W&A Engineering	Tess Fallova	704-875-1615 ext. 310	tfallova@waengineering.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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

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 _____ Phone _____

☐ 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 _____ Email _____

Address of Applicant _____

7. Property Owner (if different than applicant)

*Printed Name Martha M. Rawdon 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 Martha M. Rawdon

Title Owner Email mrrmmr@windstream.net

Address of Property Owner 189 Scalybark Trail, Concord, NC 28027

* 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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Development Firm	Name of Contact	Phone	Email

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
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6. Applicant

Printed Name_____ Phone_____

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

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Signature _____

Title_____ Email_____

Address of Applicant _____

7. Property Owner (if different than applicant)

*Printed Name Larry W. Garner (Trustee of Garner Living Trust) 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 Larry W. Garner, Trustee

Title Owner Email garnerlwg0@aol.com

Address of Property Owner 7417 Fox Chase Dr, Trinity, NC 27370

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

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
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6. Applicant

Printed Name_____ Phone_____

☐ 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_____ Email_____

Address of Applicant _____

7. Property Owner (if different than applicant)

*Printed Name Frances M. Garner (Trustee of Garner Living Trust) 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 Frances M. Garner, Trustee

Title Owner Email garnerlwg0@aol.com

Address of Property Owner 7417 Fox Chase Dr, Trinity, NC 27370

* 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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Development Firm	Name of Contact	Phone	Email

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

Request for Board Action

June 24, 2025

To: Board Members

From: Jesse James, Principal Planner

Date: June 24, 2025

Subject: R25-03 Mint Landscaping

EXPLAIN REQUEST:
Consider a recommendation on Petition #R25-03, Mint Landscaping, a request by Brandon Morris to rezone +/- 2.98 acres located at 10319 Hagers Road PIN#s (01101104, 01101139) from General Residential (GR) to Special Purpose-Conditional District (SP-CD) for a Commercial landscaping site.

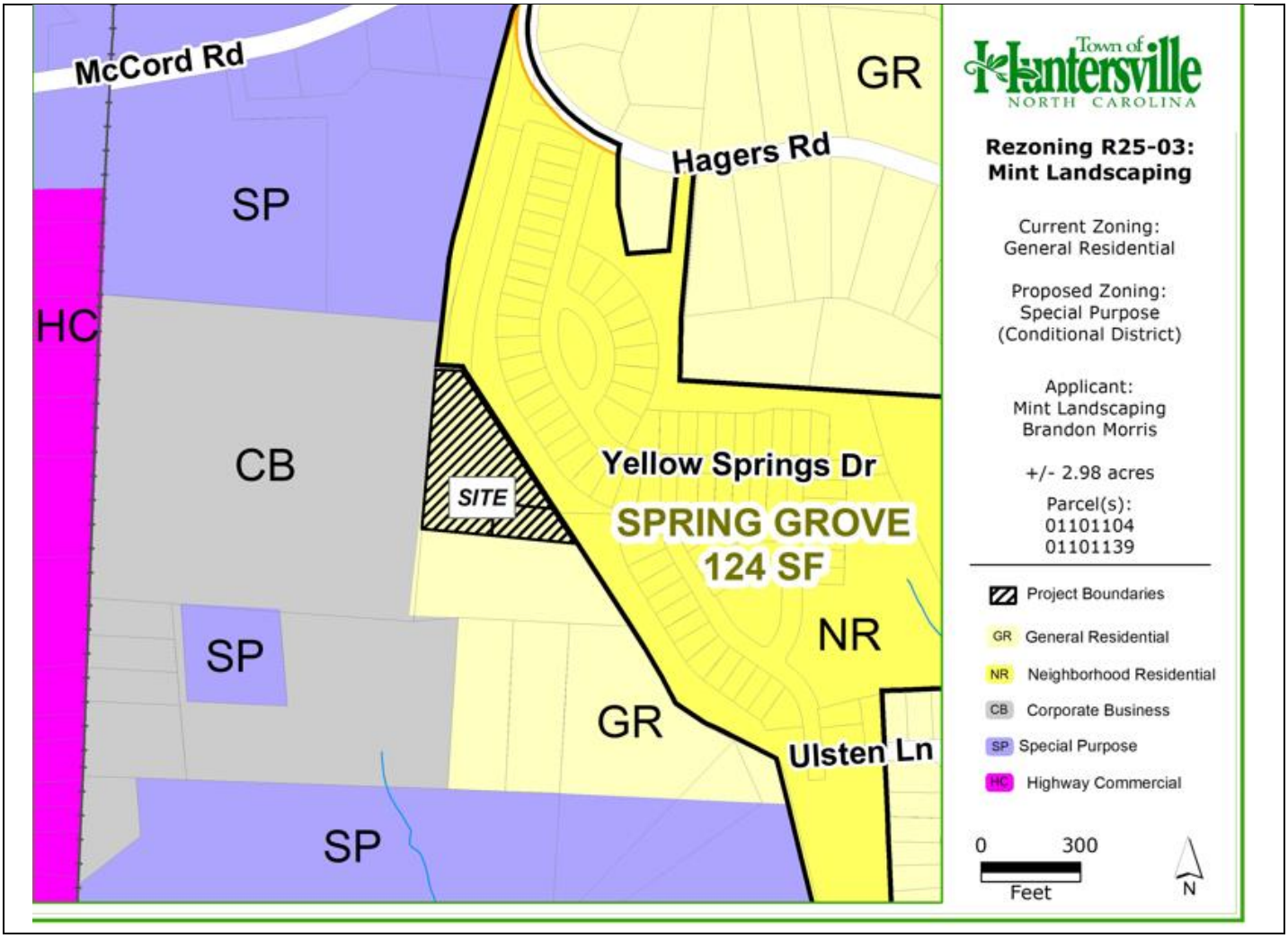
ACTION RECOMMENDED:
Consider a recommendation

FINANCIAL IMPLICATIONS:
N/A

ATTACHMENTS:
1. R25-03 Mint Landscaping PB 6-24-25 Staff Report
2. Gen App - Signed (1)
3. 224061 MINT LANDSCAPING_2025.06.10
4. Community Meeting Report
5. Rezoning Engineering Comment Summary - Mint Landscaping (R25-03)

Petition R25-03- Mint Landscaping

PART 1: PROJECT SUMMARY

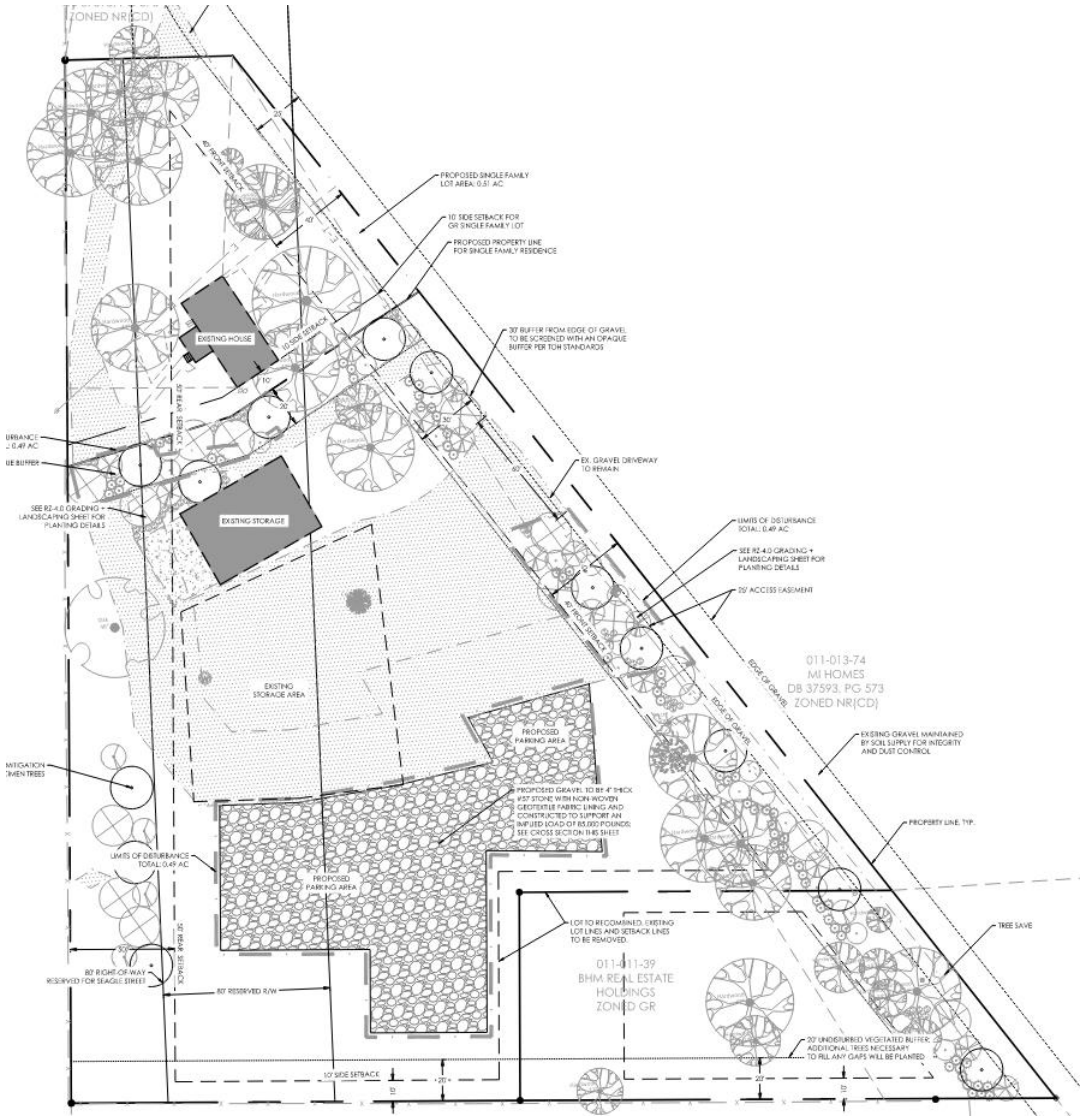


1. Purpose: Rezone 2.98 acres at 10319 Hagers Road from General Residential (GR) to Special Purpose Conditional District (SP-CD) and General Residential (GR) to continue to allow for a landscape business to remain on the site, while retaining the existing residence on the northern section of parcel 01101104 with maintaining GR zoning on that piece.
2. The current operation is not in compliance ordinance article 3.2.3 which does not allow commercial uses with storage on site as a permitted use. This application request is an effort to come into compliance including the requirement for all commercially used properties to front on a public street constructed to specifications for commercial streets. Currently the site is accessed and has frontage on the same access easement as several agricultural businesses.
3. This site is in the path of the future Seagle Street extension project that will encompass approximately 80 feet of the subject property as shown on the proposed site plan. This extension is not currently funded or engineered but a basic alignment has been completed. The applicants have agreed that by the Town allowing the temporary use proposed, they will reserve

the right of way necessary for the future thoroughfare and once that street expansion does move forward with construction the site will cease operating as proposed herein.

4. Adjoining Zoning and Land Uses.
   - North: Neighborhood Residential– Spring Grove Single Family Residential Subdivision
   - South: General Residential- Vacant
   - East: Neighborhood Residential-Spring Grove Single Family Residential Subdivision
   - West: Corporate Business – Agricultural
5. A neighborhood meeting was held on Wednesday, April 23, 2025, and is summarized in the Community Meeting Report (see Attachment).
6. 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 Hagers Road.

PART 2: REZONING/SITE PLAN



The Proposed Conditional District Rezoning has modifications. Significant Elements include:

- **Modification Request**- Article 7 requires an 80-foot buffer against property lines adjacent to zones not CB, CI, or SP and street ROW. The request is for a 30-foot street ROW buffer, 20-foot southern buffer against GR zoned property, and a 20 foot-buffer adjacent to the existing home north of the proposed landscaping business that is proposed to be subdivided on its own parcel.
    - **Staff Comment**- Staff recommends approval of this request due to the nature of the proposed business being compatible with the surrounding uses. A 30-foot buffer gives adequate screening for the outdoor storage associated with this proposal.
- **Modification Request**- Article 6 requires parking areas to be paved. The request is to allow gravel as parking due to the existing nature of the site being gravel. The applicants will use #57 stone gravel to allow for permeable surface to alleviate runoff and meet Town stormwater retention requirements.
    - **Staff Comment**- Staff is in favor of this request due to the current site situation and the applicants agreeing that the site is temporary due to future Seagle Street extension previously described. Worth noting; handicap parking spaces may be required to be constructed with any building permit site compliance.
- **Modification Request-** Article 8.1 requires that all buildings front on an improved street or open space. This request is to continue to allow the site to front an easement off Hagers Road that gives access to several agricultural businesses.
    - **Staff Comment-** The site is proposed to be used as is until the future thoroughfare is set for construction. With this being the sites current access, along with other businesses, staff is in favor of the request due to its temporary nature but staff does recommend any buildings on site come into building code compliance for safety.

General Plan Information

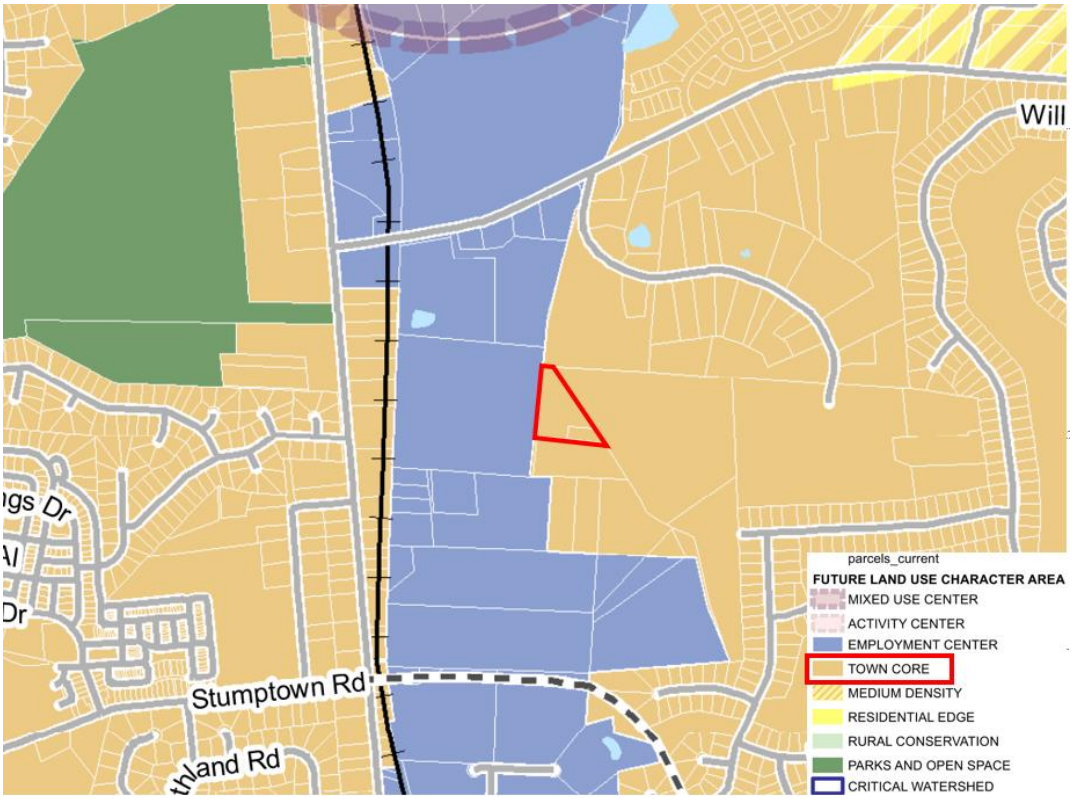
- Minimum Tree Preservation (specimen tree save) for Special Purpose is 30%. There are 25 specimen trees on site. 6 were removed. The site still saves 76% of the required specimen trees.
- There are no identified Heritage Trees on site.

PART 3: TRANSPORTATION ISSUES

See the attached Engineering Analysis Report for information on engineering review items.

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".



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

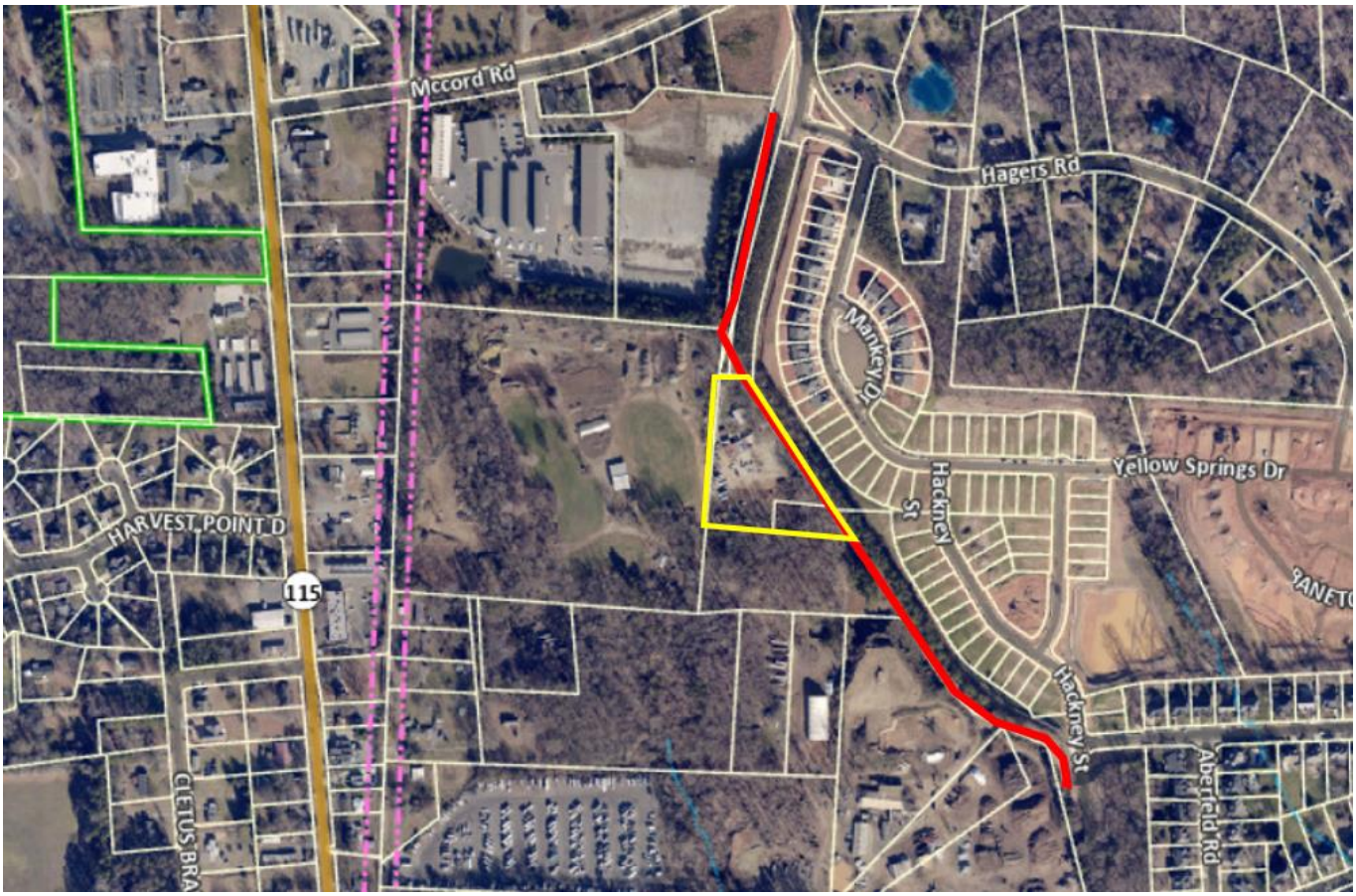
- LU 6.3: Small scale, neighborhood-serving commercial and office uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner.
    - **Staff Comment**- This site is in the Town Core and is an existing small scale, neighborhood serving commercial use.
- LU 8.1: Continue to emphasize form and flexibility in development regulations for Town Core parcels.
    - **Staff Comment**- The proposal is for the site to remain as it exists today with improvements made in the way of supplementing vegetation in the way of buffer additions. The applicants have agreed in return to use this site as is until the new thoroughfare is constructed.

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

- Policy LU-7: Require new development to follow design principles that reinforce the vision for the Town as expressed in this plan and other adopted plans. The town has committed to traditional town planning and urban design principles that are meant to preserve the character of the town. This commitment is noted in adopted plans and the zoning ordinance, and has been expressed in new development over the last 25 years.
    - **Staff comment-** The site does not meet any of the Towns site design standards including; fronting buildings on public rights of way and parking behind buildings.

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 proposal is consistent with the overall character of existing development in the immediate vicinity of the subject parcel. There are agricultural businesses on the same access easement that have been in operation for many years. This site is already existing but the rezoning allows them to come into compliance with zoning with a conditional plan. (see the aerial map below with the red line showing the approximate alignment of the existing access easement used for frontage and the site highlighted in yellow).



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 R25-03, Mint Landscaping, staff recommends approval with the following conditions:

1) Buffer modifications are approved
2) Parking lot modifications are approved to allow unpaved parking
3) Frontage conditions are approved with the site fronting an access easement
4) The site approvals are contingent upon the site being used as it exists today as a temporary use until the future Seagle Street extension is constructed. This plan agrees to reserve the Right of Way for the future extension and once the project is let for construction, the applicants agree to cease the operation proposed in this rezoning.

With the implementation these recommended conditions, the plan will be consistent with land use policies LU 6.3 and LU 8.1 and would be reasonable and in the public interest to approve the Rezoning Plan.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing was held on June 3, 2025. There were no public comments for or against this proposal and the Town Board asked some clarification questions regarding the zoning enforcement that led to the request for rezoning this site.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board Meeting is scheduled for June 24, 2025.

PART 8: TOWN BOARD RECOMMENDATION

The Town Board Meeting is scheduled for July 15, 2025.

PART 9: ATTACHMENTS

A – Rezoning Application
B – Proposed CD Rezoning Plan
C – Neighborhood Meeting Report
E- Engineering Report

PART 10: CONSISTENCY STATEMENT – R25-03 Mint Landscaping

Planning Department	Planning Board	Board of Commissioners
Approval: In considering the proposed rezoning petition R25-03, Mint Landscaping, staff recommend approval with the following conditions: 1) Buffer modifications are approved 2) Parking lot modifications are approved to allow unpaved parking	APPROVAL: **(insert applicable plan reference)**. **It is reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**	APPROVAL: **(insert applicable plan reference)**. **It is reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**

3) Frontage conditions are approved with the site fronting an access easement 4) The site approvals are contingent upon the site being used as it exists today as a temporary use until the future Seagle Street extension is constructed. This plan agrees to reserve the Right of Way for the future extension and once the project is let for construction, the applicants agree to cease the operation proposed in this rezoning. With the implementation these recommended conditions, the plan will be consistent with land use policies LU 6.3 and LU 8.1 and would be reasonable and in the public interest to approve the Rezoning Plan.		
DENIAL:	DENIAL: **(consistent OR inconsistent) with (insert applicable plan reference).** **It is not reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**	DENIAL: **(consistent OR inconsistent) with (insert applicable plan reference).** **It is not reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**

Town of Huntersville NORTH CAROLINA

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 2-27-25

Name of Project Mint Landscaping Phase # (if subdivision) _____

Project Address 10319 Hagers Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01101104, 01101139

Current Zoning District GR Proposed District (for rezoning only) SP-CD/GR

Property Size (acres) 2.98 Street Frontage (feet) 0

Current Land Use Residential, Commercial - Landscaping

Proposed Land Use(s) Commercial - Landscaping

Is the project within Huntersville's corporate limits?
Yes x 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.

This request is to recombine the existing lots to create one single family lot, zoned GR, and one commercial lot, zoned SP. With the rezoning of the commercial lot there is a request for conditions to be accepted to enable the property owner to continue to operate on site. Additionally, the applicant is proposing to reserve R/W for future road construction.

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

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6. Applicant

Printed Name Mint Landscaping- Brandon Morris Phone 704-992-1904

☐ 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 Owner Email brandon@mintlandscaping.com

Address of Applicant 12101 Bailey rd. Cornelius N.C. 28031

7. Property Owner (if different than applicant)

*Printed Name _____ Phone _____

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

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Signature _____

Title _____ Email _____

Address of Property Owner _____

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8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
W&A Engineering	Devona Smith	980-378-0393	dsmith@waengineering.com
Design Firm	**Name of Contact**	**Phone**	**Email**

Contact Information

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

COMMERCIAL CONDITIONING
REZONING PLANS
FOR:
MINT LANDSCAPING
10319 HAGERS ROAD

HUNTERSVILLE, NC, 28078
2.98-ACRE SITE, PIN: 011-011-04, 011-011-39
ISSUED 06/10/2025
HFI PROJECT # 224061
MUNICIPAL PROJECT #: CSP-500066, R25-03

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
RZ-1.0	COVER
RZ-2.0	EXISTING CONDITIONS
RZ-2.1	DEMO + TREE SAVE
RZ-3.0	SITE PLAN
RZ-4.0	GRADING + LANDSCAPING



VICINITY MAP
NTS

OWNER/DEVELOPER:
BRANDON MORRIS
10319 HAGERS ROAD
HUNTERSVILLE, NC 28078

ENGINEER:
W&A ENGINEERING
121 GILEAD RD
HUNTERSVILLE, NC 28078
ATTN: JAY HENSON, ASLA
704.875.1615

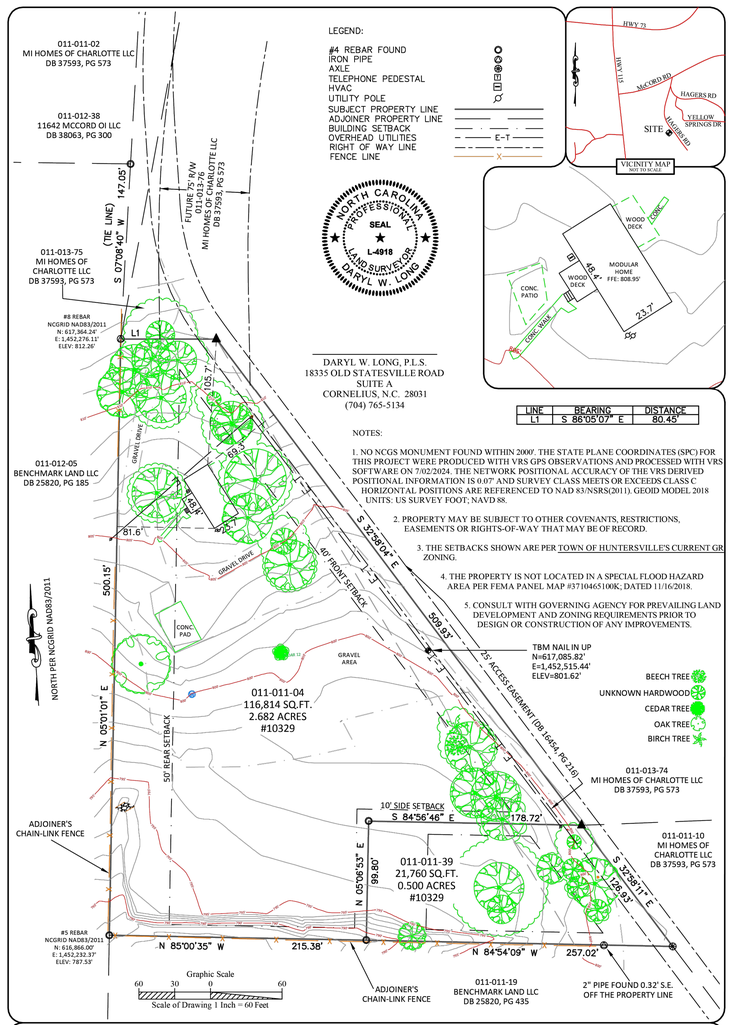
SURVEYOR:
PROFESSIONAL PROPERTY
SURVEYORS INC
18335 OLD STATESVILLE ROAD
SUITE A
CORNELIUS, NC 28031
ATTN: DARYL W. LONG, PLS
704.765.5134

W&A ENGINEERING
CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT
121 Gilead Rd, Huntersville, NC 28078
P: (704) 875-1615
WAENGINEERING.COM
Building Better Communities, One Project at a Time.

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

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

MINT LANDSCAPING – PRJ # 224061 FOR REVIEW



Topographical Survey of Parcel ID #011-011-39 & #011-011-04

Professional Property Surveyors, Inc. 18335 Old Statesville Road Ste. A Cornelius, N.C. 28031 704-765-5134 Phone/Fax Firm License: C-3666		Property of: Brandon Morris & BMH Real Estate Holdings, LLC		As Recorded in: Deed Book 38091, Pg 992 Deed Book 33157, Pg 246		Site Address: 10319 & 10329 Hagers Road Huntersville, NC 28078 Mecklenburg County	
061124-03 Job No.	JML Prepared By	≥ 1:10,000 Error of Closure	1"=60' Drawing Scale	011-011-39/011-011-04 Tax Parcel Number	MORRIS Drawing File Name	1 of 1 Sheet Number	7/02/2024 Date

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

W&A ENGINEERING
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ECONOMIC DEVELOPMENT
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HUNTERSVILLE, NC 28078
P: (704) 875-1615
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MINT LANDSCAPING
REZONING PLAN

PID: 011-011-04

10319 HAGERS RD, HUNTERSVILLE
MECKLENBURG COUNTY, NC 28078

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REVISIONS

5/12/25	1ST ROUND COMMENTS
06/10/25	2ND ROUND COMMENTS

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 06/10/2025

HFI PROJECT #: 224061

EXISTING CONDITIONS

RZ-2.0

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TREE TABLE			
COUNT	SIZE (IN)	SPECIES	SPECIMEN (Y/N)
1	22	HARDWOOD	Y
2	42	HARDWOOD	Y
3	12	CEDAR	Y
4	48	OAK	Y
5	20	BIRCH	Y
6	18	BEECH	Y
7	42	HARDWOOD	Y
8	42	HARDWOOD	Y
9	42	HARDWOOD	Y
10	36	HARDWOOD	Y
11	12	HARDWOOD	Y
12	24	HARDWOOD	Y
13	18	HARDWOOD	Y
14	18	HARDWOOD	Y
15	42	HARDWOOD	Y
16	18	HARDWOOD	Y
17	42	HARDWOOD	Y
18	24	HARDWOOD	Y
19	22	HARDWOOD	Y
20	24	PINE*	Y
21	24	POPLAR*	Y
22	24	OAK*	Y
23	24	CHERRY*	Y
24	24	OAK*	Y
25	24	BRADFORD PEAR*	Y

*TREE REMOVED WITH PREVIOUS WORK

TREE PROTECTION NOTES:

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

A. FOR TREES 10" OR LESS DBH: PROTECTIVE BARRICADES SHALL BE PLACED A MINIMUM DISTANCE OF 5' FROM THE BASE OF EACH PROTECTED TREE, OR OUTSIDE THE DRIPLINE, WHICHEVER IS GREATER.
B. FOR TREES GREATER THAN 10" DBH: PROTECTIVE BARRICADES SHALL BE PLACED AT A MINIMUM DISTANCE EQUAL TO 10' FROM THE BASE OF THE PROTECTED TREE PLUS AN ADDITIONAL 1' FOR EACH ADDITIONAL 1" DBH GREATER THAN 10" DBH, OR OUTSIDE THE DRIPLINE, WHICHEVER IS GREATER.
C. CONSTRUCTION ACCESS TO A SITE SHOULD OCCUR WHERE AN EXISTING OR PROPOSED ENTRANCE/EXIT IS LOCATED.
D. EXCEPT FOR DRIVEWAY ACCESS POINTS, SIDEWALKS, CURB AND GUTTER, NO PAVING WITH CONCRETE OR OTHER IMPERVIOUS MATERIALS WITHIN A TREE DRIPLINE SHALL BE ALLOWED.
E. WHERE GRADING WITHIN A TREE DRIPLINE CANNOT BE AVOIDED,
F. LIMIT CUT AND FILLS TO 1/4 TO 1/2 THE AREA WITHIN THE DRIPLINE.
G. AVOID CUT AND FILL AROUND ENTIRE CIRCUMFERENCE OF TRUNK.
H. WHERE GRADING LEAVES ROOTS EXPOSED, CUT ROOTS CLEAN.
I. AVOID FILLING WITHIN THE DRIPLINE OF A TREE WITHOUT SOME MECHANISM TO ALLOW AIR AND WATER TO REACH THE ROOTS.

TREE SAVE CALCULATIONS	
EXISTING CANOPY REQUIRED TO BE SAVED: 0% EXISTING SPECIMEN TREES REQUIRED TO BE SAVED: 10% EXISTING HERITAGE TREES REQUIRED TO BE SAVED: 100%	
EXISTING CANOPY ON SITE	57,453 SF
CANOPY TREE SAVE REQUIREMENT	0%
CANOPY TO BE SAVED	57,453 SF
EXISTING SPECIMEN TREES ON SITE	25 SPECIMEN TREES
SPECIMEN TREE SAVE REQUIREMENT	30%
SPECIMEN TREES TO BE SAVED	19 SPECIMEN TREES (76%)
EXISTING HERITAGE TREES ON SITE	0
HERITAGE TREE SAVE REQUIREMENT	100%
HERITAGE TREES TO BE SAVED	0

N
W E
S
NORTH ARROW
0 15 30 60
GRAPHIC SCALE 1"=30 FT.

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

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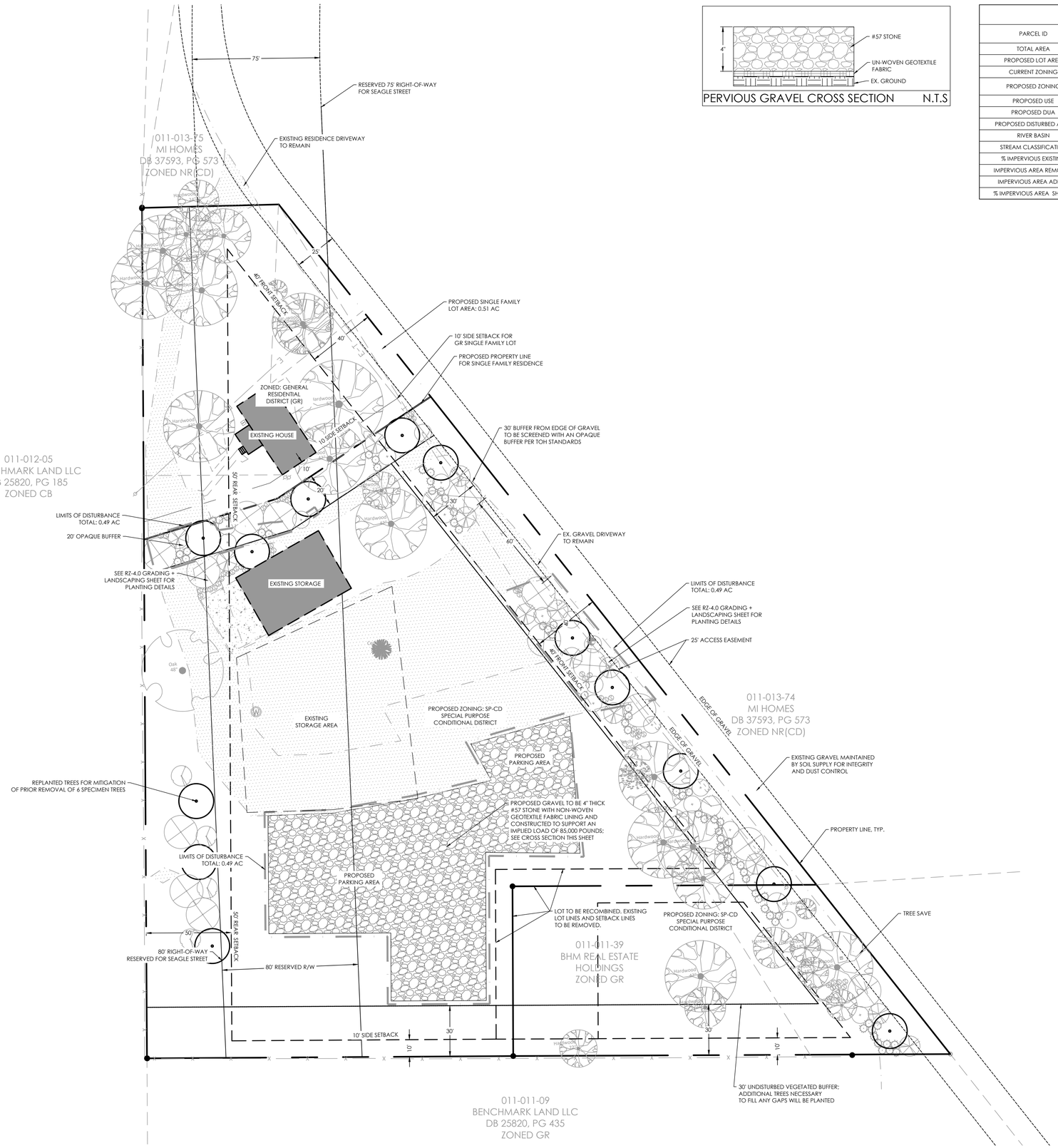
NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT NO. 700 SEAL HENSON 06/10/2025

HFI PROJECT #: 224061

DEMO + TREE SAVE

RZ-2.1

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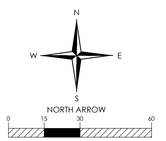
PERVIOUS GRAVEL CROSS SECTION N.T.S

SITE DATA

PARCEL ID	011-011-04; 011-011-39
TOTAL AREA	2.98 AC (TOTAL RECOMBINED)
PROPOSED LOT AREA	2.47 AC
CURRENT ZONING	GR - GENERAL RESIDENTIAL DISTRICT
PROPOSED ZONING	SP-CD = SPECIAL PURPOSE CONDITIONAL DISTRICT GR = GENERAL RESIDENTIAL DISTRICT
PROPOSED USE	OUTDOOR STORAGE - LANDSCAPING BUSINESS
PROPOSED DUA	1
PROPOSED DISTURBED AREA	21,750 SF/ 0.49 AC
RIVER BASIN	YADKIN PEE-DEE
STREAM CLASSIFICATION	CLARKE
% IMPERVIOUS EXISTING	33,659 SF (31%)
IMPERVIOUS AREA REMOVED	3,955 SF
IMPERVIOUS AREA ADDED	0 SF
% IMPERVIOUS AREA SHOWN	29,704 SF (28%)

REZONING NOTES

1. **REZONING PETITION.** THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY BRANDON MORRIS (THE "PETITIONER") ON MARCH 3RD, 2025 (THE "FILING DATE") AS REZONING PETITION CSP-500066, R25-03 & SKETCH PLAN (THE "REZONING PLAN") FOR THAT APPROXIMATELY 2.98 ACRE TRACT OF LAND, IDENTIFIED ON THIS SITE PLAN AS MINT LANDSCAPING ("THE PROJECT") IN CONNECTION WITH TAX PARCEL NUMBER 01101104 ("THE PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO ALLOW TEMPORARY CONDITIONAL USE OF THE SITE AS IT IS BEING USED TODAY WITHIN THE SPECIAL PURPOSE - CONDITIONAL (SP-CD) DISTRICT AND RESIDENTIAL USE OF THE REMAINING GENERAL RESIDENTIAL DISTRICT (GR) IN ACCORDANCE WITH THE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE").
2. **DEVELOPMENT STANDARDS.** DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE REZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE DATE OF THE FILING OF THE REZONING PLAN. UNLESS THE REZONING PLAN ESTABLISHES A MORE STRINGENT STANDARD, OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE DATE OF THE FILING OF THE REZONING PLAN GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN.
3. **VESTED RIGHTS.** THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN PURSUANT TO THE PROVISIONS OF THE ORDINANCE. NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS, IF, AT SOME POINT, MODIFICATIONS ARE MADE TO THE ORDINANCE BY THE TOWN BOARD, PETITIONER MAY VOLUNTARILY AGREE TO APPLY SUCH MODIFICATIONS TO THE REZONING PLAN IN A MANNER CONSISTENT WITH THE ORDINANCE AS IT CHANGES FROM TIME TO TIME, AND WITHOUT PURSUING A REZONING. SUCH MODIFICATIONS TO THE ORDINANCE SHALL IN NO WAY IMPACT THE PETITIONER'S VESTED RIGHTS. DUE TO THE SIZE OF THE PROJECT, PHASING, AND LEVEL OF INVESTMENT, APPROVAL OF THIS CONDITIONAL REZONING SHALL CONSTITUTE ESTABLISHMENT OF VESTED RIGHTS IN THE LANDOWNER (AND ITS SUCCESSORS OR ASSIGNS) FOR A PERIOD OF FIVE YEARS AS PERMITTED BY N.C. GEN. STAT. § 160D-108.1)
4. **PERMITTED USES.** THE PROPERTY MAY BE DEVELOPED FOR TEMPORARY USE OF THE EXISTING LANDSCAPING BUSINESS FOR THE PROPOSED SP-CD ZONED PROPERTY AND RESIDENTIAL USE FOR THE GR ZONED PROPERTY, SUBJECT TO THE DEVELOPMENT STANDARDS ASSOCIATED WITH SUCH USES. ANY LABELING ON THE REZONING PLAN MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT NOTES.
5. **LANDSCAPING/BUFFERS.** DEVELOPMENT OF THE PROPERTY SHALL COMPLY WITH THE LANDSCAPING AND BUFFER CONDITIONS OF THIS REZONING PLAN AND OF THE ORDINANCE, TO THE EXTENT APPLICABLE.
6. **AMENDMENT.** FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OF OWNERS OF THE PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE; PROVIDED, HOWEVER, IN THE EVENT ANY PORTION OF THE PROPERTY IS CONVEYED TO A THIRD PARTY, PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR ANY PORTION OF THE PROPERTY UNLESS SUCH AMENDMENT CONSTITUTES A CHANGE IN THE BUILDING OR USE OF THE PORTION OF THE PROPERTY OWNED BY SUCH OWNER, PROVIDED PETITIONER PROVIDES FOR SUCH AMENDMENT RIGHT IN THE RECORDED PRIVATE RESTRICTIVE COVENANTS THAT GOVERN THE PROJECT. ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE PROPERTY AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAT WHEN RECORDED.
7. **BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS.** IF THIS REZONING APPLICATION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
8. **REQUESTED MODIFICATIONS TO STANDARDS.**
   - **8.1. PARKING.** REQUEST FOR RELIEF FROM ARTICLE 6.1.G OF THE HUNTERSVILLE ZONING ORDINANCE PURSUANT TO PAVED COMMERCIAL DRIVEWAYS AND PARKING AREAS, REQUEST TO ALLOW GRAVEL TO REMAIN AS DRIVEWAY AND PARKING AREA FOR COMMERCIAL USE AND FOR ADDITION TO GRAVEL LOT, CONSTRUCTED TO STANDARDS OF A PERVIOUS SURFACE USING 4 INCHES OF #57 STONE AND A NON-WOVEN, GEOTEXTILE FABRIC LINING.
   - **8.2. BUFFER.** REQUEST FOR RELIEF FROM ARTICLE 7.5 OF THE HUNTERSVILLE ZONING ORDINANCE PURSUANT TO THE REQUIRED 80' BUFFER, REQUEST TO REDUCE BUFFER TO 30' ALONG THE NORTH, EAST AND SOUTH PROPERTY LINES. BUFFER TO BE PLANTED TO MEET THE INTENT OF SECTION 7.5 OF THE ORDINANCE. UPON COMPLETION OF THE CONSTRUCTION OF SEAGLE STREET WITHIN THE RESERVED 80' RIGHT-OF-WAY ONSITE AND ABANDONMENT OF THE 25' ACCESS EASEMENT, PETITIONER WILL EXPAND EASTERN BUFFER TO PROPERTY LINE .
   - **8.3. STREET FRONTAGE.** REQUEST FOR RELIEF FROM ARTICLE 8.1 OF THE HUNTERSVILLE ZONING ORDINANCE PURSUANT TO ABUTTING A PUBLIC STREET. REQUEST FOR OMISSION OF REQUIRED FRONTAGE IMPROVEMENTS, INCLUDING SIDEWALK. REQUEST FOR EXISTING ACCESS EASEMENT TO REMAIN AS AN UNPAVED ACCESS ROAD WHICH CURRENTLY SERVES MULTIPLE BUSINESSES.THIS REQUEST IS IN EXCHANGE FOR 80' RESERVED RIGHT-OF-WAY FOR FUTURE CONSTRUCTION OF SEAGLE STREET. UPON ACQUISITION OF THE 80' RIGHT-OF-WAY, THE SITE WILL CEASE ITS TEMPORARY USE AS A LANDSCAPING BUSINESS/OUTDOOR STORAGE.



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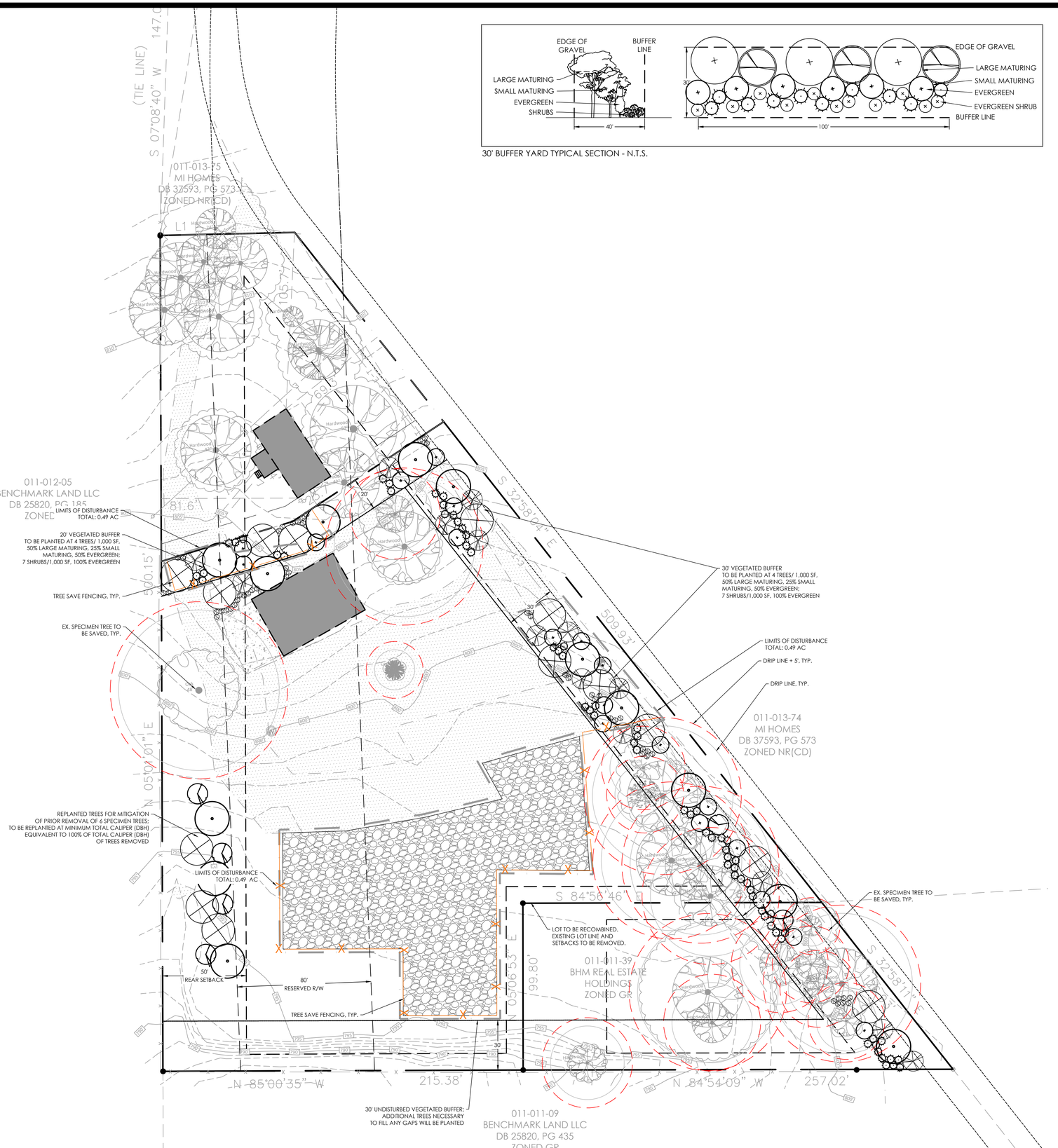
HFI PROJECT #: 224061

SITE PLAN

RZ-3.0

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30' BUFFER YARD TYPICAL SECTION - N.T.S.



GENERAL NOTES:

1. RETAINING WALLS WILL OVER 4' TALL REQUIRE A SEPARATE PERMIT AND INSPECTION.
2. ALL STORM WATER CATCH BASINS, INLETS, MANHOLES, ETC. SHALL BE PERMANENTLY LABELED AS "NO DUMPING, DRAINS TO RIVER" AND INCLUDE A FISH SYMBOL.

1.1 SOIL FILL (GEOTECH REPORT SHALL TAKE PRECEDENCE OVER THIS SPECIFICATION IF EXISTS.)

A. PLOW, SCARIFY, BENCH, OR BREAK UP SLOPED SURFACES STEEPER THAN 1 VERTICAL TO 4 HORIZONTAL SO FILL MATERIAL WILL BOND WITH EXISTING MATERIAL.

B. PLACE AND COMPACT FILL MATERIAL IN LAYERS TO REQUIRED ELEVATIONS AS FOLLOWS:

1. UNDER GRASS AND PLANTED AREAS, USE SATISFACTORY SOIL MATERIAL.
2. UNDER WALKS AND PAVEMENTS, USE SATISFACTORY SOIL MATERIAL.
3. UNDER STEPS AND RAMPS, USE ENGINEERED FILL.
4. UNDER BUILDING SLABS, USE ENGINEERED FILL.
5. UNDER FOOTINGS AND FOUNDATIONS, USE ENGINEERED FILL.

C. PLACE SOIL FILL ON SUBGRADES FREE OF MUD, FROST, SNOW, OR ICE.

1.2 SOIL MOISTURE CONTROL

REVISE PERCENTAGES IN THIS ARTICLE ACCORDING TO GEOTECHNICAL ENGINEER'S WRITTEN RECOMMENDATIONS.

A. UNIFORMLY MOISTEN OR AERATE SUBGRADE AND EACH SUBSEQUENT FILL OR BACKFILL SOIL LAYER BEFORE COMPACTION TO WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT.

1. DO NOT PLACE BACKFILL OR FILL SOIL MATERIAL ON SURFACES THAT ARE MUDDY, FROZEN, OR CONTAIN FROST OR ICE.
2. REMOVE AND REPLACE, OR SCARIFY AND AIR DRY, OTHERWISE SATISFACTORY SOIL MATERIAL THAT EXCEEDS OPTIMUM MOISTURE CONTENT BY 2 PERCENT AND IS TOO WET TO COMPACT TO SPECIFIED DRY UNIT WEIGHT.

1.3 COMPACTION OF SOIL BACKFILLS AND FILLS

A. PLACE BACKFILL AND FILL SOIL MATERIALS IN LAYERS NOT MORE THAN 8 INCHES (200 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT, AND NOT MORE THAN 4 INCHES (100 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HAND-OPERATED TAMPERS.

B. PLACE BACKFILL AND FILL SOIL MATERIALS EVENLY ON ALL SIDES OF STRUCTURES TO REQUIRED ELEVATIONS, AND UNIFORMLY ALONG THE FULL LENGTH OF EACH STRUCTURE.

C. COMPACT SOIL MATERIALS TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 698:

UNDER STRUCTURES, BUILDING SLABS, STEPS, AND PAVEMENTS, SCARIFY AND RECOMPACT TOP 12 INCHES (300 MM) OF EXISTING SUBGRADE AND EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 100 PERCENT.

1. UNDER WALKWAYS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 95 PERCENT.
2. UNDER TURF OR UNPAVED AREAS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 85 PERCENT.
3. FOR UTILITY TRENCHES, COMPACT EACH LAYER OF INITIAL AND FINAL BACKFILL SOIL MATERIAL AT 95 PERCENT.

1.4 GRADING

A. GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.

1. PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
2. CUT OUT SOFT SPOTS, FILL LOW SPOTS, AND TRIM HIGH SPOTS TO COMPLY WITH REQUIRED SURFACE TOLERANCES.

B. SITE ROUGH GRADING: SLOPE GRADES TO DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT PONDING. FINISH SUBGRADES TO REQUIRED ELEVATIONS WITHIN THE FOLLOWING TOLERANCES:

1. TURF OR UNPAVED AREAS: PLUS OR MINUS 1 INCH (25 MM).
2. WALKS: PLUS OR MINUS 1 INCH (25 MM).
3. PAVEMENTS: PLUS OR MINUS 1/2 INCH (13 MM).

C. GRADING INSIDE BUILDING LINES: FINISH SUBGRADE TO A TOLERANCE OF 1/2 INCH (13 MM) WHEN TESTED WITH A 10-FOOT (3-M) STRAIGHTEDGE.

1.1 FIELD QUALITY CONTROL

A. TESTING AGENCY: OWNER WILL ENGAGE A QUALIFIED GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM TESTS AND INSPECTIONS.

B. ALLOW TESTING AGENCY TO INSPECT AND TEST SUBGRADES AND EACH FILL OR BACKFILL LAYER. PROCEED WITH SUBSEQUENT EARTH MOVING ONLY AFTER TEST RESULTS FOR PREVIOUSLY COMPLETED WORK COMPLY WITH REQUIREMENTS.

C. FOOTING SUBGRADE: AT FOOTING SUBGRADES, AT LEAST ONE TEST OF EACH SOIL STRATUM WILL BE PERFORMED TO VERIFY DESIGN BEARING CAPACITIES. SUBSEQUENT VERIFICATION AND APPROVAL OF OTHER FOOTING SUBGRADES MAY BE BASED ON A VISUAL COMPARISON OF SUBGRADE WITH TESTED SUBGRADE WHEN APPROVED BY ARCHITECT.

D. TESTING AGENCY WILL TEST COMPACTION OF SOILS IN PLACE ACCORDING TO ASTM D 1556, ASTM D 2167, ASTM D 2922, AND ASTM D 2937, AS APPLICABLE. TESTS WILL BE PERFORMED AT THE FOLLOWING LOCATIONS AND FREQUENCIES:

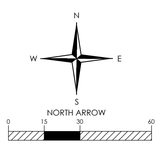
E. PAVED AND BUILDING SLAB AREAS: AT SUBGRADE AND AT EACH COMPACTED FILL AND BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 2000 SQ. FT. (186 SQ. M) OR LESS OF PAVED AREA OR BUILDING SLAB, BUT IN NO CASE FEWER THAN THREE TESTS.

4. FOUNDATION WALL BACKFILL: AT EACH COMPACTED BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 100 FEET (30 M) OR LESS OF WALL LENGTH, BUT NO FEWER THAN TWO TESTS.
5. TRENCH BACKFILL: AT EACH COMPACTED INITIAL AND FINAL BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 150 FEET (46 M) OR LESS OF TRENCH LENGTH, BUT NO FEWER THAN TWO TESTS.
6. WHEN TESTING AGENCY REPORTS THAT SUBGRADES, FILLS, OR BACKFILLS HAVE NOT ACHIEVED DEGREE OF COMPACTION SPECIFIED, SCARIFY AND MOISTEN OR AERATE, OR REMOVE AND REPLACE SOIL MATERIALS TO DEPTH REQUIRED; RECOMPACT AND RETEST UNTIL SPECIFIED COMPACTION IS OBTAINED.

TREE SAVE CALCULATIONS

EXISTING CANOPY REQUIRED TO BE SAVED: 0%
EXISTING SPECIMEN TREES REQUIRED TO BE SAVED: 10%
EXISTING HERITAGE TREES REQUIRED TO BE SAVED: 100%

EXISTING CANOPY ON SITE	57,453 SF
CANOPY TREE SAVE REQUIREMENT	0%
CANOPY TO BE SAVED	57,453 SF
EXISTING SPECIMEN TREES ON SITE	25 SPECIMEN TREES
SPECIMEN TREE SAVE REQUIREMENT	30%
SPECIMEN TREES TO BE SAVED	19 SPECIMEN TREES (76%)
EXISTING HERITAGE TREES ON SITE	0
HERITAGE TREE SAVE REQUIREMENT	100%
HERITAGE TREES TO BE SAVED	0



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GRADING + LANDSCAPING

RZ-4.0

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COMMUNITY MEETING REPORT FOR MEETING HELD APRIL 23, 2025
APPLICANT: MINT LANDSCAPING
REZONING APPLICATION NO. CSP-500066

This Community Meeting Report is being filed with the Town of Huntersville Planning Department pursuant to Article 11.4 of the Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED AND MANNER AND DATE OF CONTACT:

A representative of the applicant mailed a written notice of the date, time and location of the Community Meeting to individuals and organizations set out on Exhibit A attached hereto by US Mail on April 9, 2025. A copy of the written notice is attached hereto as Exhibit B.

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held on Wednesday, April 23, 2025 at 5:30 PM at the Huntersville Arts & Culture Center, 109 S Old Statesville Rd, Huntersville, NC 28078.

ROSTER OF PERSONS IN ATTENDANCE AT THE MEETING:

The Community Meeting had no public attendees. The applicant, Mint Landscaping, was represented at the Community Meeting by the following persons and firms:

1. Brandon Morris – Mint Landscaping
2. Amy Morris – Mint Landscaping
3. Devona Smith – W&A Engineering

MATERIALS PRESENTED AT THE MEETING:

The following materials, printed on 24”x36” foam board, were presented at the meeting:

1. Site Rendering

Copies of the above materials are attached hereto as Exhibit C.

Respectfully submitted, this 28 day of 2025.

W&A ENGINEERING

By: Devona Smith

Devona Smith

POLARIS 3G PROPERTY OWNERSHIP REPORT

Date Printed: 03/31/2025

Filter:
buffer: 500, gisid: 01101104

No	Parcel ID	Address on Property (max 3)	Owner Name
1.	01101102	10241 HAGERS RD HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
2.	01101104	10319 HAGERS RD HUNTERSVILLE NC 28078	1) MORRIS BRANDON
3.	01101119	10355 HAGERS RD HUNTERSVILLE NC 28078	1) BENCHMARK LAND LLC
4.	01101139	10329 HAGERS RD HUNTERSVILLE NC 28078	1) BHM REAL ESTATE HOLDINGS LLC
5.	01101201	10227 HAGERS RD HUNTERSVILLE NC 28078	1) SHEW DONALD R 2) SHEW VICKI L
6.	01101202	10237 HAGERS RD HUNTERSVILLE NC 28078	1) SHEW DONALD R 2) SHEW VICKI L
7.	01101203	15810 N OLD STATESVILLE RD HUNTERSVILLE NC 28078	1) KING MATTHEW R
8.	01101204	NA	1) HAWKINS EMMETT EUGENE
9.	01101205	10255 HAGERS RD HUNTERSVILLE NC 28078	1) BENCHMARK LAND LLC
10.	01101238	11642 MCCORD RD HUNTERSVILLE NC 28078	1) 11642 MCCORD OI LLC 2) C/O OPEN INDUSTRIAL MANAGEMENT LLC
11.	01101236	11628 MCCORD RD HUNTERSVILLE NC 28078 11608 MCCORD RD HUNTERSVILLE NC 28078	1) 84 PROPERTIES LLC
12.	01101141	10219 HAGERS RD HUNTERSVILLE NC 28078	1) BENCHMARK LAND LLC
13.	01101301	903 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
14.	01101302	907 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
15.	01101303	911 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
16.	01101304	915 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
17.	01101305	919 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
18.	01101306	923 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
19.	01101307	927 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
20.	01101308	931 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
21.	01101309	935 MANKEY DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
22.	01101310	1235 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
23.	01101311	1239 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
24.	01101312	1303 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
25.	01101313	1307 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
26.	01101323	1312 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
27.	01101324	1308 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
28.	01101325	1304 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
29.	01101326	1240 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
30.	01101327	1236 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
31.	01101328	1232 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC

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

POLARIS 3G PROPERTY OWNERSHIP REPORT

Date Printed: 03/31/2025

Filter:
buffer: 500, gisid: 01101104

No	Parcel ID	Address on Property (max 3)	Owner Name
32.	01101329	1228 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
33.	01101330	1224 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
34.	01101331	1220 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
35.	01101332	1216 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
36.	01101333	1212 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
37.	01101334	1208 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
38.	01101335	1204 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
39.	01101336	1200 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
40.	01101337	1148 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
41.	01101338	1144 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
42.	01101339	1140 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
43.	01101340	1136 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
44.	01101341	1132 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
45.	01101342	1128 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
46.	01101343	1124 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
47.	01101344	1120 YELLOW SPRINGS DR HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
48.	01101349	2015 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
49.	01101350	2019 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
50.	01101351	2023 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
51.	01101363	2032 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
52.	01101364	2028 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
53.	01101365	2024 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
54.	01101366	2020 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
55.	01101367	2016 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
56.	01101368	2012 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
57.	01101369	2008 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC
58.	01101371	NA	1) MI HOMES OF CHARLOTTE LLC
59.	01101374	NA	1) MI HOMES OF CHARLOTTE LLC
60.	01101375	NA	1) MI HOMES OF CHARLOTTE LLC
61.	01101376	NA	1) MI HOMES OF CHARLOTTE LLC
62.	01101377	NA	1) MI HOMES OF CHARLOTTE LLC
63.	01101379	2199 HACKNEY ST HUNTERSVILLE NC 28078	1) MI HOMES OF CHARLOTTE LLC

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ownrlstnme	ownrfrstnm	ownr2lstnm	ownr2frstn	mailaddr1	zipcode	state	mailcity
MI HOMES OF CHARLOTTE LLC				5350 SEVENTY-SEVEN CENTER DR STE 100	28217	NC	CHARLOTTE
MORRIS	BRANDON			10319 HAGERS RD	28078	NC	HUNTERSVILLE
BENCHMARK LAND LLC				PO BOX 1248	28270	NC	HUNTERSVILLE
11642 MCCORD OI LLC		C/O OPEN INDUSTRIAL MANAGEMENT LLC		7768 WOODMONT AV STE 240	20814	MD	BETHESDA
SHEW	DONALD R	SHEW	VICKI L	PO BOX 1248	28078	NC	HUNTERSVILLE
BHM REAL ESTATE HOLDINGS LLC				13111 BAILEY RD	28031	NC	CORNELIUS
NORTHBROOK PROPERTY OWNERS	ASSOCIATION			600 MATTHEWS MINT HILL RD	28105	NC	MATTHEWS
NORTHSTONE HOMEOWNERS		ASSOCIATION OF MECK		PO BOX 11906	28220	NC	CHARLOTTE
BELLAMOOR AT THE PARK LLC				2021 CROSS BEAM DR	28217	NC	CHARLOTTE

NOTICE TO INTERESTED PARTIES
OF OFFICIAL COMMUNITY MEETING

Subject:	Application for Conditional Rezoning from GR to SP(CD) filed by Mint Landscaping to maintain an existing landscaping business and recombine existing lots for residential purposes on +/- 2.98 acres of land located at 10319 Hagers Road, Huntersville, Mecklenburg County, NC bearing Parcel ID No. 011-011-04 (the "Site").
Date and Time of Meeting:	**Wednesday, April 23rd from 5:30 PM to 6:30PM**
Place of Meeting:	Huntersville Arts & Cultural Center 109 S Old Statesville Road Huntersville, NC 28078
Applicant:	Mint Landscaping
Property Owner:	Brandon Morris
Application No.:	CSP-500066

Dear Neighbor:

We are assisting Mint Landscaping in the Conditional Rezoning of the Site for proposed expansion of outdoor storage. The Site will also be recombined to preserve the residential property that exists.

The Community Meeting is intended to assist with the exchange of information and dialogue related to the Conditional Rezoning. A Community Meeting is required as part of the Conditional Rezoning process, but applicants may hold additional Community Meetings to solicit feedback from the community. Accordingly, on behalf of Mint Landscaping, we invite you to attend this Community Meeting on the date, time, and place set forth above.

Mint Landscaping's representatives look forward to sharing this Conditional Rezoning proposal with you and answering questions you may have. For more information about the Conditional Rezoning process, and to learn more about this Conditional Rezoning, please visit the Town of Huntersville Planning Department's website at www.huntersville.org/planning.

If you are unable to attend the Community Meeting as scheduled or otherwise have any questions or comments about this matter, please feel free to call Devona Smith at 704-875-1615.

cc: Jesse James, Principal Planner (via email)

Date Mailed: April 9, 2025.

20' BUFFER YARD TYPICAL SECTION - N.T.S.



W&A ENGINEERING

CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT

121 GILEAD RD
HUNTERSVILLE, NC 28078
P: (704) 875-1615
WAENGINEERING.COM

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED SOLELY FOR THIS SPECIFIC PROJECT. W&A ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.

MINT LANDSCAPING REZONING PLAN

PID: 011-011-04

10319 HAGERS RD, HUNTERSVILLE
MECKLENBURG COUNTY, NC 28078

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

REVISIONS

DATE	COMMENT

INITIAL SUB. DATE: ####

ISSUANCE DATE: ####

HFI PROJECT #: 224061

SITE PLAN RENDER

RZ-7.0

N:\224061-Mint Landscaping\DWG\Sheets\RZ7 - SITE PLAN RENDER.dwg 4-23-25 09:59:18 AM dsmith

Town Engineering Rezoning Comment Summary
R25-03 Mint Landscaping (CSP-500066)
10319 Hagers Rd (PID 01101104, 01101139)
Huntersville, NC 28078

General Project Information

This proposed rezoning is located 1500 feet south of the intersection of McCord Road and Hagers Road. It consists of an existing house, existing storage building, storage area, and a proposed parking area. The development will maintain an existing connection and access easement to Hagers Road along two northern adjacent parcels (PID 01101102 and 01101376).

Engineering Staff Comments

Site Plan Comments:

1) To determine the need for stormwater control measures (SCM), provide a table with itemized amounts and types of existing and proposed impervious areas. If the information indicates that the development is over the threshold to require a SCM, additional site plan modifications would be needed.

Request for Board Action

June 24, 2025

To: Board Members

From: Nathan Farber, Senior Planner

Date: June 24, 2025

Subject: #R25-02 First and Church St Townhomes

EXPLAIN REQUEST:
Consider a recommendation on Petition #R25-02 First and Church St Townhomes, a request by Better Path Homes, LLC to rezone +/-1.147 acres from Neighborhood Residential to neighborhood Residential Conditional District for a townhome subdivision.

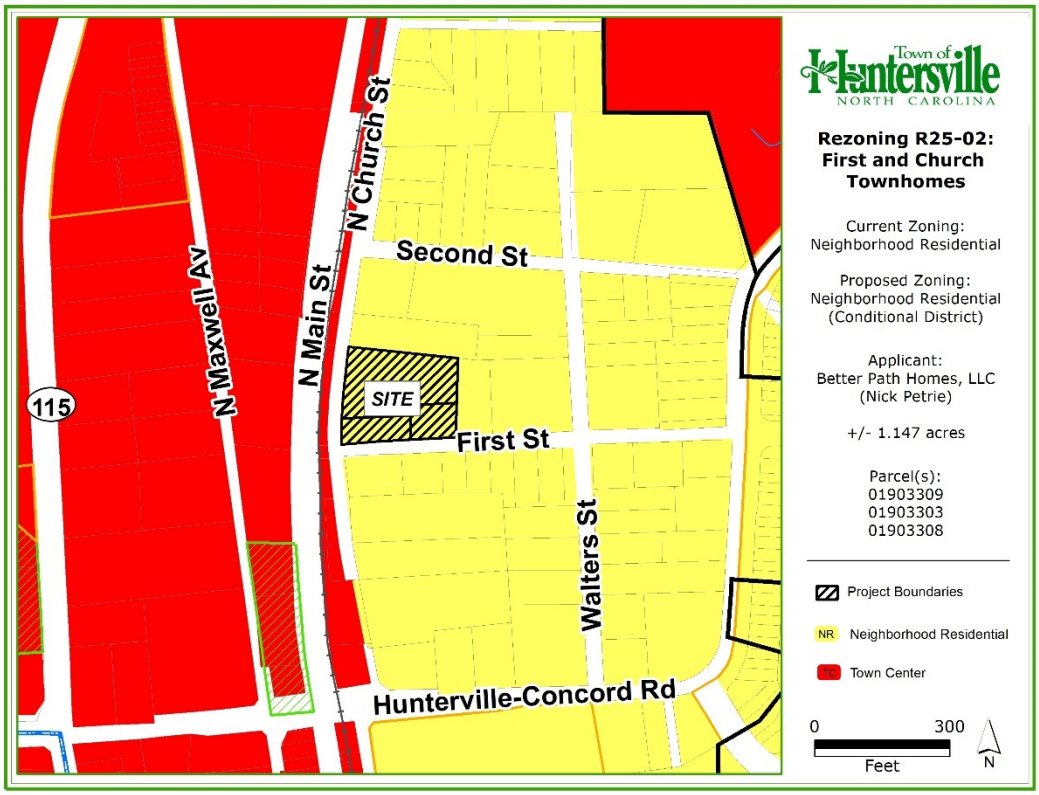
ACTION RECOMMENDED:
Make Recommendation

FINANCIAL IMPLICATIONS:
NA

ATTACHMENTS:
1. R25-02 1st and Church St Townhomes - PB - 6-24-25
2. 1. General Application
3. 2. R25-02 Rezoning Plan
4. 3. Community Meeting Report
5. 4. Engineering Report
6. 5. TIA Report

Petition R25-02
1st and Church Townhomes Conditional Rezoning

PART 1: PROJECT SUMMARY



Applicant: Better Path Homes, LLC

Property Owner: Dan Railey

Property Address: 101 1st Street, Huntersville, NC

Project Size: (+/-) .147 acres

Parcel Numbers: 01903309, 01903303, 01903308

Current Zoning: Neighborhood Residential (NR)

Current Land Use: Single Family Residential

Proposed Zoning: Neighborhood Residential Conditional District (NR-CD)

Proposed Land Use: Single Family Residential – Attached House

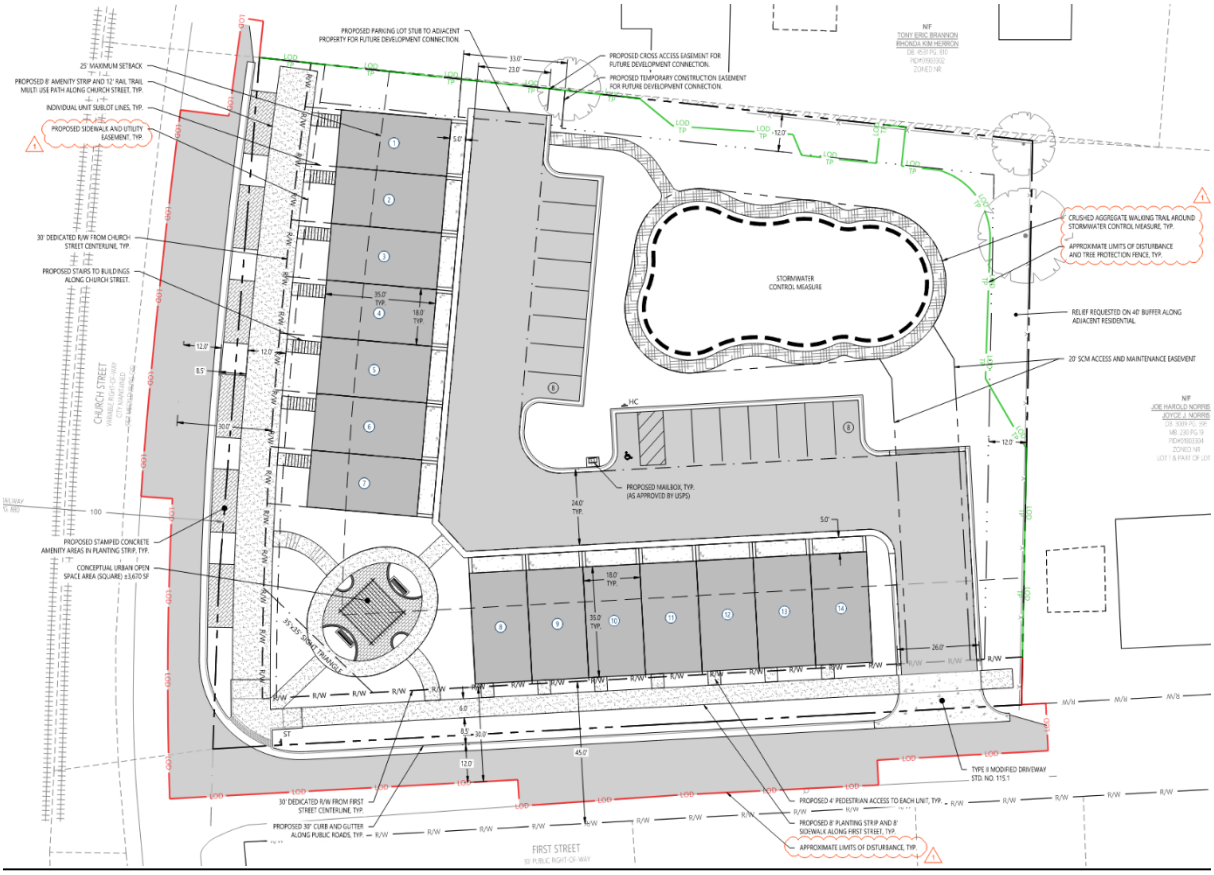
1. Purpose: Petition #R25-02 is a request by Better Path Homes, LLC to rezone +/- 1.147 acres located at 101 1st Street (Parcel IDs 01903309, 01903303, 01903308) from Neighborhood Residential to Neighborhood Residential Conditional District. The purpose of the rezoning is to develop a townhome development.
2. Adjoining Zoning and Land Uses.
   - North: Neighborhood Residential. Existing Single Family Residential.
   - South: Neighborhood Residential. Existing Single Family Residential.
   - East: Neighborhood Residential. Existing Single Family Residential.
   - West: Town Center (TC). Legion Post and Railroad.
3. A neighborhood meeting was held on Wednesday March 19th, 2025. The invitation list, invitation, attendance list, and summary of the meeting are included in the agenda packet for review. Several adjacent property owners attended the meeting to discuss the potential project and ask questions of the applicant.
4. Planning staff certifies that notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad was placed in the Charlotte Observer; and posting of a rezoning sign along N Church St in front of the property.

PART 2: REZONING/SITE PLAN

Site Plan Description

- The applicant is proposing to develop a 14-lot townhome subdivision.
- The density of the development will be 14 lots on 1.147 acres = 12.2 units per acre.
- Urban open space is required. The applicants are proposing to create a square in the corner of the development to meet open space requirements. In addition to the required urban open space the applicant is providing a walking trail around the storm water control structure. See open space issue discussion below.
- The Townhomes along Church St. will front along a required 12' sidepath (Future Seam Trail) and the planting strip will be a stamped concrete hardscape with landscaped tree wells. The Townhomes along 1st street will front along 6' required sidewalks and a 9' planting strip. See hardscape issue discussion below.
- The access to the development would be from 1st Street and the parking would stub to the north to provide a connection should the adjacent property ever develop.
- The development is required to provide 1.5 parking spaces per unit. 14 units x 1.5 spaces = 21 required spaces. The applicant is proposing to provide 44 spaces (3.2 per unit). 28 spaces (2 per unit) will be garage parking and 15 spaces will be surface parking, plus 1 ADA space. See requested buffer modifications below.
- The proposed development is more than 2 times the density of the adjacent development. Therefore a 40-foot buffer is required along the North and East property line. See requested buffer modifications below.

Rezoning Plan:



Rezoning Issues:

- Staff has reviewed two sets of plans and returned two sets of comments to the applicant prior to the agenda deadline for the planning board. As of this staff report staff has not received or reviewed an updated 3rd round submittal due to the short turn around between meetings. Staff is currently working with the applicant to resolve all outstanding issues. The applicant however may discuss any proposed updates at the hearing. The items listed below currently need to be addressed.
- Modifications:
  - **a.** Rear Setbacks: Article 4.11 Lot Type / Attached House of the Huntersville Zoning Ordinance states that Attached Garage house types must have a 35' Minimum rear setback. The applicant is requesting to use a 5' rear setback from the rear alley and parking.
    - **Staff Comment: Staff is in support of this modification request as it is consistent with detached garage minimum setbacks and reduces the need for excess impervious. Instead of an elongated driveways for parking, the subdivision will have attached garages and additional parking spaces provided along the alleys.**
  - **b.** Buffer Reduction: Article 7.5.3 of the Zoning Ordinance requires a buffer of 40' when the density of the subdivision will be two times greater than the surrounding development. The applicant is requesting to reduce the required 40' buffer on the north and east side of the development to 12' in width.
    - **Staff Comment: Staff is in support of this modification request as the project fits the higher density characteristics of the 2040 Plans Town Center Land Use Area (see policies in support of the project below) and the Downtown Master Plan.**
      1. **The Downtown Master plans conceptual vision provides goals and a potential layout for a higher density residential area. The zoning ordinance required 40' buffer would directly limit the realization of the downtown plan and potentially prohibit a more connected neighborhood in the future.**
      2. **Adjacent development is also located in the higher density vision areas of the 2040 Plan and the Downtown Master Plan. The relief from the 40' buffer would meet the characteristics of our future plan's goals.**

  - **c.** Buffer Grading: Article 7.5.6 of the Zoning Ordinance requires that no grading, clearing, or land disturbing activities can occur within the required buffer yard if it is vegetated. Areas that are completely devoid of vegetation would allow grading with slopes no greater than 3:1. The applicant is proposing to partially grade into select areas that contain vegetation according to the current existing features plan. The applicant is planning to replant the graded buffer yard according to the requirements of Article 7.5.3.
    - **Staff Comment: Staff is in support of this modification request as the project fits the higher density characteristics of the 2040 Plans Town Center Land Use Area and the Downtown Master Plan. It should also be stated that the current buffer area is only sparsely covered in trees according to the current existing features and tree save plan, thus the disturbance will not affect some portions of the buffer. The applicant plans on planting the buffer according to the ordinance. This support would be dependent on getting an updated and complete tree save plan sheet.**
  - **d.** On-Street Parking: Article 5.5(d)3 of the Zoning Ordinance requires on-street on one side of the street when using the attached housing type. The applicant is requesting to not provide any on-street parking.
    - **Staff Comment: Staff is in support of this modification request as the applicant will be exceeding the required parking requirements on site. The development would provide 16 "guest" spaces in addition to the 2 garage spaces per unit.**

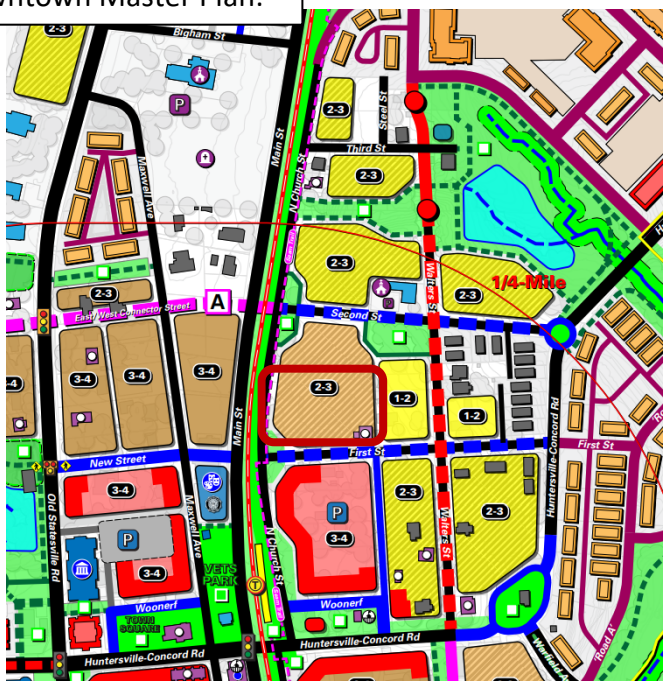
e. Yard Tree's: Article 7.7.3(a) requires a set number of front and rear yard trees to be provided depending on lot sizes. The applicant is requesting to not provide any yard trees.

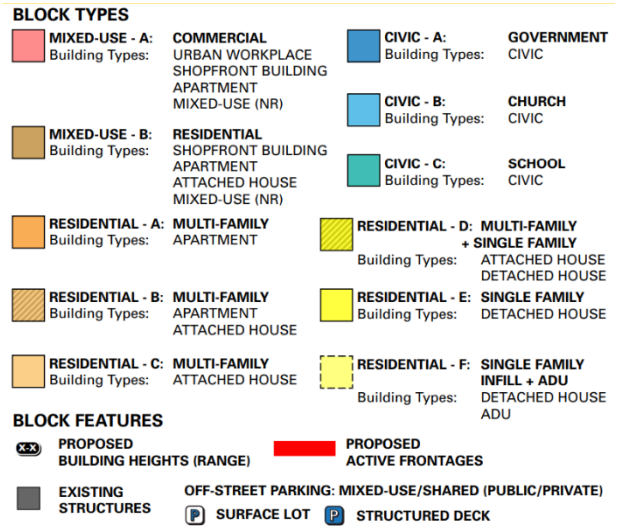
- **Staff Comment: Staff is in support of this modification request as the current yard tree requirements were designed for suburban settings not for limited build-to line setbacks of attached housing in an urban setting. The small front setback would require trees to be too close to the home and the sidewalk which would be too close for a healthy planting. There will be no rear yard for any rear trees as it will be an alley. While staff is in support of this modification, this may be an opportunity to place some of these plantings around the SCM and Square if possible.**

f. Attached Housing Percentage: Article 3.2.4(d)3 of the Zoning Ordinance states that in major subdivisions the aggregate number of dwelling units contained in attached houses shall not exceed 30 percent. The applicant is requesting to have 100 percent of the units attached.

- **Staff Comment: Staff is in support of this modification request as this complies with the 2040 Land Use Plan Downtown Policies and with the downtown development guidelines of the Downtown Master Plan. The Downtown Master Plan calls for this corner to be made up of multifamily housing (apartment and attached house) that is between 2 and 3 stories tall. The proposed attached housing type provides a massing and scale that is a good transition (2040 Community Plan Policy DT-2) between the existing single-family homes and the future goals of the Downtown Master plan. This location is also directly next to a future rail stop which makes higher density more appropriate. This modification will need to appear on the site plan as a note.**

Downtown Master Plan:





- Open Space: Article 7.11.1 C requires urban open space in all major subdivisions (except in the Rural zoning district). The applicants are proposing to meet their open space requirements by providing a 3,670 SF square at the corner of the development. The square is currently labeled as a conceptual urban open space. Additionally, A crushed aggregate walking trail that will encircle the stormwater control device. Staff is currently working with

the applicant on the specifics of the urban open space designs and ensuring it meets the requirements of a square. Questions remain regarding what material the square will be using and what specific elements will be provided. The site plan appears to show a square that includes brick pavers, landscaping, two benches, and a pergola but those items are currently not specifically called out. While it appears that the applicant is meeting the requirements for its urban open space staff would like to see the specific elements of what will be included to ensure a high-quality space will be provided during the preliminary construction plans.

- Conditional Notes: No conditional notes were included in the plan. Notes regarding modifications, commitments, phasing, etc. are recommended to be submitted with the plan for review.
- Tree Save: A tree survey was submitted but it is unclear what trees are proposed to stay, and which are proposed to be removed. The ordinance requires 10% of the site area to be saved which totals 4,997 SF of required tree canopy area. On sheet RZ-02 a tree save table states only 1.68% or 728 SF are proposed to be saved/undisturbed. If the site contains less than 10% of existing canopy, then additional trees must be planted for mitigation according to Article 7.4(f) footnote 1. It was stated that 4000 SF of canopy will be planted for mitigation, but it is not clear how this will be satisfied. These mitigation trees cannot be used to satisfy buffer planting requirements. It is also unclear currently if the specimen tree requirements (10% of individual specimen trees) are being met.
- Church St. hardscaped planting strip: Staff would like to see the stamped concrete hardscape extended along the entire length of the street frontage. Currently the hardscape stops short of the corner of Church and 1st. Staff would be open to allowing this space to be planted with ornamental grasses or other vegetation as well.
- Minor Site Plan Comments: Several minor site plan comments remain unresolved. Staff recommends these comments be addressed on the updated rezoning submittals.

PART 3: TRANSPORTATION ISSUES

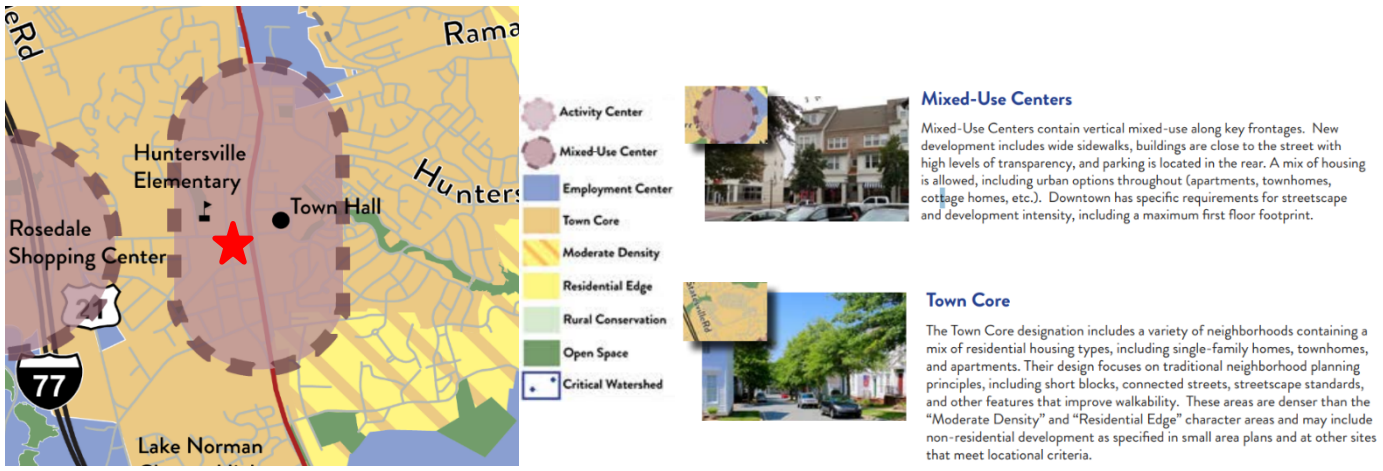
Traffic Impact Analysis (TIA)

- A Town TIA for the proposed project is not required as it did not generate the trip thresholds needed for an analysis. Please find the TIA Determination and an Engineering memo from Engineering attached in the agenda packet.
-

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".

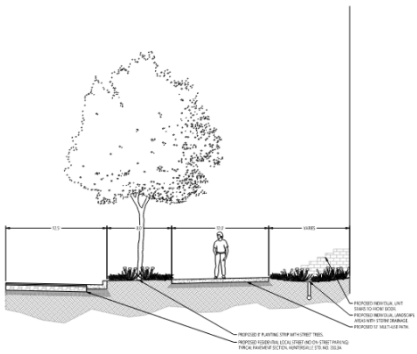
2040 Huntersville Community Plan – "Town Center and Mixed-Use Center"



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

- **Policy LU 1.1**: Utilize the Future Land Use Map during development approval process to ensure compatibility with long range plans.
    - STAFF COMMENT: The property proposed is in the Town Center and Mixed-Use Center Character Areas of the Huntersville 2040 plan as shown above. The proposed townhome residential introduces a new housing type within the surrounding properties which fits in with Town Centers call for mixed housing types and higher density.
- **Policy LU 2.1**: Higher intensity residential uses will be focused generally within two miles of the I-77/ NC-115 corridor and future activity centers in the eastern and western areas of Huntersville's zoning jurisdiction.
    - STAFF COMMENT: The proposed development is a higher intensity residential use that will be within the two mile I-77/NC-115 corridor and within the higher density Town Center Character Area.
- **Policy LU 5.1:** Allow more intense development only where transportation infrastructure and utilities already exist.
    - STAFF COMMENT: While the Red Line does not currently exist, the future Downtown Red Line Station is planned to be in close proximity to the rezoning site.
- **Policy LU 5.3:** Encourage infill development opportunities to increase housing options with proximity to nearby services, shopping, employment opportunities, and transit stations.
    - STAFF COMMENT: The development would increase housing density within the ¼ mile radius of Huntersville's downtown and the downtowns services, shopping, current bus line, and future Red Line access.
- **Policy LU 7.1:** In Town Core, streets and sidewalks are meant to be attractive and inviting.
    - STAFF COMMENT: The current plan will provide new pedestrian connectivity within the downtown. Church Street will include a 12' sidepath that will eventually be part of the Seam Trail while Church Street will provide a 6' sidewalk. In addition to Townhomes fronting the streets the Church Street cross section will see the inclusion of a stamped concrete hardscape amenity zone with vegetated street tree wells to serve as a buffer between pedestrians and vehicles. This will provide a more attractive streetscape that is above and beyond the minimum standards.
- **Policy LU 9.1:** Residential design principles
    - STAFF COMMENT: This policy recommends residential to front a public street or open space. These principles emphasize the architecture of the home, encourage outdoor interaction in the front of the home, and decreases the visual focus on plain garage doors. The project proposes to have townhomes that front on a public street with an emphasis on the pedestrian streetscape by placing the garages in the rear with alley access.
- **Policy DT 1.2:** Encourage a mix of uses in Downtown Tier 1 Areas.
    - STAFF COMMENT: The proposed building type, attached residential, provides a new mix of housing to the currently mostly single-family area of the Tier 1 downtown area. This type of housing follows the Downtown Master Plan by providing a higher density housing type which is vital for supporting the active areas within the Downtown Master Plan.
- **Policy DT 2:** Step down in intensity and density near established residential neighborhoods.
    - STAFF COMMENT: The proposed housing type, townhomes, is a supported housing type for providing a good transition between new development and existing lower intensity housing types.
- **Policy DT 6:** Create connected, safe, and engaging streetscapes that serve multiple uses.

- STAFF COMMENT: The applicant is required to provide the 12' Seam Trail sidepath along Church St. In addition to this path, the applicant is providing an upgraded hardscaped planting strip that will benefit the neighborhood aesthetically while also providing additional space for pedestrians. See applicant provided cross section and representation below.



STAFF COMMENT – The 2040 Huntersville Community Plan **DOES NOT** SUPPORT this project through the following sections:

- **Policy EOS 3:** Prioritize tree canopy preservation.
  - STAFF COMMENT: The current plan does not clearly show how they will meet the minimum canopy and specimen save. Updates to the calculations shown however are expected with the addition of a more detailed tree survey for the site.

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:
   Staff recommends that the reclassification to Neighborhood Residential Conditional District (NR-CD) would be consistent with the overall character of adjacent development for the following reasons:
   - The development is more than 2-times as dense as the adjacent development to the North and East. However, the attached residential housing type would serve as a smaller scale increase in massing and scale and would not overwhelm existing adjacent properties compared to other high density building types.
   - While the applicant is requesting a modification to reduce the buffer width and allow some buffer grading, a 12' buffer made up of existing and planted vegetation would still provide a separation between existing adjacent properties.
   - The Vermillion Village development to the north is a high-density mixed-use development, at about 11.5 units/acre.
   - The Vermillion Front development to the east is a townhome development, at about 7 units/acre.

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, stormwater drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

- A Transportation Impact Analysis (TIA) is not required for this development.
- Staff has no other indication that the proposed use will adversely affect the adequacy of public facilities.

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, or cultural resources.

PART 5: STAFF RECOMMENDATION

The application to intensify the property is consistent with the character area recommendations of the Huntersville 2040 Plan and the Downtown Master Plan. Therefore, Staff recommends approval of the rezoning as long as the tree save concerns are addressed. Staff recommends approval of all the following modifications to the Zoning Ordinance:

- Reduced setbacks for the Townhome units.
- A reduction of the buffer from 40' to 12'.
- The grading of vegetation within the buffer.
- The removal of on-street parking along Church and 1st Street.
- Not planting the required yard trees due to the absence of front and rear yards.
- Allowing 100% attached single family homes in a major subdivision.

While staff recommends approval of the project and its modifications, staff would also like to use this opportunity to provide the following opportunity to go above and beyond the minimum requirements of the ordinance:

- Provide 1 unit as affordable housing.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing took place on June 3, 2025. During the meeting the applicant stated that they were willing to provide one attainable unit.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board is scheduled for June 24th, 2025.

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for July 15th, 2025.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

1. Rezoning Application
2. R25-02 Rezoning Plan
3. Neighborhood Meeting Report
4. Engineering Report
5. TIA Determination

PART 10: CONSISTENCY STATEMENT – R25-02 1st and Church Street Townhomes

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning application R25-02, 1st and Church St Townhomes, staff recommends approval as it is consistent with Policies LU 1.1, LU 2.1, LU 5.1, LU 5.3, LU 7.1, LU 9.1, DT 1.2, DT 2, DT 6 of the 2040 Huntersville Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the envisioned uses and development pattern set forth in the 2040 Community Plan and 2023 Downtown Master Plan. Modifications A (rear setbacks), B (Buffer reduction), C (Buffer Grading), D (On-Street Parking), E (Yard Tree's), F (Attached Housing Percentage) are in keeping with the Spirit of the Ordinance and therefore supported.	APPROVAL: In considering the proposed rezoning application R25-02, 1st and Church St Townhomes, the Planning Board recommends approval based on the Plan being consistent with **(insert applicable plan reference)**. **It is reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**	APPROVAL: In considering the proposed rezoning application R25-02, 1st and Church St Townhomes, the Town Board recommends approval based on the Plan being consistent with **(insert applicable plan reference)**. **It is reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**
DENIAL: N/A	DENIAL: In considering the proposed rezoning application R25-02, 1st and Church St Townhomes, the Planning Board recommends denial based on the Plan being **(consistent OR inconsistent) with (insert applicable plan reference).** **It is not reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**	DENIAL: In considering the proposed rezoning application R25-02, 1st and Church St Townhomes, the Town Board recommends denial based on the Plan being **(consistent OR inconsistent) with (insert applicable plan reference).** **It is not reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**

Docusign Envelope ID: 65BE8225-B4B3-4DD9-B968-7876A457F658

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 02/05/2025

Name of Project First and Church Residential Phase # (if subdivision) n/a

Project Address 101 1st Street, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01903309, 01903303, 01903308

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

Property Size (acres) 1.147 AC. Street Frontage (feet) +/- 457 LF

Current Land Use Single Family Residential - Detached House

Proposed Land Use(s) Single Family Residential - Attached House

Is the project within Huntersville's corporate limits?
Yes x No_____ If no, does the applicant intend to voluntarily annex? n/a

3. Description of Request

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

Proposed single family attached homes project consisting of approximatly 21,300 sf of total heated square footage. Proposed surface parking, stormwater control measure, and urban open space provided on site

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 Better Path Homes, LLC (Nick Petrie) Phone 631-252-4887

☐ 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 Project Manager Email nick.petrie@choosebetterpath.com

Address of Applicant 10935 Winds Crossing Drive, Suite 300, Charlotte, NC 28273

7. Property Owner (if different than applicant)

*Printed Name Dan Railey Phone _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ■ Other: n/a

■ 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 _____

67A86002B378421...

Title owner Email danrailey442@gmail.com

Address of Property Owner 101 1st Church St Huntersville NC 28078

* 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

Better Path Homes, LLC	Nick Petrie	631-252-4887	nick.petrie@choosebetterpath.com
Development Firm	Name of Contact	Phone	Email
Peninsula Civil Design, PLLC	Nicholas Vesely	917-842-2233	nvseley@pcdstudio.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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

101 FIRST STREET HUNTERSVILLE, NC 28078

FIRST AND CHURCH TOWNHOMES

REZONING PETITION

FEBRUARY 27, 2025

COVER SHEET | RZ01

PCD PROJECT: 2449

FOR REVIEW ONLY

7/1/25

REGULATORY APPROVALS

DESCRIPTION OF APPROVAL	STATUS
CONDITIONAL REZONING (R25-02)	PENDING

REVISION LOG

NUMBER	DATE	DESCRIPTION
1	04/28/25	1ST CITY COMMENTS

SHEET INDEX

NUMBER	SHEET TITLE	REV
RZ01	COVER SHEET	1
RZ02	CONDITIONAL REZONING PLAN - SITE	1
RZ03	CONDITIONAL REZONING PLAN - GRADING AND DRAINAGE	1
RZ04	CONDITIONAL REZONING PLAN - UTILITY	1
RZ05	CONDITIONAL REZONING PLAN - SIGHT DISTANCE	1
RZ06	CONDITIONAL REZONING PLAN - LANDSCAPE	1
RZ07	CONDITIONAL REZONING PLAN - TREE SAVE	1
RZ08	CONDITIONAL REZONING PLAN - EXISTING CONDITIONS	1
RZ09	CONDITIONAL REZONING PLAN - STREET CROSS SECTIONS	1
A-4.0	BUILDING ELEVATIONS	1
A-4.1	BUILDING ELEVATIONS	1
A-4.2	BUILDING ELEVATIONS	1
	BOUNDARY AND TOPO SURVEY	
	TREE SURVEY	

1

PARCEL ID 01903308 OWNER INFORMATION
DANIEL E RAILEY JR & EDITH S RAILEY
P.O. BOX 286
HUNTERSVILLE, NC 28078
PHONE: 727-430-1357
EMAIL: DANRAILEY442@GMAIL.COM

PARCEL ID 01903309 OWNER INFORMATION
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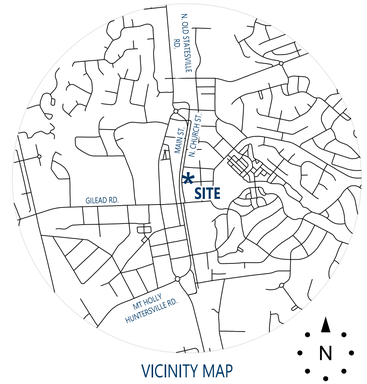
PROJECT TEAM

OWNER/DEVELOPER
BETTER PATH HOMES, LLC
10935 WINDS CROSSING DRIVE, STE 300
CHARLOTTE, NC 28073
PHONE: 631-2252-4887

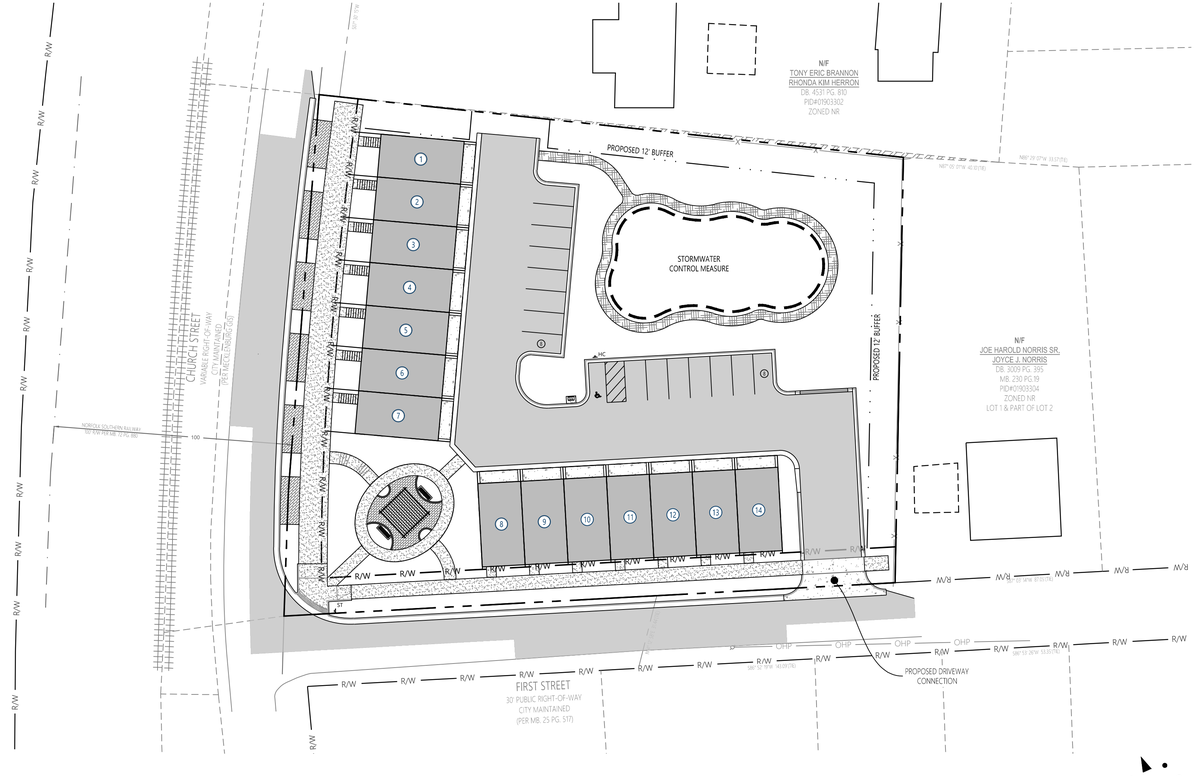
SURVEYOR
TIDEMARK LAND SERVICES
3556 CENTER CIRCLE, STE A
FORT MILL, SC 29715
PHONE: 844-865-5263

SUBMITTED BY: CIVIL ENGINEER 1
PENINSULA CIVIL DESIGN, PLLC
106 STOWE ROAD
BELMONT, NC 28012
PHONE: 917-842-2233

ARCHITECT
SCALE AND SKETCH, LLC
1069 COUNTY ROAD 679
RANBURNE, AL 36273
PHONE: 404-433-3567

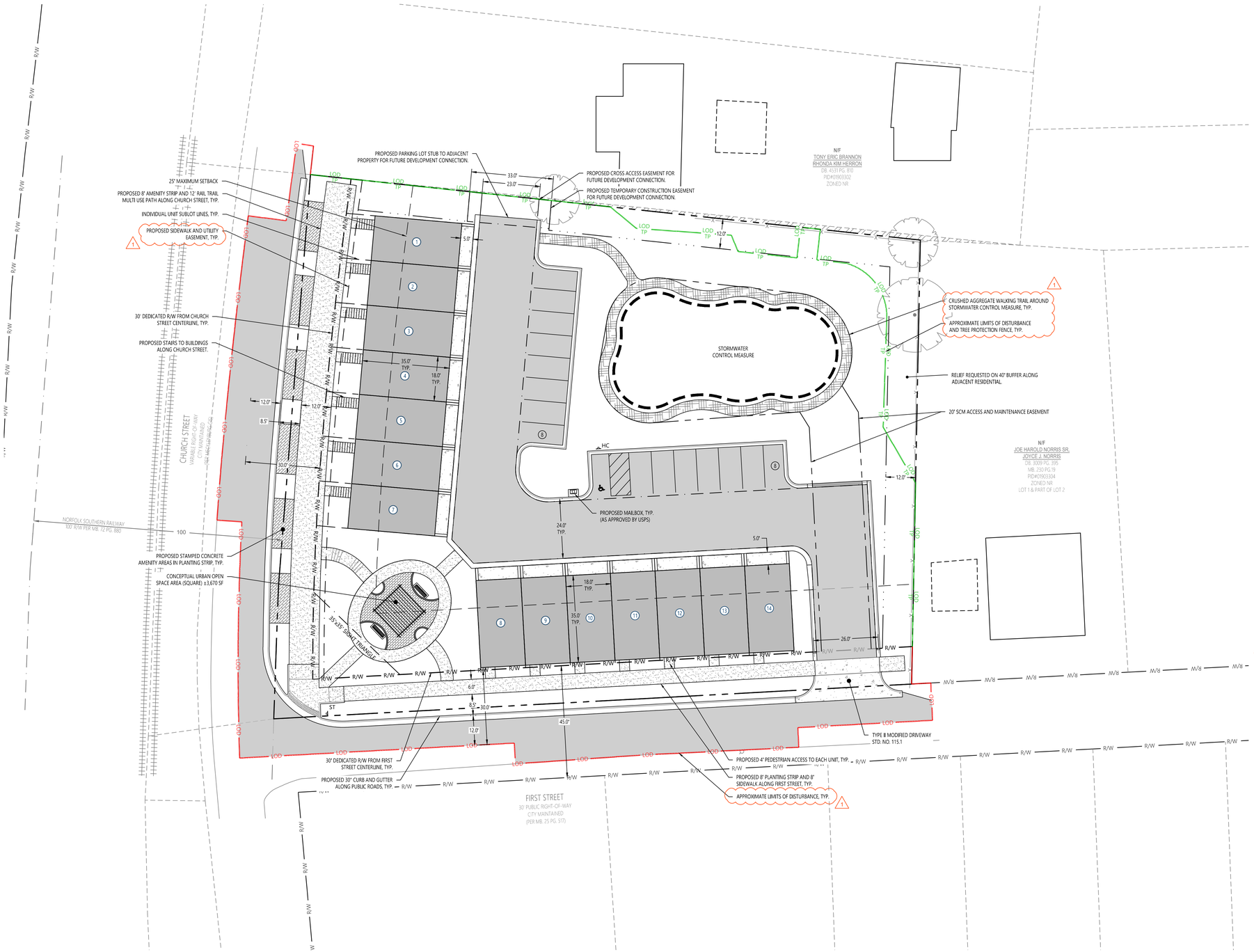


VICINITY MAP



SITE PLAN
NOT TO SCALE

N



PROJECT SUMMARY

APPLICANT:
BETTER PATH HOMES, LLC
10935 WINDS CROSSING DRIVE
SUITE 300
CHARLOTTE, NC 28073

PROJECT ENGINEER:
PENINSULA CIVIL DESIGN, PLLC
106 STOWE ROAD
BELMONT, NC 28012
(917) 842-2233
NVESELY@PCDSTUDIO.COM

JURISDICTION:
ZONING - TOWN OF HUNTERSVILLE
EROSION CONTROL - TOWN OF HUNTERSVILLE
STORMWATER - TOWN OF HUNTERSVILLE

PARCEL SUMMARY:
PARCEL NUMBER: 01903309
PARCEL OWNER: DANIEL E RAILEY JR
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC
PARCEL ADDRESS: 101 FIRST ST.
PARCEL NUMBER: 01903303
PARCEL OWNER: EDITH S RAILEY
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC
PARCEL ADDRESS: 200 N CHURCH ST.
PARCEL NUMBER: 01903308
PARCEL OWNER: DANIEL E RAILEY JR
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC
PARCEL ADDRESS: 103 FIRST ST.
PARCEL SIZE: 1.147 ACRES (TOTAL)
AREA IN ROW: ±0.153 AC
NET PARCEL SIZE: ±0.994 AC
LIMITS OF DISTURBANCE AREA: ±1.354 ACRES

ZONING SUMMARY:
DISTRICT: NR (CD)
OVERLAY: NONE
PROPOSED USE: SINGLE FAMILY - ATTACHED HOUSE

ZONING REQUIREMENTS (ZO. 4.11):
FRONT: 0' MIN. - 25' MAX.
CORNER: 0' MIN. - 25' MAX.
SIDE: N/A
REAR: 35' REAR TO ATTACHED GARAGE
REQUESTED ALTERNATIVE: 5' REAR TO ATTACHED GARAGE

1

BUILDING REQUIREMENTS (Z.O. 4.12):
REQUIRED: 30' MAXIMUM (AT EAVE)
PROPOSED: 29'-10" (THREE-STORY)

PARKING REQUIREMENTS (ZO. 6.1):
REQUIRED: 21 (1.5 PER DWELLING UNIT)
PROPOSED: 44 (3.2 PER DWELLING UNIT)
GARAGE: 28 (2 PER DWELLING UNIT)
SURFACE: 15 REGULAR + 1 ADA SPACE

TREE PRESERVATION REQUIREMENTS (ZO.7.4):
EXISTING CANOPY: > 10% OF SITE
REQUIRED PRESERVATION: MIN. 10% OF SITE (EXISTING AND PLANTED)
PROPOSED PRESERVATION: ±10.92% OF SITE
EXISTING: ±1.68% OF SITE (728 SF)
PLANTED: ±9.24% OF SITE (4,000 SF)

BUFFER REQUIREMENTS (ZO. 7.5.3):
ADJACENT TO RESIDENTIAL: 40'
REQUESTED ALTERNATIVE: 12'*
*PER FOOTNOTE #4: *WHERE CONNECTIVITY BETWEEN SUBDIVISIONS IS APPROPRIATE FOR HIGH QUALITY NEIGHBORHOOD DESIGN, THE TOWN BOARD MAY REDUCE OR WAIVE THE REQUIRED BUFFER YARD.*

OPEN SPACE REQUIREMENTS (ZO. 7.10):
REQUIRED: URBAN OPEN SPACE
PROVIDED: ±3,685 SF OF URBAN OPEN SPACE (SQUARE)

GARBAGE PICKUP:
TRASH COLLECTION VIA INDIVIDUAL UNIT ROLL-OUT CANS PICKED UP WITH STANDARD STREET SERVICE.

IMPERVIOUS AREA CALCULATIONS

EXISTING IMPERVIOUS:
BUILDING: ±1,900 SF
CONCRETE/ASPHALT: ±700 SF
GRAVEL: ±2,000 SF
TOTAL: ±4,600 SF

PROPOSED IMPERVIOUS:
BUILDING: ±8,820 SF
SIDEWALK: ±2,300 SF
DRIVEWAY: ±1,120 SF
PARKING: ±11,440 SF
TOTAL: ±23,680 SF
NET NEW IMPERVIOUS: ±19,080 SF

1

Total Parcel Area (acres/square feet)	1.147 ac.	49,965 sf
Area in Dedicated Right of Way (acres/squarefeet)	0.154 ac.	6,687 sf
Net Parcel Area (acres/square feet)	0.993 ac.	43,278 sf
Disturbed Acres Shown (not approved for disturbance)	±1.131 ac.	±49,266 sf
River Basin	Yadkin Pee-Dee	
Stream Classification	South Prong Clarke Creek	Classification C
Principal Use(s) *(Z.O. Article 3)*	Residential	
Building Type *(Z.O. Article 3, 4 and 8.10)*	Attached House	
Zoning District *(Z.O. Article 3)*	NR(CD)	
Overlay District, if applicable *(Z.O. Article 3)*	N/A	
Percentage of Impervious Allowed *(Z.O. Article 3)*	N/A	
Percentage of Impervious Shown	±49%	
Lot Count	14	
Total number of dwellings (detached/attached)	0 detached / 14 attached	
Mixed-use/# of live/work units	0	
Total area of residential (square feet)	±26,460 sf	
Total area of non-residential (square feet)	0	
Lot size range	N/A	
Number of lots within each range (Use more lines if needed)	14	
Lot widths range *(Z.O. Article 3)*	N/A	
Number of lots within each range (Use more lines if needed)	14	
Setbacks and Build-to-lines *(Z.O. Article 3, 4, & 8)*		
Front BTL range or Setback	0' min.	
Cornersetbacks	0' min.	
Rear setbacks	5' to garage	
Right side setback	n/a	
Left side setback	n/a	
Watershed Information *(Z.O. Article 3 and S.O. Section 7.290)*		
Is the property in a regulated watershed district?	___Yes __X__ No	
Watershed District	N/A	
Low Density/High Density	High Density	
Modifications Requested	Yes	
Rezoning Conditions	Yes	

Heritage Trees		
Number of Heritage trees on-site	2	48" Oak & 35" Cedar
Number of Heritage trees saved	0	
Percentage of Heritage trees required to save	100%	
Percentage of Heritage trees actually saved	0%	Replanted in Buffer
Specimen Trees		
Number of Specimen trees on-site	0	
Number of Specimen trees saved	0	
Percentage of Specimen trees required to save	10%	
Percentage of Specimen trees actually saved	0%	
Tree Canopy		
Percentage of site covered by Tree Canopy	>10%	
Percentage of tree canopy preservation required by district	10% (Existing & Planted)	4,328 sf
Percentage of tree canopy actually saved	±10.92%	728 sf (Existing + 4,000 sf Planted

TOWN OF HUNTERSVILLE NOTES:

1

1. MODIFICATIONS REQUESTED
   1.1. PETITIONER REQUESTING REDUCTION OF 35' REAR SETBACK TO GARAGE FROM ALLEY/PARKING. PETITIONER PROPOSES 5' REAR SETBACK TO GARAGE FROM ALLEY/PARKING. (ARTICLE 4.11)
   1.2. PETITIONER REQUESTING REDUCTION OF 40' RESIDENTIAL BUFFER. PETITIONER PROPOSES 12' RESIDENTIAL BUFFER WITH STANDARDS OUTLINED IN THIS DOCUMENT. (ARTICLE 7.5.3)
   1.3. PETITIONER REQUESTING MODIFICATION TO BUFFER STANDARDS TO ALLOW GRADING WITHIN BUFFER AREA. (ARTICLE 7.5.6)
   1.4. PETITIONER REQUESTING RELIEF FROM ON STREET PARKING REQUIREMENTS. (ARTICLE 5.5(d).(3))
   1.5. PETITIONER REQUESTING RELIEF FROM YARD TREE REQUIREMENTS. (ARTICLE 7.7.3(a))
2. ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
3. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
4. ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
5. ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING) RIGHT-OF-WAY) AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
6. LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS. IF APPLICABLE, ADD THE FOLLOWING WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. TREE SPECIES SHALL COMPLY WITH TOWN APPROVED TREE LIST.
7. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
8. FIRE APPARATUS ACCESS ALONG CHURCH STREET AND FIRST STREET ONLY. ACCESS INTO PARKING NOT INTENDED FOR EMERGENCY ACCESS.
9. MAIL DELIVERY TO BE PROVIDED BY USPS AT DESIGNATED MAILBOX CBU SHOWN ON PLANS.
10. GARBAGE PICK-UP VIA INDIVIDUAL UNIT ROLL-OUT CANS PICKED UP WITH STANDARDS STREET SERVICE.
11. WATER AND SEWER TO BE PROVIDED TO EACH UNIT VIA PUBLIC SYSTEM TAPS. ALL TAPS AND CONNECTION TO BE IN ACCORDANCE WITH CHARLOTTE WATER STANDARDS.
12. FOR LOTS 60 FEET WIDE OR LESS, DRIVEWAYS SHALL BE NO MORE THAN 14 FEET WIDE AS MEASURED ALONG THE PUBLIC STREET RIGHT-OF-WAY FOR A DETACHED HOUSE AND TWO-UNIT ATTACHED HOUSE TYPE. FOR LOTS WIDER THAN 60 FEET, DRIVEWAYS SHALL BE NO MORE THAN 20 FEET WIDE AS MEASURED ALONG THE PUBLIC STREET RIGHT-OF-WAY FOR A DETACHED HOUSE AND TWO-UNIT ATTACHED HOUSE TYPE. FOR THREE OR MORE UNIT ATTACHED HOUSE TYPES, DRIVEWAY WIDTH SHALL NOT OCCUPY MORE THAN 50% OF THE PUBLIC STREET FRONT OF A LOT AS MEASURED ALONG THE PUBLIC STREET RIGHT-OF-WAY.

1

DEVELOPMENT NOTES

1. BUILDING AC MECHANICAL EQUIPMENT LOCATED ON SECOND FLOOR BALCONY ON REAR OF UNITS. UNITS NOT VISIBLE FROM ROADWAY.
2. PROPOSED HOA RESPONSIBLE FOR MAINTENANCE OF COMMON OPEN SPACES AND STAMPED CONCRETE IN RIGHT OF WAY.
3. THIS DEVELOPMENT SHALL ADHERE TO HUNTERSVILLE LID (LOW IMPACT DEVELOPMENT) REQUIREMENTS FOR STORMWATER MANAGEMENT AND CONTROLS. ALL REQUIREMENTS OUTLINED IN THE HUNTERSVILLE ZO 8.17 & THE HUNTERSVILLE WATER QUALITY DESIGN MANUAL SHALL BE MET.

PENINSULA CIVIL DESIGN

Civil Engineering | Land Planning

106 Stowe Road
Belmont, NC 28012
(917) 842-2233

BETTER PATH

Better Path Homes, LLC
10935 Winds Crossing Drive, Suite 300
Charlotte, NC 28073



VICINITY MAP

BOUNDARY, TOPOGRAPHIC, AND UNDERGROUND UTILITY SURVEY DATED NOVEMBER, 18 2024 PROVIDED BY TIDEMARK LAND SERVICES, INC., 3556 CENTRE CIRCLE, SUITE A, FORT MILL, SC. 844-865-5263. NC FIRM C-4291.

PCD PROJECT NUMBER:
2449

PENINSULA CIVIL DESIGN, PLLC
P-2816
NORTH CAROLINA

SEAL
047011
NICHOLAS T. VESELY
ENGINEER

9/4/25

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First and Church Townhomes

101 First Street
Huntersville, NC 28078

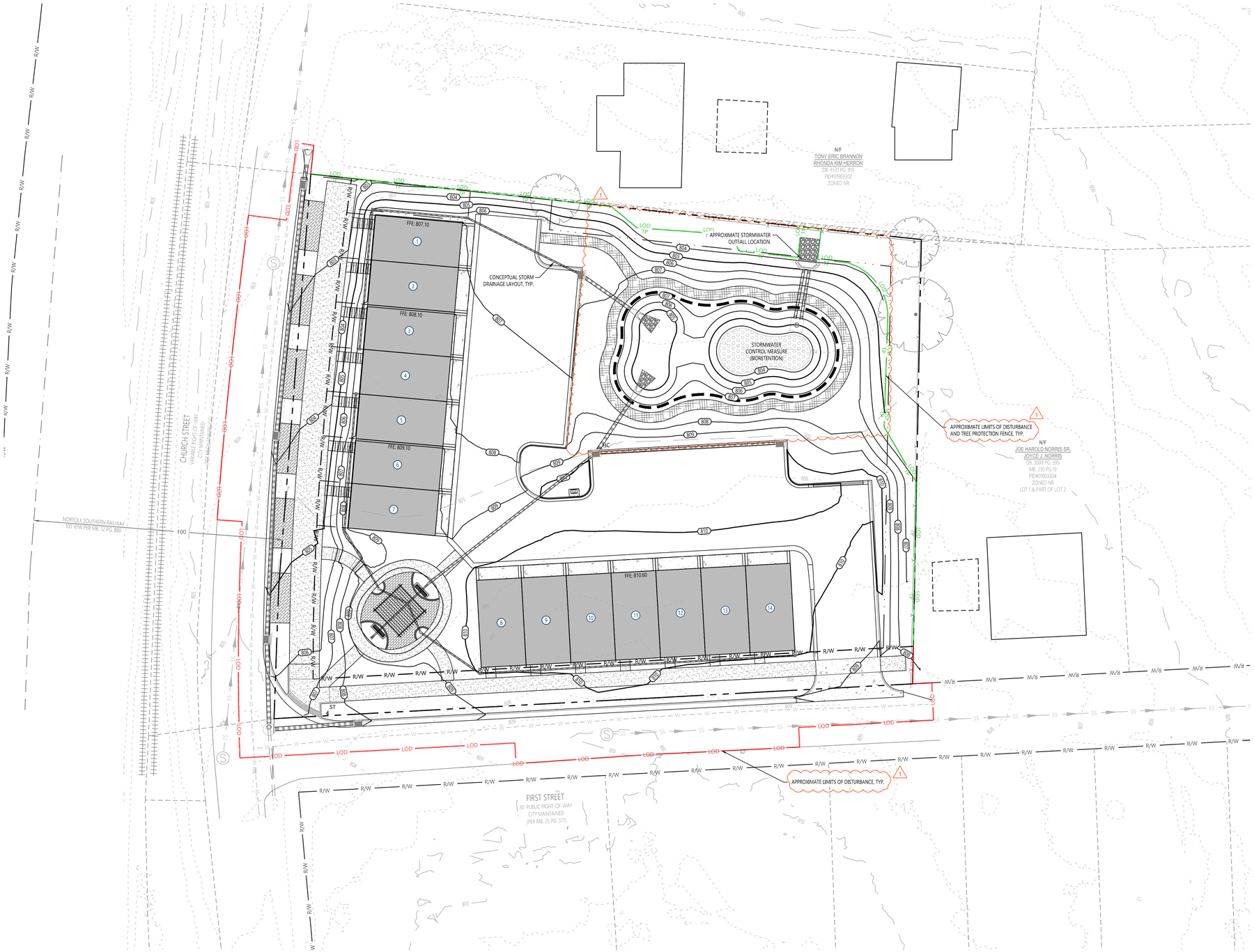
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CONDITIONAL REZONING PLAN - SITE

RZ02

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GRADING NOTE:

GRADING IS CONCEPTUAL IN NATURE AND NOT FINAL. PROPOSED GRADING IS SUBJECT TO CHANGE DURING CONSTRUCTION DOCUMENTS. EXISTING SITE TREES TO BE PRESERVED TO THE MAXIMUM EXTENT FEASIBLE WITH DEVELOPMENT.

50-YR STORM PRELIMINARY ROUTING:

THE ROUTING INFORMATION WAS PREPARED UTILIZING HYDROCAD® STORMWATER MODELING SOFTWARE

2449_SCM (Preliminary) *Type II 24-hr 50-yr, 24-hr Rainfall=6.48"*
Prepared by Peninsula Civil Design, PLLC Printed 4/16/2025
HydroCAD® 10.00-28 s/n 07600 © 2020 HydroCAD Software Solutions LLC Page 1

Summary for Pond 3P: SCM

Inflow Area = 0.717 ac, 66.89% Impervious, Inflow Depth = 4.87" for 50-yr, 24-hr event
Inflow = 6.07 cfs @ 11.98 hrs, Volume= 0.291 af
Outflow = 5.94 cfs @ 11.97 hrs, Volume= 0.291 af, Atten= 2%, Lag= 0.9 min
Primary = 5.94 cfs @ 11.97 hrs, Volume= 0.291 af

Routing by Stor-Ind method, Time Span= 0.00-120.00 hrs, dt= 0.01 hrs
Peak Elev= 805.98' @ 11.97 hrs Surf.Area= 2,081 sf Storage= 2,631 cf

Plug-Flow detention time= 135.6 min calculated for 0.291 af (100% of inflow)
Center-of-Mass det. time= 135.6 min (926.6 - 790.9)

Volume	Invert	Avail.Storage	Storage Description
#1	804.00'	5,169 cf	**Custom Stage Data (Prismatic)**Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
804.00	588	0	0
805.00	1,332	960	960
806.00	2,097	1,715	2,675
807.00	2,891	2,494	5,169

Device	Routing	Invert	Outlet Devices
#1	Primary	804.00'	**12.0" Round Culvert X 2.00** L= 25.0' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 804.00' / 803.70' S= 0.0120 '/' Cc= 0.900 n= 0.012, Flow Area= 0.79 sf
#2	Device 1	804.00'	**1.000 in/hr Bioretention X 0.33 over Surface area** Conductivity to Groundwater Elevation = 798.00'
#3	Device 1	804.75'	**3.0" Vert. Orifice** C= 0.600
#4	Device 1	805.75'	**4.0' long x 1.25' rise Top of Structure X 4.00** 2 End Contraction(s)

Primary OutFlow Max=5.93 cfs @ 11.97 hrs HW=805.98' (Free Discharge)
└**1=Culvert** (Passes 5.93 cfs of 9.20 cfs potential flow)
├**2=Bioretention** (Controls 0.02 cfs)
├**3=Orifice** (Orifice Controls 0.25 cfs @ 5.06 fps)
└**4=Top of Structure** (Weir Controls 5.66 cfs @ 1.56 fps)

PENINSULA CIVIL DESIGN

Civil Engineering | Land Planning

106 Stowe Road
Belmont, NC 28012
(917) 842-2233

BETTER PATH

Better Path Homes, LLC

10935 Winds Crossing Drive, Suite 300
Charlotte, NC 28073



VICINITY MAP

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PCD PROJECT NUMBER:
2449

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P-2816
NORTH CAROLINA

NORTH CAROLINA
SEAL
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ENGINEER
NICHOLAS T. FEELY

4/4/25

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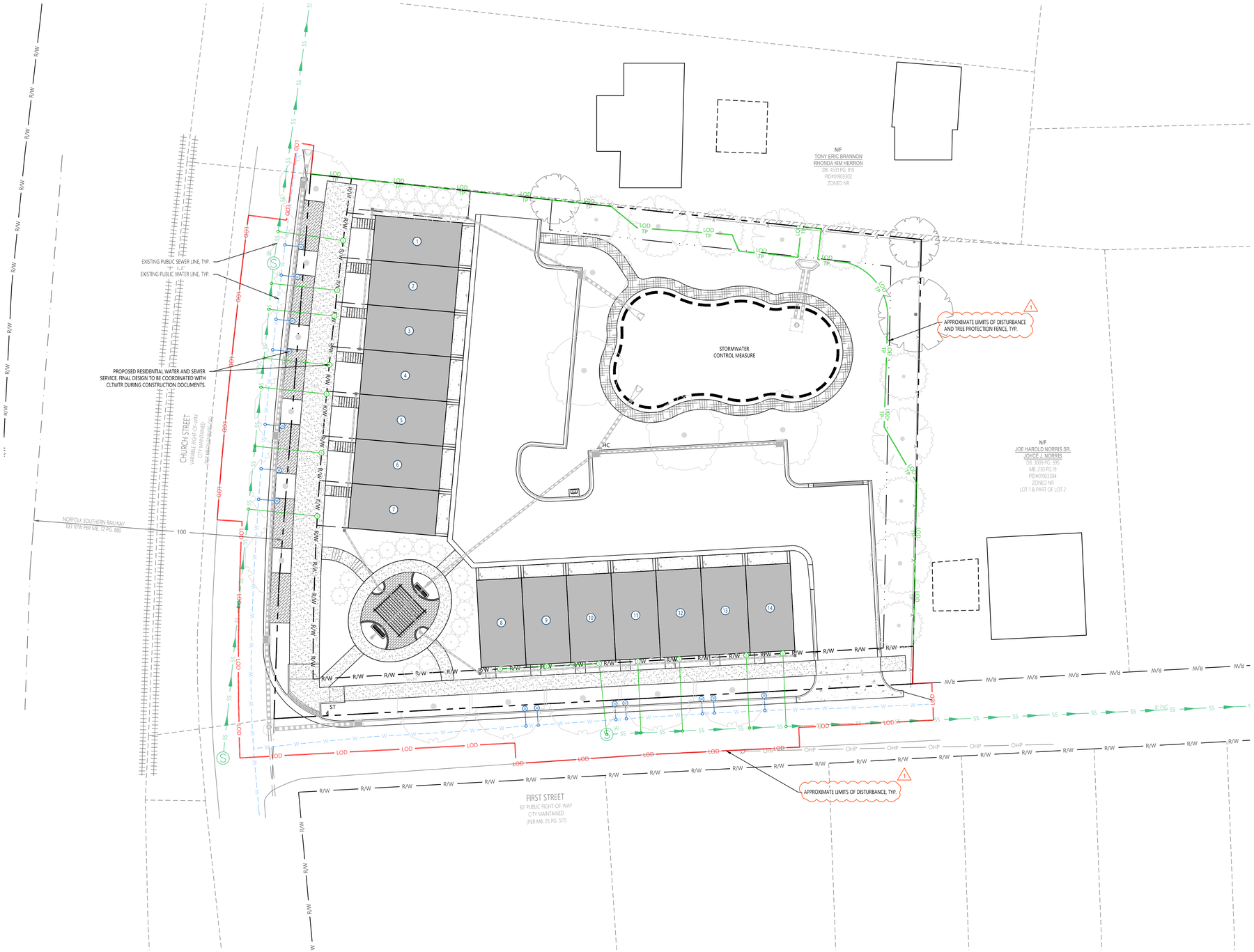
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CONDITIONAL REZONING PLAN -GRADING & DRAINAGE

RZ03

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ENGINEER
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CONDITIONAL REZONING PLAN - UTILITY

RZ04

280' INTERSECTION SIGHT DISTANCE LOOKING RIGHT

CHURCH STREET
66' PUBLIC RIGHT-OF-WAY
CITY MAINTAINED
(PER MAP BOOK 2, PAGE 17)

1 PROPOSED STREET TREES TO BE LIMBED TO A MINIMUM HEIGHT OF 6' TO ENSURE CLEAR SIGHT LINES.

PROPOSED RELOCATED CHURCH STREET AND FIRST STREET INTERSECTION STOP SIGN.

1 15.00'

15.00'

240' INTERSECTION SIGHT DISTANCE LOOKING LEFT

FIRST STREET
30' PUBLIC RIGHT-OF-WAY
CITY MAINTAINED
(PER MB. 25 PG. 517)

238' INTERSECTION SIGHT DISTANCE LOOKING RIGHT TO INTERSECTION OF CHURCH STREET AND FIRST STREET

25 MPH POSTED SPEED LIMIT ON FIRST STREET

240' INTERSECTION SIGHT DISTANCE LOOKING LEFT

25 MPH POSTED SPEED LIMIT ON CHURCH STREET

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VICINITY MAP

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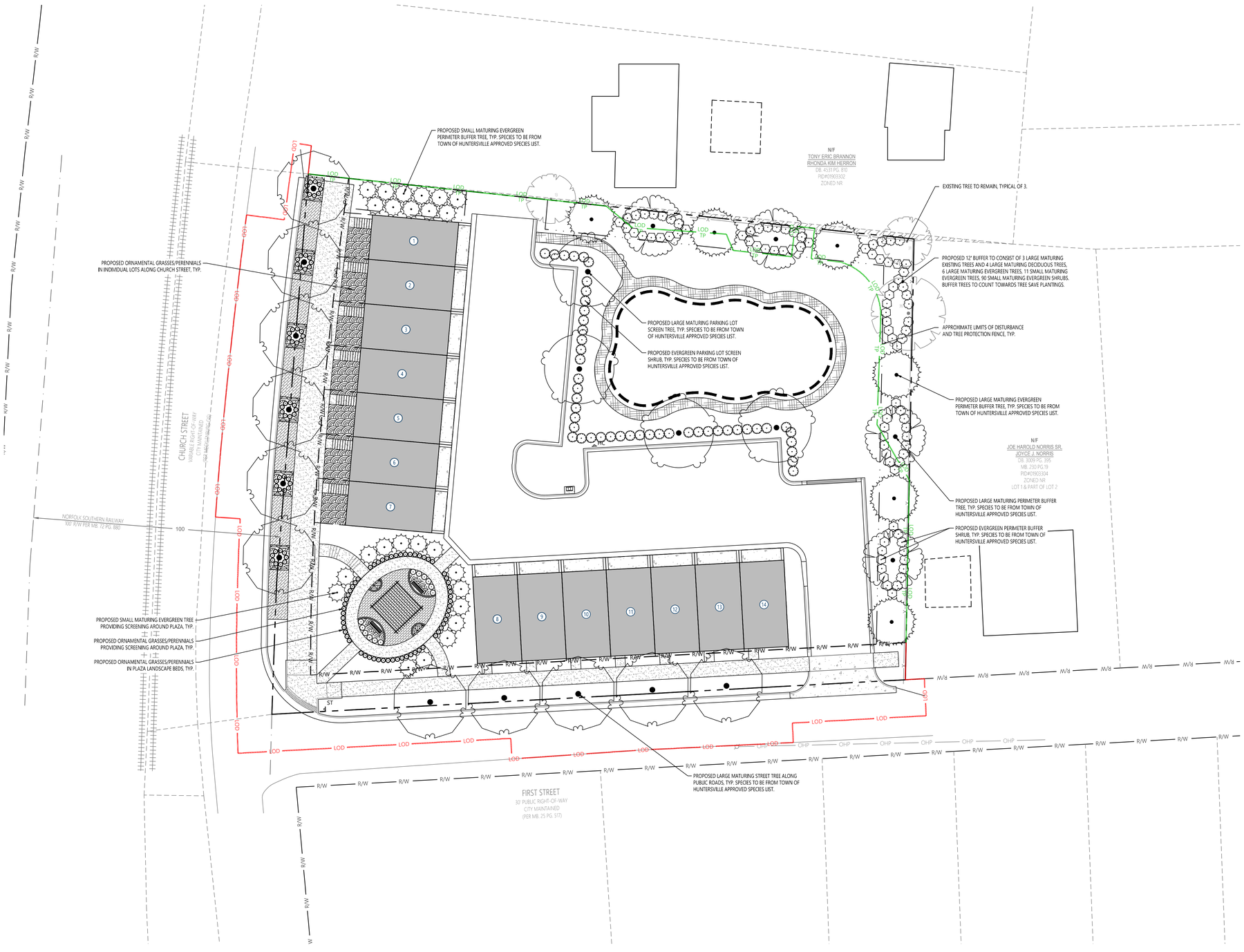
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CONDITIONAL REZONING PLAN - SITE DISTANCE

RZ05



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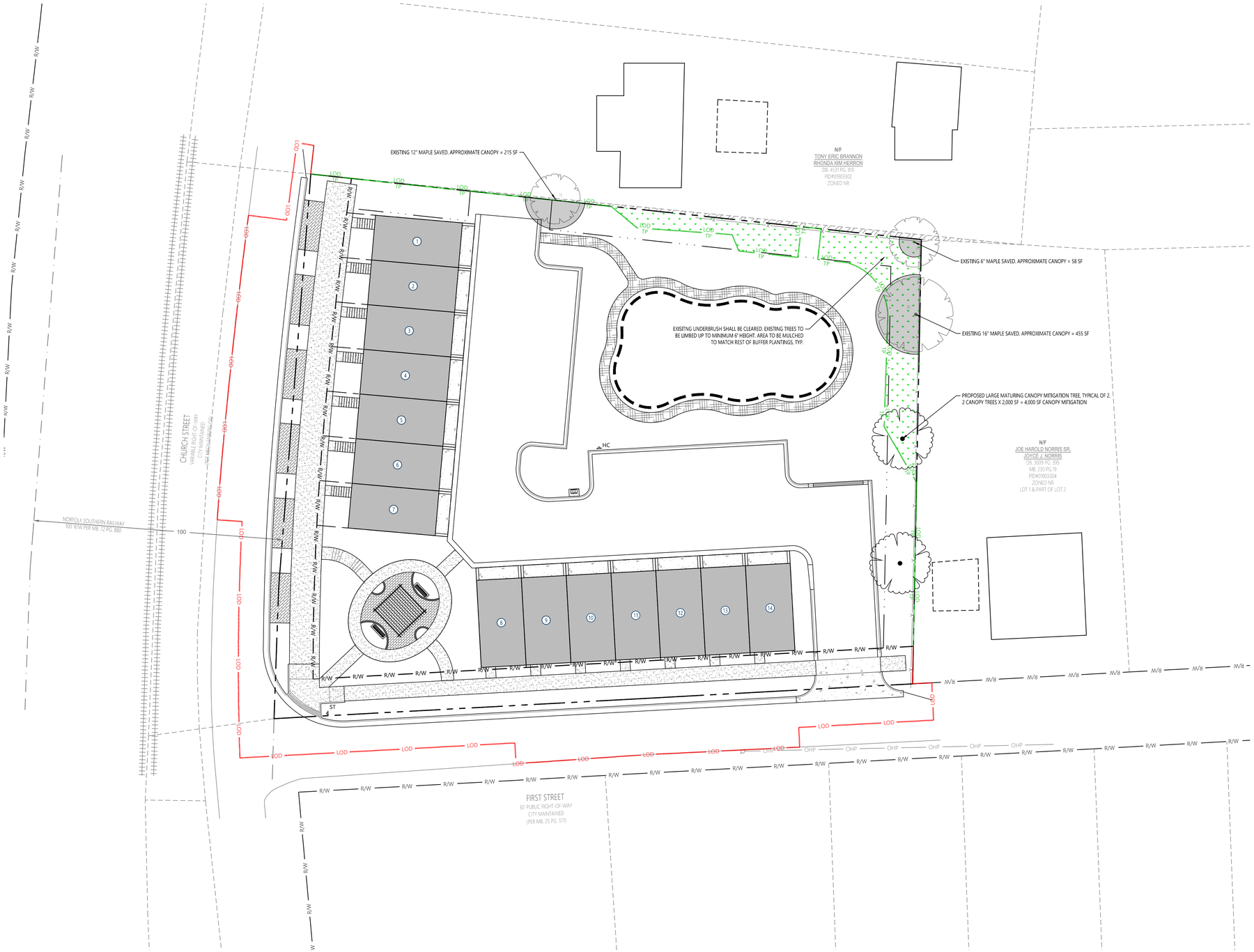
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CONDITIONAL REZONING PLAN - LANDSCAPE

RZ06



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CONDITIONAL REZONING PLAN - TREE SAVE

1

RZ07



POINT NUMBER	TREE
1	6" HICKORY
2	3" BRADFORD PEAR
3	11" PECAN
4	48" OAK
5	9" DOGWOOD
6	8" DOGWOOD
7	10" DOGWOOD
8	9" CEDAR
9	8" CEDAR
10	16" PECAN
11	18" BRADFORD PEAR
12	12" MAPLE
13	12" MAPLE
14	2" CRAPE MYRTLE
15	1" PRIVETTE
16	1" PRIVETTE
17	8" PRIVETTE
18	4" HACKBERRY
19	6" MULBERRY
20	5" HACKBERRY
21	11" MULBERRY
22	11" MULBERRY
23	10" MULBERRY
24	8" MAPLE
25	6" PRIVETTE
26	3" PRIVETTE
27	11" PECAN
28	3" PRIVETTE
29	4" PRIVETTE
30	1" PRIVETTE
31	6" MAPLE
32	4" MULBERRY
33	6" HACKBERRY
34	6" HACKBERRY
35	2" HACKBERRY
36	16" MAPLE
37	4" PRIVETTE
38	3" SASSAFRASS
39	5" HACKBERRY
40	18" PINE
41	18" BRADFORD PEAR
42	3" HOLLY
43	4" CRAPE MYRTLE
44	3" HOLLY
45	8" PECAN
46	3" MULBERRY
47	3" HOLLY
48	2" MULBERRY
49	2" MULBERRY
50	4" MAPLE
51	6" MAPLE
52	4" HOLLY
53	4" PRIVETTE
54	6" HOLLY
55	7" HOLLY
56	3" CRAPE MYRTLE
57	5" MULBERRY
58	6" HOLLY
59	4" HOLLY
60	5" HOLLY
61	6" MULBERRY
62	16" CEDAR
63	7" PINE
64	11" BLACK CHERRY
65	18" CEDAR
66	4" HOLLY
67	4" HOLLY
68	13" CEDAR
69	6" CRAPE MYRTLE
70	4" CRAPE MYRTLE
71	35" CEDAR
72	3" REDBUD
73	3" PRIVETTE
74	6" CRAPE MYRTLE
75	2" REDBUD
76	5" MULBERRY
77	3" MULBERRY
78	6" CRAPE MYRTLE
79	15" MAPLE
80	4" REDBUD
81	7" MAPLE
82	5" MULBERRY
83	6" HOLLY
84	6" PRIVETTE
85	12" CEDAR
86	5" CEDAR
87	8" CRAPE MYRTLE
88	6" HOLLY
89	3" PRIVETTE
90	4" PRIVETTE
91	2" PRIVETTE
92	9" HOLLY
93	3" CRAPE MYRTLE
94	3" CRAPE MYRTLE
95	3" CRAPE MYRTLE
96	8" DOGWOOD
97	5" BLACK CHERRY
98	4" MULBERRY
99	3" PECAN
100	3" REDBUD
101	8" HOLLY
102	6" PRIVETTE
103	7" PECAN
104	3" HOLLY
105	5" HOLLY
106	8" PRIVETTE
107	6" CEDAR
108	9" CEDAR
109	9" CEDAR
110	3" CEDAR
111	8" CEDAR
112	8" CEDAR
113	8" MAPLE
114	8" HOLLY
115	3" DOGWOOD
116	7" HOLLY
117	18" BRICH
118	8" CEDAR
119	2" PRIVETTE

RED INDICATES HERITAGE TREE REMOVED.

GREEN INDICATES TREE TO REMAIN.

SLOPE ANALYSIS				
RANGE	MIN. SLOPE	MAX. SLOPE	COLOR	AREA
1	10%	15%		0.04 AC.
2	15%	25%		0.02 AC.
3	25%	100%		0.03 AC.

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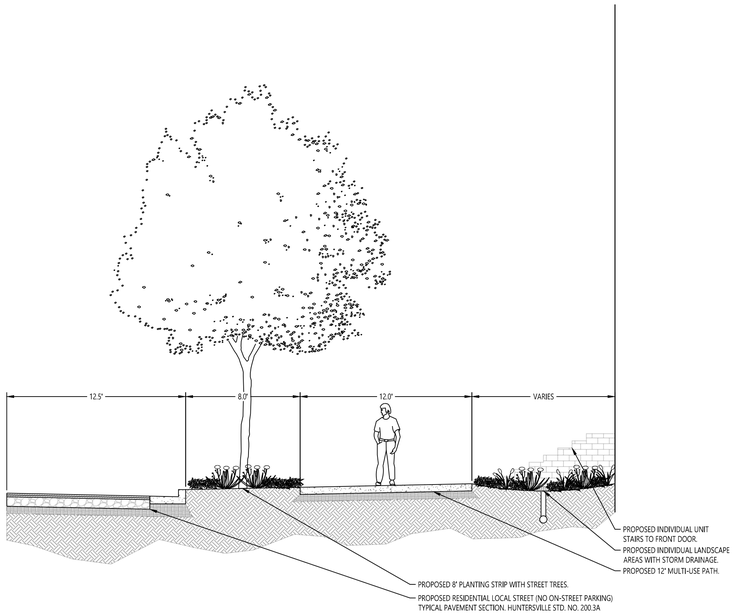
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CONDITIONAL REZONING PLAN - EXISTING CONDITIONS

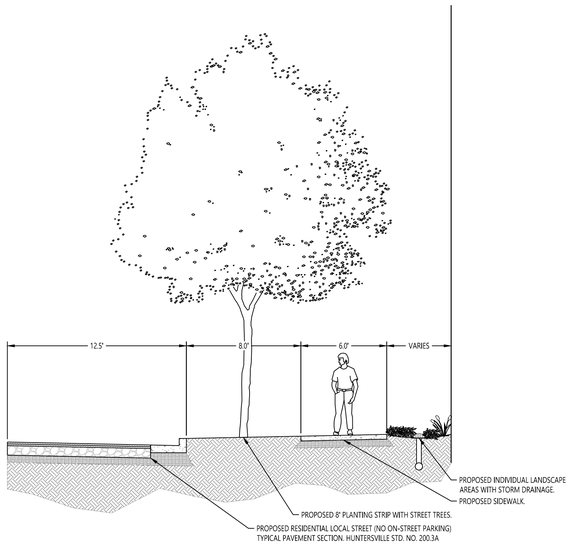
1
RZ08



1 CHURCH STREET SECTION
1"=5'



3 REPRESENTATIVE IMAGE OF STREETSCAPE
NOT AN ACTUAL DEPICTION OF STREETSCAPE



1 FIRST STREET SECTION
1"=5'

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CONDITIONAL REZONING PLAN - STREET CROSS SECTIONS

1
RZ09



FRONT ELEVATION (BRICK) FRONT ELEVATION FRONT ELEVATION (BRICK) FRONT ELEVATION FRONT ELEVATION (BRICK)

WWW.SCALEANDSKETCH.COM

CONTACT INFORMATION

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(704)997-8253
ADDRESS:
19701 Bethel Church Rd,
Suite 201
Cornelius, NC 28031
www.SlateBg.com

SLATE BUILDING GROUP

SLATE BUILDING GROUP PROUDLY PRESENTS THE:

WHEATLEY
3-STORY TOWNHOME
REAR LOAD "B"

DATE: 02/24/2025

DRAWN BY:

REVISION DATE:

SHEET# A-4.0



REAR ELEVATION
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REAR ELEVATION
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

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3-STORY TOWNHOME
REAR LOAD "B"

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DRAWN BY:

REVISION DATE:

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1



LEFT ELEVATION (BRICK)

SCALE: 1/8"=1'-0" (11"X17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"X36" SHEET SIZE)



RIGHT ELEVATION (BRICK)

SCALE: 1/8"=1'-0" (11"X17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"X36" SHEET SIZE)

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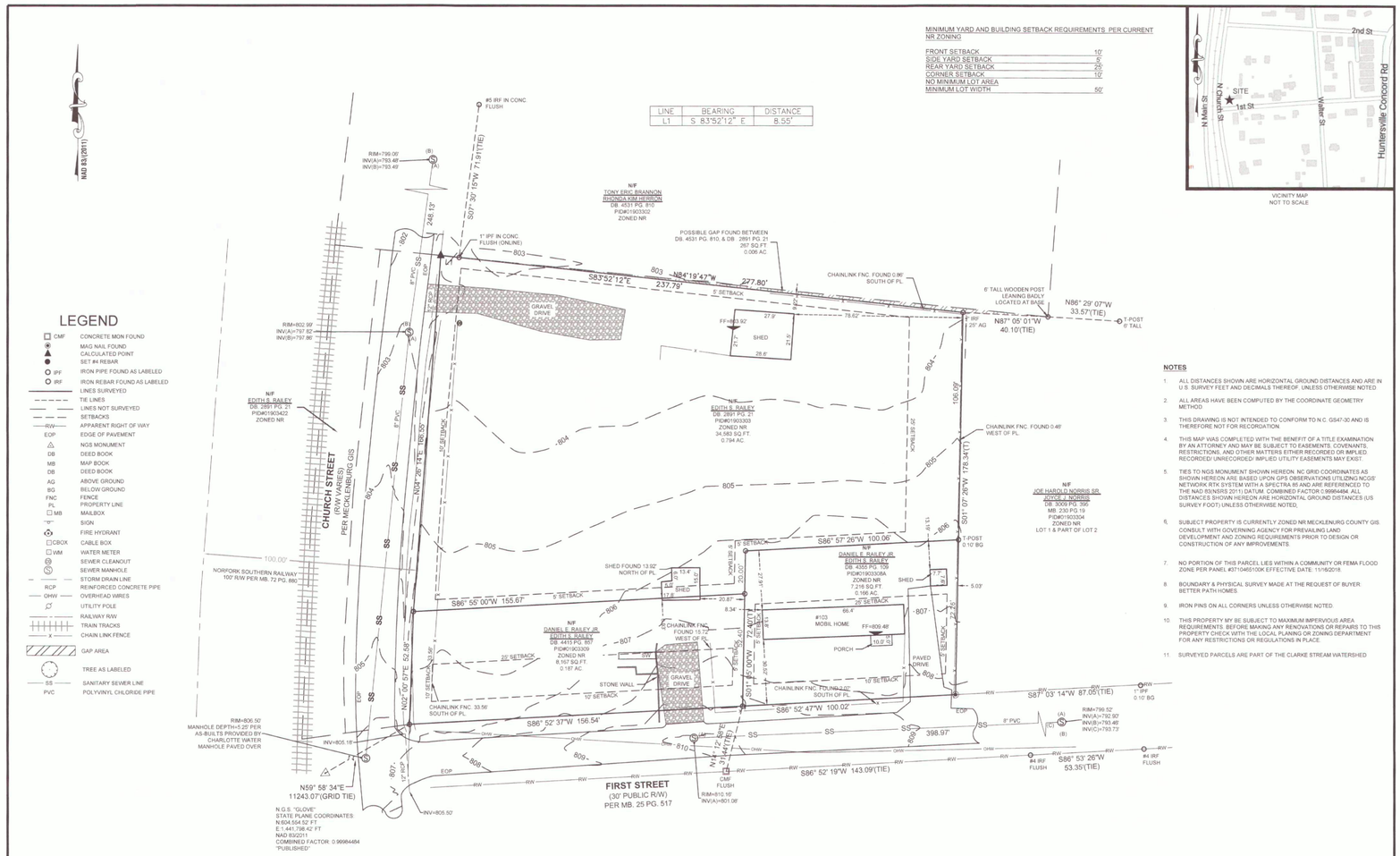
WHEATLEY
3-STORY TOWNHOME
REAR LOAD "B"

DATE: 02/24/2025

DRAWN BY:

REVISION DATE:

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SURVEYOR'S CERTIFICATION

I, J. ERIC CLEMMER, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THAT THIS SURVEY WAS PERFORMED TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS AS APPLICABLE; THAT THE GROUND SURVEY WAS COMPLETED ON NOVEMBER 15, 2024; THAT CONTOURS SHOWN AS BROKEN LINES MAY NOT MEET THE STATED STANDARD; AND THAT ALL HORIZONTAL COORDINATES ARE BASED ON THE NAD 83/2011 DATUM AND THE VERTICAL COORDINATES ARE BASED ON THE NAVD 88 DATUM.

18TH DAY OF NOVEMBER, 2024

J. ERIC CLEMMER, PLS L-5315

NORTH CAROLINA PROFESSIONAL SEAL L-5315 LAND SURVEYOR J. ERIC CLEMMER

TOPOGRAPHICAL SURVEY OF MECKLENBURG COUNTY TAX PARCELS: 01903303, 01903309, & 01903308A

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FORT MILL, SC 29715
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WWW.TIDEMARKLAND.COM
NC FIRM C-4291 / SC COA 5654

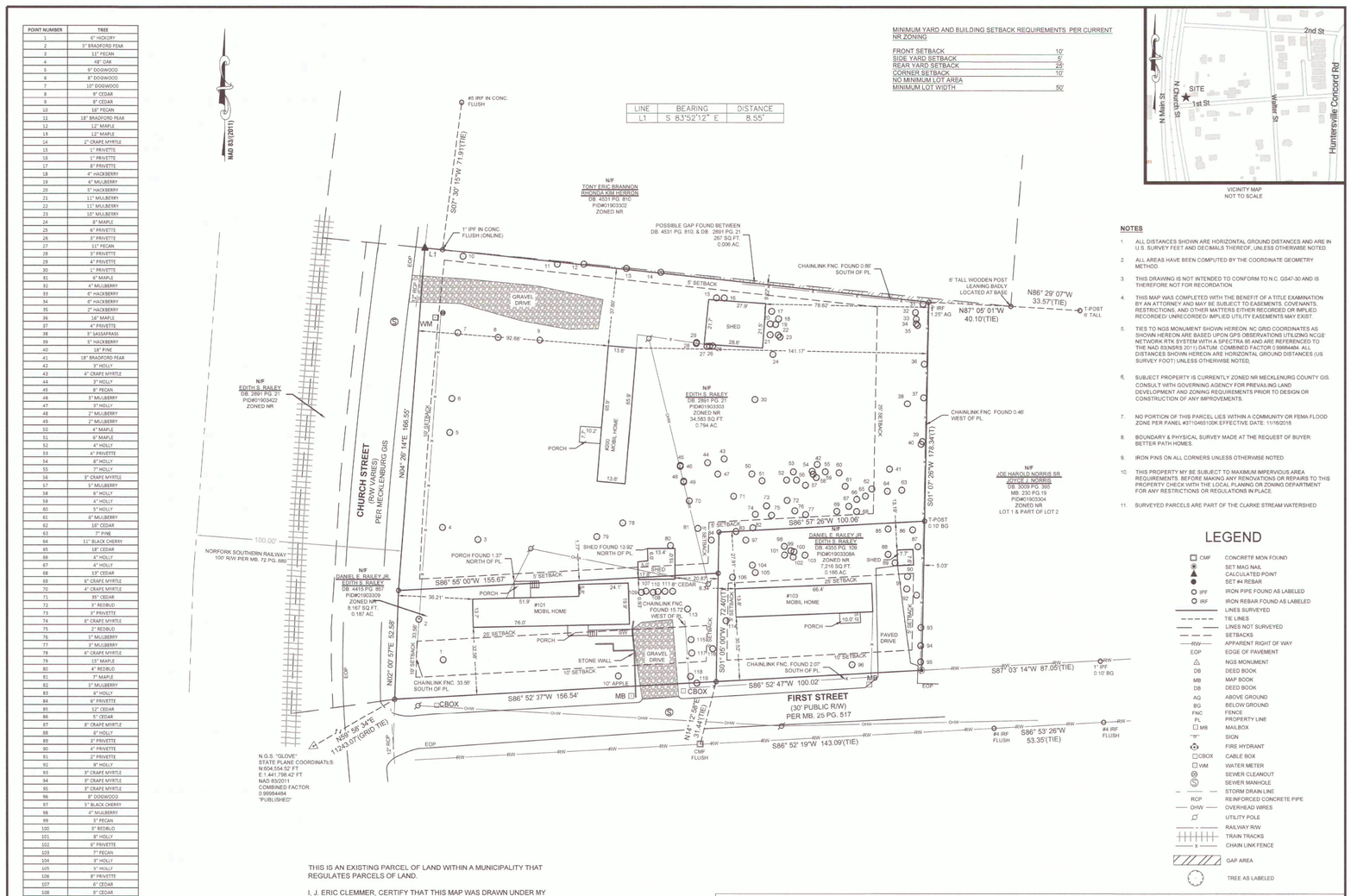
TOPO SURVEY MADE AT THE REQUEST OF: BETTER PATH HOMES

As Recorded in:
DEED BOOK 4355 PAGE 109
DEED BOOK 4415 PAGE 857
DEED BOOK 2891 PAGE 21

Site Address:
101 FIRST STREET
103 FIRST STREET
200 NORTH CHURCH STREET
TOWN OF HUNTERSVILLE
NORTH CAROLINA, 28078
MECKLENBURG COUNTY

1093-0047	KRS	≥ 1:10,000+	1"=30'	01903303, 01903309, 01903308A	101, 103 1ST 200 CHURCH ST	1 of 1	11/18/2024
Job No.	Prepared By	Error of Closure	Drawing Scale	Tax Parcel Number	Drawing File Name	Sheet Number	Date

POINT NUMBER	TREE
1	6" HICKORY
2	3" BRADFORD PEAR
3	11" PECAN
4	48" OAK
5	9" DOGWOOD
6	8" DOGWOOD
7	10" DOGWOOD
8	9" CEDAR
9	8" CEDAR
10	16" PECAN
11	18" BRADFORD PEAR
12	12" MAPLE
13	12" MAPLE
14	2" CRAPE MYRTLE
15	1" PRIVETTE
16	1" PRIVETTE
17	8" PRIVETTE
18	4" HACKBERRY
19	6" MULBERRY
20	5" HACKBERRY
21	11" MULBERRY
22	11" MULBERRY
23	10" MULBERRY
24	8" MAPLE
25	6" PRIVETTE
26	3" PRIVETTE
27	11" PECAN
28	3" PRIVETTE
29	4" PRIVETTE
30	1" PRIVETTE
31	6" MAPLE
32	4" MULBERRY
33	6" HACKBERRY
34	6" HACKBERRY
35	7" HACKBERRY
36	18" MAPLE
37	4" PRIVETTE
38	5" SASSAFRASS
39	5" HACKBERRY
40	18" PINE
41	18" BRADFORD PEAR
42	3" HOLLY
43	4" CRAPE MYRTLE
44	3" HOLLY
45	8" PECAN
46	3" MULBERRY
47	3" HOLLY
48	2" MULBERRY
49	2" MULBERRY
50	6" MAPLE
51	6" MAPLE
52	4" HOLLY
53	4" PRIVETTE
54	6" HOLLY
55	7" HOLLY
56	3" CRAPE MYRTLE
57	5" MULBERRY
58	6" HOLLY
59	4" HOLLY
60	5" HOLLY
61	6" MULBERRY
62	16" CEDAR
63	7" PINE
64	11" BLACK CHERRY
65	18" CEDAR
66	4" HOLLY
67	4" HOLLY
68	13" CEDAR
69	6" CRAPE MYRTLE
70	4" CRAPE MYRTLE
71	35" CEDAR
72	5" REDBUD
73	5" PRIVETTE
74	6" CRAPE MYRTLE
75	3" REDBUD
76	5" MULBERRY
77	3" MULBERRY
78	6" CRAPE MYRTLE
79	15" MAPLE
80	4" REDBUD
81	7" MAPLE
82	5" MULBERRY
83	6" HOLLY
84	6" PRIVETTE
85	12" CEDAR
86	5" CEDAR
87	8" CRAPE MYRTLE
88	6" HOLLY
89	3" PRIVETTE
90	4" PRIVETTE
91	2" PRIVETTE
92	9" HOLLY
93	3" CRAPE MYRTLE
94	3" CRAPE MYRTLE
95	3" CRAPE MYRTLE
96	8" DOGWOOD
97	5" BLACK CHERRY
98	4" MULBERRY
99	5" PECAN
100	5" REDBUD
101	8" HOLLY
102	6" PRIVETTE
103	7" PECAN
104	3" HOLLY
105	5" HOLLY
106	8" PRIVETTE
107	6" CEDAR
108	9" CEDAR
109	5" CEDAR
110	3" CEDAR
111	8" CEDAR
112	5" CEDAR
113	8" MAPLE
114	8" HOLLY
115	3" DOGWOOD
116	7" HOLLY
117	18" BIRCH
118	8" CEDAR
119	2" PRIVETTE



LINE	BEARING	DISTANCE
L1	S 83°52'12" E	8.55'

MINIMUM YARD AND BUILDING SETBACK REQUIREMENTS PER CURRENT NR ZONING

FRONT SETBACK	10'
SIDE YARD SETBACK	5'
REAR YARD SETBACK	20'
CORNER SETBACK	10'
NO MINIMUM LOT AREA	
MINIMUM LOT WIDTH	50'

VICINITY MAP
NOT TO SCALE

NOTES

1. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES AND ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
2. ALL AREAS HAVE BEEN COMPUTED BY THE COORDINATE GEOMETRY METHOD.
3. THIS DRAWING IS NOT INTENDED TO CONFORM TO N.C. GS47-30 AND IS THEREFORE NOT FOR RECORDATION.
4. THIS MAP WAS COMPLETED WITH THE BENEFIT OF A TITLE EXAMINATION BY AN ATTORNEY AND MAY BE SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, AND OTHER MATTERS EITHER RECORDED OR IMPLIED. RECORDED/ UNRECORDED/ IMPLIED UTILITY EASEMENTS MAY EXIST.
5. TIES TO NGS MONUMENT SHOWN HEREON. NC GRID COORDINATES AS SHOWN HEREON ARE BASED UPON GPS OBSERVATIONS UTILIZING NCGS' NETWORK RTK SYSTEM WITH A SPECTRA 85 AND ARE REFERENCED TO THE NAD 83(NSRS 2011) DATUM. COMBINED FACTOR 0.99984484. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES (US SURVEY FOOT) UNLESS OTHERWISE NOTED.
6. SUBJECT PROPERTY IS CURRENTLY ZONED NR MECKLENURG COUNTY GIS. CONSULT WITH GOVERNING AGENCY FOR PREVAILING LAND DEVELOPMENT AND ZONING REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION OF ANY IMPROVEMENTS.
7. NO PORTION OF THIS PARCEL LIES WITHIN A COMMUNITY OR FEMA FLOOD ZONE PER PANEL #3710465100K EFFECTIVE DATE: 11/16/2018.
8. BOUNDARY & PHYSICAL SURVEY MADE AT THE REQUEST OF BUYER: BETTER PATH HOMES.
9. IRON PINS ON ALL CORNERS UNLESS OTHERWISE NOTED.
10. THIS PROPERTY MY BE SUBJECT TO MAXIMUM IMPERVIOUS AREA REQUIREMENTS. BEFORE MAKING ANY RENOVATIONS OR REPAIRS TO THIS PROPERTY CHECK WITH THE LOCAL PLANING OR ZONING DEPARTMENT FOR ANY RESTRICTIONS OR REGULATIONS IN PLACE.
11. SURVEYED PARCELS ARE PART OF THE CLARKE STREAM WATERSHED

LEGEND

- CMF — CONCRETE MON FOUND
- SMN — SET MAG NAIL
- CP — CALCULATED POINT
- SR — SET #4 REBAR
- IPF — IRON PIPE FOUND AS LABELED
- IRF — IRON REBAR FOUND AS LABELED
- LINES SURVEYED
- TIE LINES
- LINES NOT SURVEYED
- SETBACKS
- RW — APPARENT RIGHT OF WAY
- EOP — EDGE OF PAVEMENT
- NGS MONUMENT
- DB — DEED BOOK
- MB — MAP BOOK
- DB — DEED BOOK
- AG — ABOVE GROUND
- BG — BELOW GROUND
- FNC — FENCE
- PL — PROPERTY LINE
- MB — MAILBOX
- SIGN
- FIRE HYDRANT
- CBOX — CABLE BOX
- WM — WATER METER
- SEWER CLEANOUT
- SEWER MANHOLE
- STORM DRAIN LINE
- RCP — REINFORCED CONCRETE PIPE
- OHW — OVERHEAD WIRES
- UTILITY POLE
- RAILWAY R/W
- TRAIN TRACKS
- CHAIN LINK FENCE
- GAP AREA
- TREE AS LABELED

30 15 0 30

Scale of Drawing 1 Inch = 30 Feet

THIS IS AN EXISTING PARCEL OF LAND WITHIN A MUNICIPALITY THAT REGULATES PARCELS OF LAND.

I, J. ERIC CLEMMER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DESCRIPTION RECORDED IN DEED BOOK 4355 PAGE 109, DEED BOOK 4415 PAGE 857, & DEED BOOK 2891 PAGE 21); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN MAP BOOK 28, PAGE 199; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). THIS 7TH DAY OF NOVEMBER, 2024.

J. ERIC CLEMMER REGISTRATION# L-5315

NORTH CAROLINA PROFESSIONAL SEAL L-5315 LAND SURVEYOR J. ERIC CLEMMER

TREE SURVEY OF MECKLENBURG COUNTY TAX PARCELS: 01903303, 01903309, & 01903308A

TIDEMARK LAND SERVICES
3556 CENTRE CIRCLE, SUITE A
FORT MILL, SC 29715
OFFICE: 844.865.5263
WWW.TIDEMARKLAND.COM
NC FIRM C-4291 / SC COA 5654

TREE SURVEY MADE AT THE REQUEST OF: BETTER PATH HOMES

As Recorded in: DEED BOOK 4355 PAGE 109 DEED BOOK 4415 PAGE 857 DEED BOOK 2891 PAGE 21

Site Address: 101 FIRST STREET 103 FIRST STREET 200 NORTH CHURCH STREET TOWN OF HUNTERSVILLE NORTH CAROLINA, 28078 MECKLENBURG COUNTY

1093-0047 Job No.	KRS Prepared By	≥ 1:10,000+ Error of Closure	1"=30' Drawing Scale	01903303, 0190309, 01903308A Tax Parcel Number	101, 103 1ST 200 CHURCH ST Drawing File Name	1 of 1 Sheet Number	11/7/2024 Date

March 21, 2025

1st and Church Townhome Rezoning (R25-02)

Community Meeting Report

Date:	Wednesday March 19, 2025
Time:	5:30pm-6:30pm
Location:	Town of Huntersville – Arts & Cultural Center 14614 S Old Statesville Rd, Huntersville, NC 28078
Attendance:	Peninsula Civil Design (Nic Vesely and Luke Hanna) Better Path Homes (Grace van den Berg, Kimberly Rodenzo, and Matthew Liebman) Town of Huntersville - Planning Department (Nathan Farber and Brian Richards) Community (See attached attendance sheets)
Agenda:	Open discussion with community and development team. Community entered at staggered times throughout meeting time.

Community Meeting Questions and Answers:

1. **Question:** When will construction start on this development?
   Answer: Nic Vesely with PCD gave brief timeline with estimated start of construction approximately Q1 2026. Nic stated this is an approximate timeline and things can change and draw out the timeline further.
2. **Question:** How is parking being handled on this project? Community concern for on-street parking on such a narrow street.
   Answer: Nic Vesely with PCD indicated that each unit will have a 2-car garage as well as surface parking to the rear of the units accessed from a private alley. No on-street parking is being proposed as part of this development.
3. **Question:** About how big are the units?
   Answer: Grace van den Berg with BPH provided an approximate SF of 1,800 sf per unit. Does not include the garage area.
4. **Question:** Concerns with school bus stop near intersection. Concerns with construction interference with school bus stop.
   Answer: Brian Richards with the Town Planning Department stated it will likely stay and this development will not be impacting the location of the school bus stop.
5. **Question:** What is in the this area (referring to plaza at corner of First and Church)?
   Answer: This will be a paved patio area with an overhead structure and a few seating options.
6. **Question:** What is the timeline on the project?
   Answer: Nic Vesely with PCD gave a brief timeline explaining the process the project will take moving forward through the rezoning process, then Construction Documents, then construction. An estimated delivery date was Fall 2026 but could be later due to other unforeseen circumstances.
7. **Question:** How soon will the trailor be removed from site? Concerns over current tenant and safety of the community.
   Answer: Grace van den Berg with BPH stated as soon as possible, but not currently their call.

Community Meeting Attendance Log

Project Name:	First and Church Townhome Rezoning
Location of Meeting:	Town of Huntersville – Arts & Cultural Center
Date:	Wednesday, March 19, 2025
Time:	5:30pm-6:30pm

Pursuant to Huntersville Subdivision Ordinance 6.320.3 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	Natasha Campagnone	17	
2	Adam Campagnone	18	
3	Kathy Jones	19	
4		20	
5		21	
6		22	
7		23	
8		24	
9		25	
10		26	
11		27	
12		28	
13		29	
14		30	
15		31	
16		32	

Community Meeting Attendance Log

Project Name:	First and Church Townhome Rezoning
Location of Meeting:	Town of Huntersville – Arts & Cultural Center
Date:	Wednesday, March 19, 2025
Time:	5:30pm-6:30pm

Pursuant to Huntersville Subdivision Ordinance 6.320.3 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	Tony Brannon	17	
2	Nathan Farber	18	
3	Brian Richards	19	
4	Matthew Liebman	20	
5	John O'Neill	21	
6		22	
7		23	
8		24	
9		25	
10		26	
11		27	
12		28	
13		29	
14		30	
15		31	
16		32	

ownrlstnme	ownrfrstnm	ownr2lstnm	ownr2frstn	mailaddr1	zipcode	state	mailcity
AMERICAN LEGION POST 321				PO BOX 1501	28070-0001	NC	HUNTERSVILLE
BOWMAN	LINDA M			13815 CINNABAR PLACE	28078	NC	HUNTERSVILLE
BOWMAN DEVELOPMENT	GROUP INC			13815 CINNABAR PL	28078	NC	HUNTERSVILLE
BRANNON	TONY E	RHONDA H BRANNON		PO BOX 198	28078	NC	HUNTERSVILLE
BRANNON	TONY ERIC	RHONDA KIM HERRON		PO BOX 198	28070	NC	HUNTERSVILLE
BRANNON	TONY ERIC	RHONDA KIM HERRON		PO BOX 198	28078	NC	HUNTERSVILLE
BRANNON	FRANCES M			PO BOX 198	28078	NC	HUNTERSVILLE
BULLARD	NATASHA	COMPAGNONE	ADAM	120 FIRST ST	28078	NC	HUNTERSVILLE
CENTRAL MECKLENBURG AMERICAN	LEGION POST 321 INC			PO BOX 1501	28070	NC	HUNTERSVILLE
CHURCH OF GOD OF THE BIBLE THE	INCORPORATED			PO BOX 1788	28078	NC	HUNTERSVILLE
HAGER	IRVIN R	LONNIE HAGER		PO BOX 455	28078	NC	HUNTERSVILLE
HAGER ENTERPRISE LLC				PO BOX 455	28078	NC	HUNTERSVILLE
HAGLER	HOLLIS RANDAL			9708 LAWING SCHOOL RD	28214	NC	CHARLOTTE
HH SECOND LLC				121 GILEAD RD	28078	NC	HUNTERSVILLE
HINES REAL ESTATE GROUP LLC				121 GILEAD RD	28078	NC	HUNTERSVILLE
HOGG	TRACI M	HOGG	CHARLES WALTER JR	111 N MAIN ST	28078	NC	HUNTERSVILLE
NORRIS	JOE HAROLD SR	NORRIS	JOYCE J	PO BOX 33	28070	NC	HUNTERSVILLE
PORTER	DONNA BURMEISTER			103 1ST ST	28078-4202	NC	HUNTERSVILLE
RAILEY	EDITH S			PO BOX 286	28070-0286	NC	HUNTERSVILLE
RAILEY	DANIEL E JR	RAILEY	EDITH S	PO BOX 286	28078	NC	HUNTERSVILLE
RED CEDAR HOMES NC LLC				1235 E BLVD STE E	28203	NC	CHARLOTTE
ROSENFELD	BRIAN W	ROSENFELD	NANCY B	106 N MAXWELL	28078	NC	HUNTERSVILLE
TOWN OF HUNTERSVILLE				PO BOX 664	28070	NC	HUNTERSVILLE
TOWN OF HUNTERSVILLE				PO BOX 664	28078	NC	HUNTERSVILLE
WALTERS BROTHERS INCORPORATED				102 SHERWOOD DR	28078-9076	NC	HUNTERSVILLE
YUHAS	ZANE	YUHAS	DAYSILANY	109 N MAIN ST	28078	NC	HUNTERSVILLE
ZUNK	IAN	ZUNK	VIRGINIA ELIZABETH EWEN	112 FIRST ST	28078	NC	HUNTERSVILLE
BRADFORD PROPERTIES				PO BOX 797	28078	NC	HUNTERSVILLE
GUIGNARD	CHARLES S			PO BOX 1766	28070	NC	HUNTERSVILLE
HILL STREET BOWMAN LLC				13815 CINNABAR PL	28078	NC	HUNTERSVILLE
MADISON SIMMONS HOMES & COMMUNITIES LLC				18825 W CATAWBA AV STE 250	28031	NC	CORNELIUS
MAYORS CORNER HOMEOWNERS ASSOCIATION INC			C/O LESLIE GANDY	19810 W CATAWBA AV UNIT C	28031	NC	CORNELIUS
NSR-HTC LLC				800 GREEN VALLEY RD STE 203	27408	NC	GREENSBORO
NSR MAXWELL LLC				PO BOX 1960	27402	NC	GREENSBORO
VERMILLION PHASE I				PO BOX 1378	28036	NC	DAVIDSON
VERMILLION ANCHOR MILL VILLAGE LLC				13815 CINNABAR PL	28078	NC	HUNTERSVILLE
VERMILLION COMMUNITY ASSOCIATION INC			C/O KUESTER MANAGEMENT GROUP	130 BEN CASEY DR STE 100	29708	SC	FORT MILL
VERMILLION FRONT LLC				13815 CINNABAR PL	28078	NC	HUNTERSVILLE
VERMILLION GARDEN DISTRICT LLC				PO BOX 1378	28036	NC	DAVIDSON
VERMILLION LLC COMMUNITY ASSOCIATION INC				130 BEN CASEY DR STE 100	29708	SC	FORT MILL
VERMILLION TND LLC				13815 CINNABAR PL	28078	NC	HUNTERSVILLE
VERMILLION VILLAGE LLC				2400 SOUTH BOULEVARD STE 300	28203	NC	CHARLOTTE
WHITE HILL LIMITED		PARTNERSHIP		PO BOX 25168	27114	NC	WINSTON SALEM

March 4, 2025

NOTICE TO INTERESTED PARTIES OF COMMUNITY MEETING

Subject: Community Meeting – Rezoning Petition filed by Better Path Homes, LLC to request the Conditional Rezoning of an approximately 1.147 AC site located at the intersection of Church Street and First Street. See Exhibit A below for parcels included in rezoning.

Date & Time: Wednesday, March 19, 2025 at 5:30 p.m.

Place: Town of Huntersville – Arts & Cultural Center
14614 S Old Statesville Rd. Huntersville, NC 28078

We are assisting Better Path Homes, LLC (Petitioner) in connection with Daniel Railey, JR (Property Owner) for a rezoning petition filed with the Town of Huntersville. The request is to rezone an approximately 1.147 AC site located at the intersection of Church Street and First Street (Parcels 01903309, 01903308A, & 01903303) from NR (Neighborhood Residential) to NR-CD (Neighborhood Residential Conditional District). The purpose of this rezoning request is to accommodate on site 14 single-family attached residential units (Townhomes) with private parking, semi-public open space, and stormwater control measures.

Better Path Homes, LLC and Peninsula Civil Design will be hosting a Community Meeting prior to the public hearing of this rezoning petition for the purposes of discussing the rezoning proposal with the property owners and organizations in proximity to the site. The Town of Huntersville Planning Department records indicate that you are a property owner within 250ft of the subject property or a representative of a registered neighborhood organization within 2,000ft of the subject property.

Accordingly, on behalf of Better Path Homes, LLC, we give you this notice that representatives of the Rezoning Petition will hold a community meeting on Wednesday, March 19, 2025 at 5:30 p.m. at the Town of Huntersville – Arts and Cultural Center located at 14614 S Old Statesville Rd. Huntersville, NC 28078. Representatives of the petitioner look forward to sharing the rezoning proposal with you and to answering your questions.

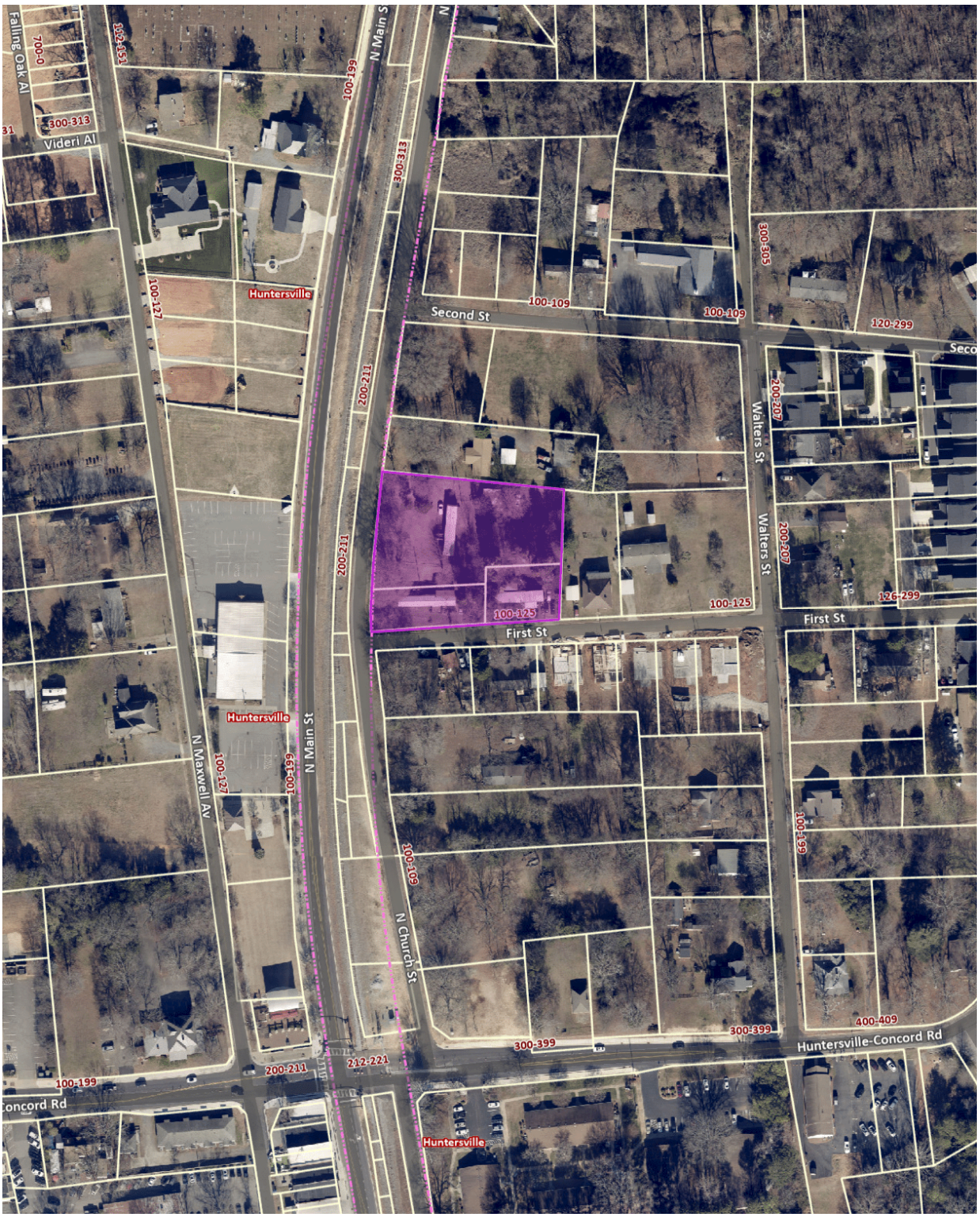
In the meantime, should you have any questions or comments, please contact Nicholas Vesely, PE at 917-842-2233 or email at nvesely@pcdstudio.com. Project site plans located at www.huntersville.org/planning.

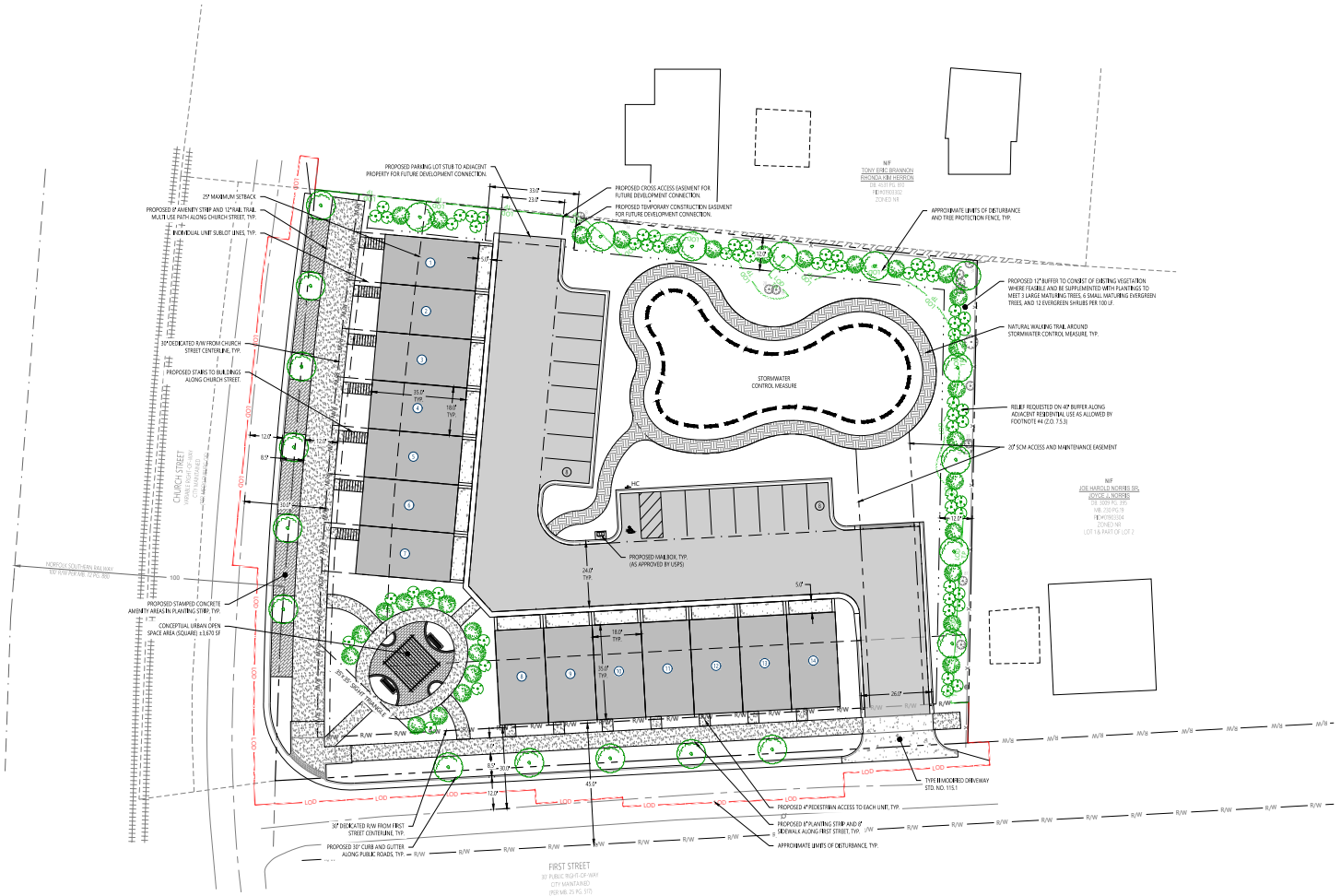
Sincerely,

Nicholas T. Vesely, PE
Principal Engineer

PENINSULA CIVIL DESIGN

Exhibit A





PROJECT SUMMARY

APPLICANT:
BETTER PATH HOMES, LLC
10935 WINDS CROSSING DRIVE
SUITE 300
CHARLOTTE, NC 28273

PROJECT ENGINEER:
PENINSULA CIVIL DESIGN, PLLC
106 STOWE ROAD
BELMONT, NC 28012
(917) 842-2233
NVESELY@PCDSTUDIO.COM

JURISDICTION:
ZONING - TOWN OF HUNTERSVILLE
EROSION CONTROL - TOWN OF HUNTERSVILLE
STORMWATER - TOWN OF HUNTERSVILLE

PARCEL SUMMARY:
PARCEL NUMBER: 01060309
PARCEL OWNER: DANIEL E BAILEY JR
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC
PARCEL ADDRESS: 101 FIRST ST.
PARCEL NUMBER: 01060303
PARCEL OWNER: EDITH S. BAILEY
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC
PARCEL ADDRESS: 200 N CHURCH ST.
PARCEL NUMBER: 01060308
PARCEL OWNER: DANIEL E BAILEY JR
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC
PARCEL ADDRESS: 103 FIRST ST.
PARCEL SIZE: 1.147 ACRES (TOTAL)
AREA IN R/W: ±0.153 AC
NET PARCEL SIZE: ±0.994 AC
LIMITS OF DISTURBANCE AREA: ± 1.237 ACRES

ZONING SUMMARY:
DISTRICT: NR (CD)
OVERLAY: NONE
PROPOSED USE: SINGLE FAMILY - ATTACHED HOUSE

ZONING REQUIREMENTS (ZO. 4.11):
FRONT: 6' MIN. - 25' MAX.
CORNER: 12' MIN. - 25' MAX.
SIDE: N/A
REAR: 20' REAR TO ATTACHED GARAGE
REQUESTED ALTERNATIVE: 5' REAR TO ATTACHED GARAGE

BUILDING REQUIREMENTS (Z.O. 4.12):
REQUIRED: 30' MAXIMUM (4' EAVE)
PROPOSED: +28' (TWO-STORY)
PARKING REQUIREMENTS (ZO. 6.1):
REQUIRED: 9 (1.5 PER DWELLING UNIT)
PROPOSED: 42 (3 PER DWELLING UNIT)
GARAGE: 26 (2 PER DWELLING UNIT)
SURFACE: 15 REGULAR + 1 ADA SPACE

TREE PRESERVATION REQUIREMENTS (ZO.7.4):
EXISTING CANOPY: > 10% OF SITE
REQUIRED PRESERVATION: MIN. 10% OF SITE (EXISTING AND PLANTED)
PROPOSED PRESERVATION: MIN. 10% OF SITE
EXISTING: ±5.6% OF SITE
PLANTED: ±4.4% OF SITE

BUFFER REQUIREMENTS (ZO. 7.5.3):
ADJACENT TO RESIDENTIAL: 40'
REQUESTED ALTERNATIVE: 12'
PER FOOTNOTE 44, WHERE CONNECTIVITY BETWEEN SUBDIVISIONS IS APPROPRIATE FOR HIGH QUALITY NEIGHBORHOOD DESIGN, THE TOWN BOARD MAY REDUCE OR WAIVE THE REQUIRED BUFFER YARD.

OPEN SPACE REQUIREMENTS (ZO. 7.10):
REQUIRED: URBAN OPEN SPACE
PROVIDED: ±3,670 SF URBAN OPEN SPACE (SQUARE)

GARBAGE PICKUP:
TRASH COLLECTION VIA INDIVIDUAL UNIT ROLL-OUT CANS. PICKED UP WITH STANDARD STREET SERVICE.

IMPERVIOUS AREA CALCULATIONS

EXISTING IMPERVIOUS:
BUILDING: ±1,900 SF
CONCRETE/ASPHALT: ±700 SF
GRAVEL: ±2,000 SF
TOTAL: ±4,600 SF

PROPOSED IMPERVIOUS:
BUILDING: ±8,820 SF
SIDEWALK: ±2,300 SF
DRIVEWAY: ±1,120 SF
PARKING: ±11,480 SF
TOTAL: ±23,680 SF
NET NEW IMPERVIOUS: ±19,080 SF

Total Area (acres/square feet)	1.147 ac.	49,996 sf
Disturbed Acres Shown (not approved for disturbance)	±1.131 ac.	±49,286 sf
River Basin	Catawba	
Stream Classification	South Prong Clarke Creek	
Principal Use(s) (Z.O. Article 3)	Residential	
Building Type (Z.O. Article 3 and 8.10)	Attached House	
Zoning District (Z.O. Article 3)	NR	
Overlay District, if applicable (Z.O. Article 3)	N/A	
Percentage of Impervious Allowed (Z.O. Article 3)	N/A	
Percentage of Impervious Shown	±48%	
Lot Count	13	
Total number of dwellings (detached/attached)	0 detached / 13 attached	
Mixed use/# of live/work units	0	
Total area of residential (square feet)	±21,300 sf	
Total area of non-residential (square feet)	0	
Lot size range	N/A	
Number of lots within each range (Use more lines if needed)	13	
Lot width's range (Z.O. Article 3)	N/A	
Number of lots within each range (Use more lines if needed)	13	
Setbacks and Build-to-lines (Z.O. Article 3, 4, & 8)		
Front BTL range or Setback	0' min. - 25' max.	
Corner setbacks	0' min. - 25' max.	
Rear setbacks	20' to garage	
Right side setback	n/a	
Left side setback	n/a	
Watershed Information (Z.O. Article 3 and S.O. Section 7.290)		
Is the property in a regulated watershed district?	Yes _X_ No	
Watershed District	N/A	
Low Density/High Density	High	
Modifications Requested	Yes	
Rezoning/Conditions	Yes	

Heritage Trees	
Number of Heritage trees on-site	0
Number of Heritage trees saved	0
Percentage of Heritage trees required to save	0%
Percentage of Heritage trees actually saved	0%
Specimen Trees	
Number of Specimen trees on-site	2
Number of Specimen trees saved	0
Percentage of Specimen trees required to save	10%
Percentage of Specimen trees actually saved	0%
Tree Canopy	
Percentage of site covered by Tree Canopy	>10%
Percentage of tree canopy preservation required by district	10% (Ex. & Planted)
Percentage of tree canopy actually saved	±10%

TOWN OF HUNTERSVILLE NOTES:

1. MODIFICATIONS REQUESTED
   1.1. PETITIONER REQUESTING REDUCTION OF 35' REAR SETBACK TO GARAGE FROM ALLEY/PARKING. PETITIONER PROPOSES 5' REAR SETBACK TO GARAGE FROM ALLEY/PARKING.
   1.2. PETITIONER REQUESTING REDUCTION OF 40' RESIDENTIAL BUFFER. PETITIONER PROPOSES 12' RESIDENTIAL BUFFER PER FOOTNOTE 44 IN ZO. 7.5.3.
   1.3. PETITIONER REQUESTING MODIFICATION TO BUFFER STANDARDS TO ALLOW GRADING WITHIN BUFFER AREA. BUFFER VEGETATION TO BE REPLACED WITH A MINIMUM OF 3 LARGE MATURING TREES, 6 SMALL MATURING EVERGREEN TREES, AND 12 EVERGREEN SHRUBS PER 100 LF.
   1.4. PETITIONER REQUESTING RELIEF FROM ON STREET PARKING REQUIREMENTS. MINIMUM REQUIRED PARKING PROVIDED INTERNAL TO SITE.
2. ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
3. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
4. ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
5. ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY) AND INTERSECTION WIDTH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
6. LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS. IF APPLICABLE, ADD THE FOLLOWING: WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. TREE SPECIES SHALL COMPLY WITH TOWN APPROVED TREE LIST.
7. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
8. FIRE APPARATUS ACCESS ALONG CHURCH STREET AND FIRST STREET ONLY. ACCESS INTO PARKING NOT INTENDED FOR EMERGENCY ACCESS.
9. MAIL DELIVERY TO BE PROVIDED BY USPS AT DESIGNATED MAILBOX CBU SHOWN ON PLANS.
10. GARBAGE PICK-UP VIA INDIVIDUAL UNIT ROLL-OUT CANS PICKED UP WITH STANDARDS STREET SERVICE.
11. WATER AND SEWER TO BE PROVIDED TO EACH UNIT VIA PUBLIC SYSTEM TAPS. ALL TAPS AND CONNECTION TO BE IN ACCORDANCE WITH CHARLOTTE WATER STANDARDS.
12. FOR LOTS 60 FEET WIDE OR LESS, DRIVEWAYS SHALL BE NO MORE THAN 14 FEET WIDE AS MEASURED ALONG THE PUBLIC STREET RIGHT-OF-WAY FOR A DETACHED HOUSE AND TWO-UNIT ATTACHED HOUSE TYPE. FOR LOTS WIDER THAN 60 FEET, DRIVEWAYS SHALL BE NO MORE THAN 20 FEET WIDE AS MEASURED ALONG THE PUBLIC STREET RIGHT-OF-WAY FOR A DETACHED HOUSE AND TWO-UNIT ATTACHED HOUSE TYPE. FOR THREE OR MORE UNIT ATTACHED HOUSE TYPES, DRIVEWAY WIDTH SHALL NOT OCCUPY MORE THAN 50% OF THE PUBLIC STREET FRONT OF A LOT AS MEASURED ALONG THE PUBLIC STREET RIGHT-OF-WAY.
13. DRIVEWAYS SHALL EXTEND AT LEAST TWENTY (20) FEET FROM A PUBLIC RIGHT-OF-WAY AND PUBLIC SIDEWALK EASEMENT TO PREVENT ON-SITE RESIDENTIAL PARKING FROM ENCROACHING INTO THE PUBLIC RIGHT-OF-WAY OR EASEMENT FOR A PUBLIC SIDEWALK.

PENINSULA CIVIL DESIGN
Civil Engineering | Land Planning
106 Stowe Road
Belmont, NC 28012
(917) 842-2233

BETTER PATH

Better Path Homes, LLC
10935 Winds Crossing Drive, Suite 300
Charlotte, NC 28273



VICINITY MAP

BOUNDARY, TOPOGRAPHIC AND UNDERGROUND UTILITY SURVEY DATED NOVEMBER, 18 2024 PROVIDED BY TIDEMARK LAND SERVICES, INC., 3556 CENTRE CIRCLE, SUITE A, FORT MILL, SC, 844-865-5263. NC FIRM C-4291.

PCD PROJECT NUMBER:
2449

NOT FOR CONSTRUCTION

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1" = 20'
0 10' 20' 40'
SCALE

N

First and Church Townhomes

101 First Street
Huntersville, NC 28078

ISSUE DATE:
February 27, 2025

REVISIONS:

CONDITIONAL REZONING PLAN - SITE & LANDSCAPE

RZ02



Peninsula Civil Design

Town Engineering Rezoning Comment Summary
R25-02 First & Church Townhomes Rezoning
101 First Street
Huntersville, NC 28078

General Project Information

This proposed rezoning is located at the northeast corner of the First Street & N Church Street intersection. This rezoning plans for fourteen (14) townhomes with associated parking lot, urban open space, and BMP stormwater facility. One (1) driveway access along First Street is proposed.

Engineering Staff Comments

Traffic Impact Analysis (TIA):

1) A TIA was not required as part of this proposed rezoning due to not meeting trip generation thresholds.

Site Plan Comments:

1) Frontage improvements along Church Street are not consistent with the Town of Huntersville Mobility Plan "Minor Thoroughfare – Railroad Constraint" cross section guidelines. Changes to the rezoning plan would be needed to align with the Mobility Plan.

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

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (150) or more peak hour vehicle trips or 1,500 or more daily trips.

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

Applicant: Better Path Homes, LLC

Project Name: Church and First Residential

Project Address: 101 1st Street, Huntersville, NC 28078

Project Description (including square footage for each proposed land use):
Proposed single family attached homes project consisting of approximatly 21,300 sf of total heated square footage. Proposed surface parking, stormwater control measure, and urban open space provided on site.

Applicant

Printed Name Better Path Homes, LLC (Nick Petrie) Phone 631-252-4887

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

Signature _____

Title Project Manager Email nick.petrie@choosebetterpath.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted _____

Daily Trips Anticipated _____

Peak Hour Trips Anticipated AM_____ PM_____

TIA Required (Yes/No) _____

Date of Determination: _____

Comments:

Request for Board Action

June 24, 2025

To: Board Members

From: Patrick Patterson, Planner II

Date: June 24, 2025

Subject: #R25-05: MHH Logistics

EXPLAIN REQUEST:
Consider a recommendation on Petition #R25-05 MHH Logistics, a request by Skye Partners, LLC to rezone +/- 8.63 acres located at 11855 Mt Holly-Huntersville Rd PIN# (01720305) from Corporate Business to Corporate Business - Conditional District for an Industrial Flex Warehouse with associated office.

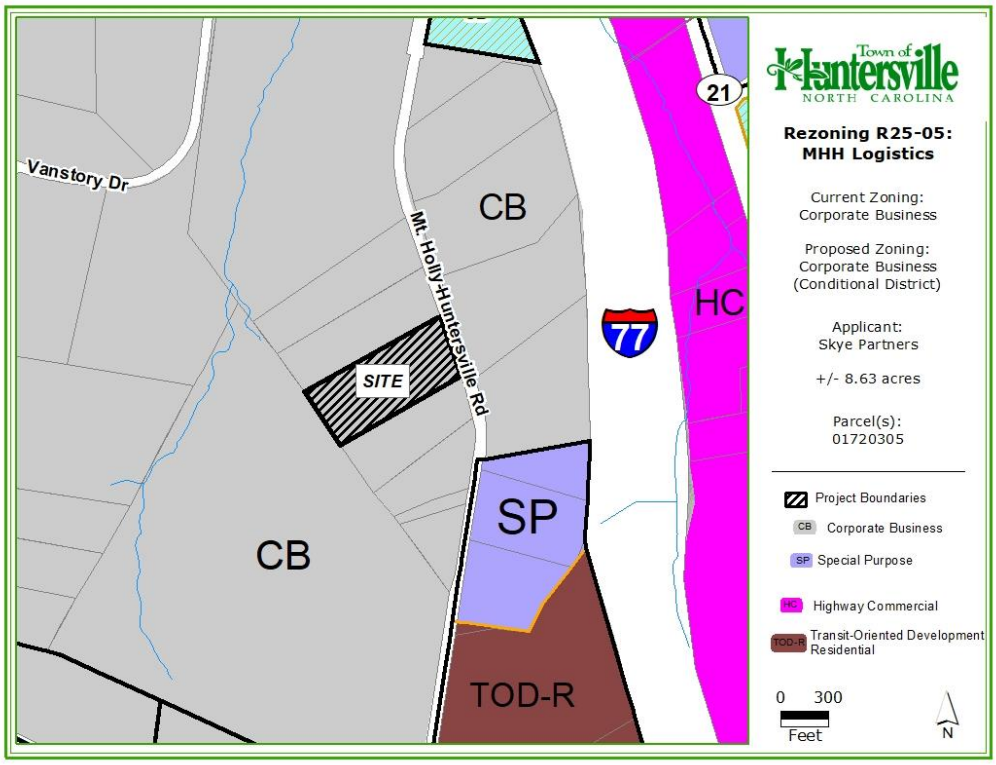
ACTION RECOMMENDED:
Consider a recommendation

FINANCIAL IMPLICATIONS:
N/A

ATTACHMENTS:
1. R25-05 Planning Board Staff Report
2. R25-05 General Application
3. R25-05 Rezoning Plans
4. R25-05 MHH Logistics Rezoning Engineering Comment Summary
5. R25-05 Community Meeting Package
6. R25-05 TIA Determination

Petition R25-05
MHH Logistics

PART 1: PROJECT SUMMARY



Applicant: Skye Partners

Property Owner: Lydia Mercer

Property Address: 11855 Mt Holly Huntersville Rd

Project Size: (+/-) 8.63 acres

Parcel Numbers: 01720305

Current Zoning: Corporate Business (CB)

Current Land Use: Residential

Proposed Zoning: Corporate Business Conditional District (CB-CD)

Proposed Land Use:
Flex warehouse, distribution, industrial, associated office.

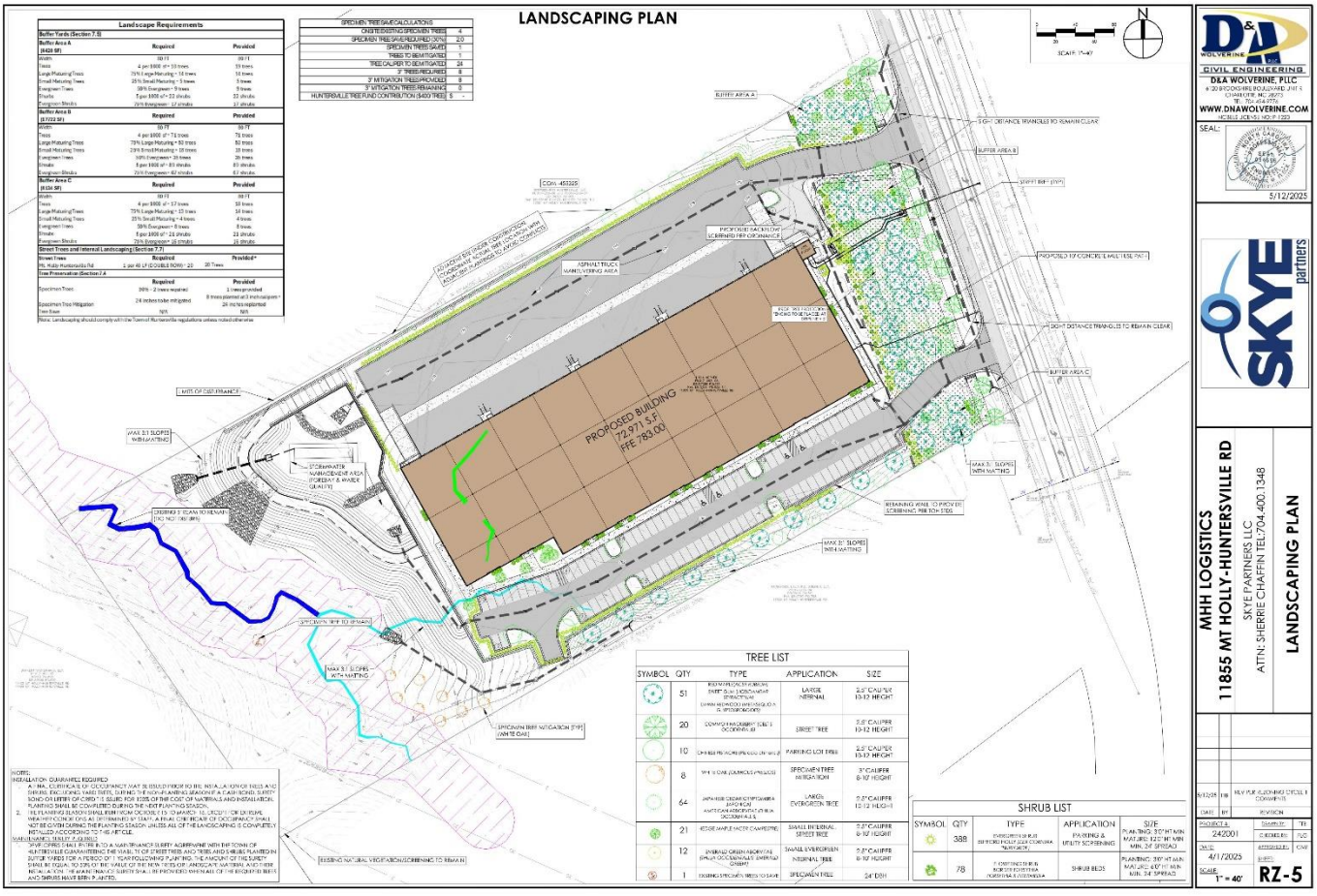
1. Purpose: Petition #R25-05, a request by Skye Partners to rezone +/- 8.63 acres located at 11855 Mt Holly Huntersville Rd from Corporate Business to Corporate Business Conditional District (parcel ID 01720305). The purpose of the rezoning is to develop an industrial and flex space warehouse development, with associated office.
2. Adjoining Zoning and Land Uses.
   North: Corporate Business (CB) zoning, Mt. Holly-Huntersville Industrial Distribution Facility, DMV Office
   South: Corporate Business (CB) zoning, vacant land zoned CB
   East: Corporate Business (CB) zoning, IDI Logistics Manufacturing
   West: Corporate Business (CB) zoning, Flex warehouse, Burkert USA Corp.
3. A neighborhood meeting was held on Monday April 28th, 2025. The invitation list, invitation, attendance list, and summary of the meeting are included in the agenda packet for review. No adjacent property owners attended the meeting.
4. Planning staff certifies that notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad was placed in the Charlotte Observer; and posting of a rezoning sign along Mt Holly Huntersville Rd in front of the property.

PART 2: REZONING/SITE PLAN

Site Plan Description

- The applicants are proposing to develop a 72,971 sqft industrial flex building, with associated office on an existing lot. No subdivision proposed.
- The maximum total building size for the development is proposed to be capped at 72,971 sqft.
- The property is currently zoned Corporate Business (CB), and the use proposed is already an allowed use in the CB district. However, as part of the development, the applicants are requesting to remove a portion of the intermittent stream on the property and encroach on a Surface Water Improvement and Management (SWIM) buffer. This is permitted under Article 8.25.10 with the approval of a conditional district rezoning and mitigation. A modification to the required undisturbed buffer along the street frontage to allow for a replanted buffer compliant with the ordinance standards per Article 7.5.3 is also being requested. Therefore, the applicants have submitted this conditional rezoning application to allow the stream buffer encroachment, buffer yard disturbance, and to also request modifications of the ordinance per Article 11.4.7 k.

Rezoning Plan:



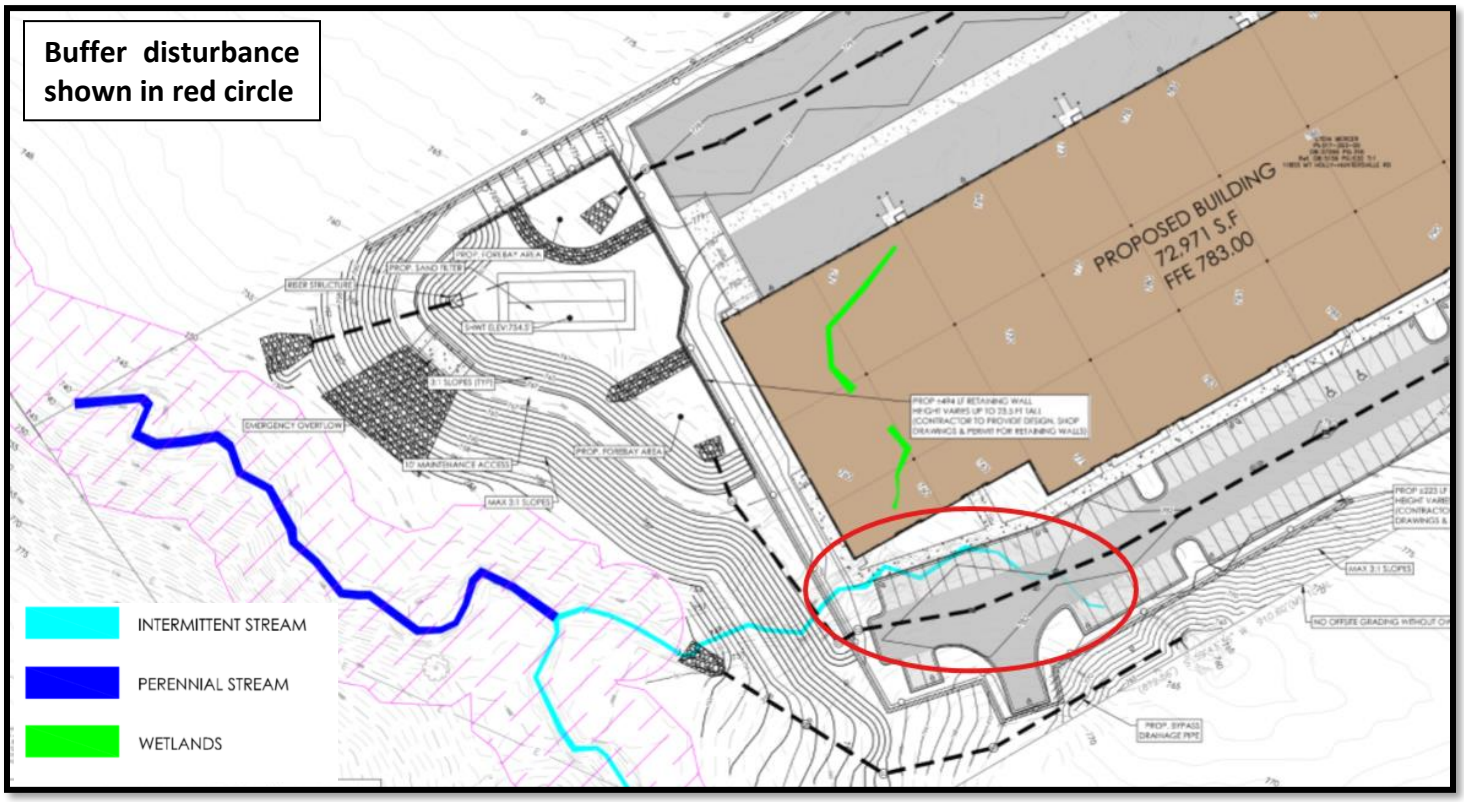
Rezoning Issues:

- Modifications:
  - Buffers: Article 7.5.8 of the Zoning Ordinance requires that buffers be undisturbed except for the installation of utility easements, driveways, or street crossings. Both may cross perpendicular to the buffer. The applicants are requesting to be allowed to grade into the required buffer and replant the required buffer as shown on the plan. The buffer has not been reduced in size and will meet Huntersville Zoning Ordinance standards.



    - Staff Comment: Staff supports the proposed modifications and the buffers being replanted as the site has sparse existing vegetation for the required buffer and a grade/slope at the front. See image to left for proposed replanted buffer.
    - Replanted buffer will meet the requirements found in Article 7.5.3 of the Zoning Ordinance.

  - SWIM Buffer: Article 8.25.6 of the Zoning Ordinance prohibits grading and building in SWIM buffers (stream buffers). Per Article 8.25.10 of the Zoning Ordinance, the applicants are requesting approval of a conditional district rezoning for encroachment into the SWIM buffer for small streams that drain less than 50 acres in the CB zoning district. Please see the stream impacted in the image on the next page. To encroach, stream mitigation is required in addition to the approval of the conditional rezoning. The applicants are proposing to meet the minimums of the ordinance by providing Article 8.25.11 #8 mitigation: purchasing mitigation credits through the Mecklenburg County Stream Restoration Program.
  - Staff Comment (UPDATED 6/24/25): Per Article 3.1.2.1 of the Zoning Ordinance and Policy 8.2 of the Huntersville 2040 Plan, staff recommends the applicant go above and beyond the minimums of the ordinance and look for practical ways to mitigate the encroachment of the stream. The applicant has since paid for the mitigation credits, with the application approved by Mecklenburg County, fulfilling the ordinance requirement. The applicant is also replanting a portion of the buffer in the rear per Charlotte-Mecklenburg Water Quality Buffer standards. Town staff are currently working with Mecklenburg County staff to identify a project within the Town of Huntersville the credits can be applied to.



PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

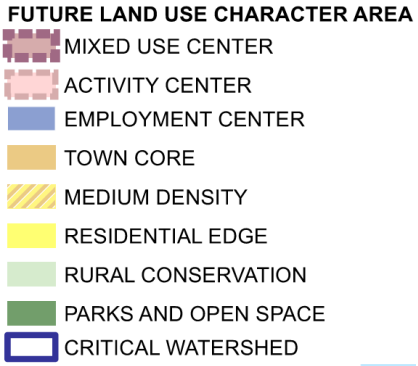
- See engineering memo attached.

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 – "Employment Center"







Employment Center

Employment centers contain a mix of uses including office, industrial, and institutional. Modern employment campuses and cutting -edge employers are now incorporating some retail and residential to create a live, work, and play environment. These areas offer workspace where innovation can grow while meeting employee lifestyle needs.

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

- **Policy LU 1.1**: Utilize the Future Land Use Map during development approval process to ensure compatibility with long range plans.
    - STAFF COMMENT: The property proposed is in the Employment Center Character Area of the Huntersville 2040 plan as shown above. The flex commercial, distribution, warehouse uses proposed are appropriate in this character area.
- **Policy LU 5**: Focus on more intense development in locations that can support growth
    - STAFF COMMENT: The proposed development is consistent with surrounding development and is located on an existing major thoroughfare, with close proximity to I-77.
- **Policy EOS 1.1:** Enhance open space design criteria by prioritizing the following…water quality protection.
    - STAFF COMMENT (UPDATED 6/24/25): Per Policy 8.2 of the Huntersville 2040 Plan, staff recommends the applicant go above and beyond the minimums of the ordinance and look for practical ways to mitigate the encroachment of the stream. The applicant has since paid for the mitigation credits, with the application approved by Mecklenburg County, fulfilling the ordinance requirement. The applicant is also replanting a portion of the buffer in the rear per Charlotte-Mecklenburg Water Quality Buffer standards. Town staff are currently working with Mecklenburg County staff to identify a project within the Town of Huntersville the credits can be applied to.

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:
   Mt. Holly Huntersville is an established warehouse/distribution area, and many similar uses currently exist in surrounding developments. The property in question is already zoned Corporate Business (CB), which allows the uses proposed. The rezoning would only modify design and buffer requirements of the ordinance and would not introduce different uses. Therefore, the character of the existing development will not substantially change by the rezoning. Some buffer modifications are proposed, but only regarding the disturbance of existing vegetation, not the width and planting requirements. Therefore, the appropriate separation of uses and screening will be maintained.

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, stormwater drainage systems, water supplies, and wastewater and refuse disposal.**
   STAFF COMMENT:
   - A Transportation Impact Analysis (TIA) is not required, and engineering staff has determined no improvements are needed.
   - Staff has no other indication that the proposed use will adversely affect the adequacy of public facilities.

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, or cultural resources.

PART 5: STAFF RECOMMENDATION

The substance of the application is a Corporate Business (CB) use being developed on an existing Corporate Business (CB) parcel, but one that needs site flexibility to make the plan work. Staff recommends approval of the rezoning with all modifications with the following conditions.

1. Minor comments on the rezoning plan are addressed.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing was held on June 3, 2025. No one from the public spoke for or against the application. After staff the applicant presented, and questions from the Town Board, the public hearing was closed. The livestream of the meeting can be found with the link below;

https://www.youtube.com/watch?v=5xAJwB_uHwE

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for June 24, 2025

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for July 15, 2025

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- Rezoning Application
- R25-05 Rezoning Plan
- Neighborhood Meeting Report
- Engineering Report
- TIA Determination

PART 10: CONSISTENCY STATEMENT – R25-05 MHH Logistics

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning application R25-05 MHH Logistics, staff recommends approval of the application. The plan would be consistent with Policies LU 1.1 and LU 5. It is reasonable and in the public interest to approve the Rezoning Plan because the rezoning does not change the proposed uses of the existing zoning district, provides recommended flexibility to Employment Centers, and mitigates the encroachment of the stream by improving water quality for Huntersville.	APPROVAL: In considering the proposed rezoning application R25-05 MHH Logistics, the Planning Board recommends approval based on the Plan being consistent with **(insert applicable plan reference)**. **It is reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**	APPROVAL: In considering the proposed rezoning application R25-05 MHH Logistics, the Town Board recommends approval based on the Plan being consistent with **(insert applicable plan reference)**. **It is reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**
DENIAL: N/A	DENIAL: In considering the proposed rezoning application R25-05 MHH Logistics, the Planning Board recommends denial based on the Plan being **(consistent OR inconsistent) with (insert applicable plan reference).** **It is not reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**	DENIAL: In considering the proposed rezoning application R25-05 MHH Logistics, the Town Board recommends denial based on the Plan being **(consistent OR inconsistent) with (insert applicable plan reference).** **It is not reasonable and in the public interest to approve the Rezoning Plan because… (Explain)**

Docusign Envelope ID: 344A412B-BCEE-45F1-AD82-B8498E6B544E

Town of Huntersville NORTH CAROLINA

General Application

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

1. Application Type

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

- ☐ Change of Use
- ☐ Commercial Site Plan
- ■ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to Original Project # _____
- ☐ Other _____

SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance

- ☐ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat (Includes Minor Subdivision)
- ☐ Exempt Subdivision
- ☐ Final Plat Revision
- ☐ Farmhouse Cluster

2. Project Data

Date of Application 3/31/25

Name of Project MHH Logistics Phase # (if subdivision) _____

Project Address 11855 Mt Holly Huntersville Rd.

Parcel Identification Number(s) (PIN) 017-20-305

Current Zoning District CB Proposed District (for rezoning only) CB-CD

Property Size (acres) 8.63 ac Street Frontage (feet) 366'

Current Land Use Industrial

Proposed Land Use(s) Industrial

Is the project within Huntersville's corporate limits?
Yes x 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.

To approve a conditional rezoning so as to allow for a modification to an intermittent stream buffer per Section 8.25.10 of the planning Ordinance

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.

Docusign Envelope ID: 344A412B-BCEE-45F1-AD82-B8498E6B544E

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 Skye Partners Phone 704-400-1348

☐ 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 Partner Email sherrie@skyepartnersllc.com

Address of Applicant 19000 Davidson Concord Rd.

7. Property Owner (if different than applicant)

*Printed Name Lydia Mercer Phone 704-223-3024

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ■ Other: Individual

☐ 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 Signed by: Lydia Mercer 43EE069EEC204E9...

Title land owner Email mercerlydia15@gmail.com

Address of Property Owner 277 Winthrow Creek Rd. Mooresville NC 28115

* 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

Skye Partners	Sherrie Chaffin	704-400-1348	sherrie@skyepartnersllc.com704-494-977
Development Firm	Name of Contact	Phone	Email
D&A Wolverine	Chris Fleck	704-494-9776	chris@dnawolverine.com
Design Firm	Name of Contact	Phone	Email

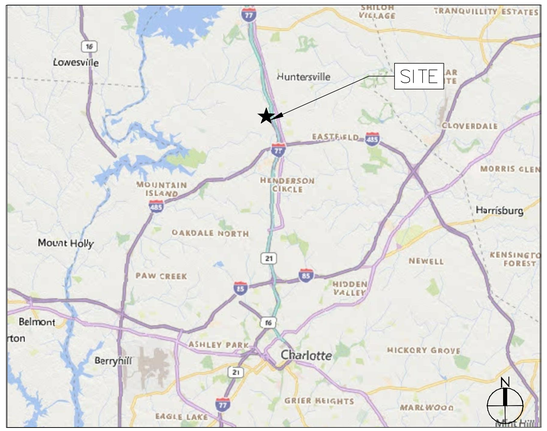
Contact Information

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

MHH LOGISTICS

11855 MT. HOLLY - HUNTERSVILLE RD.
TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
COMMERCIAL REZONING SUBMITTAL # CSP-500074



VICINITY MAP
NOT TO SCALE

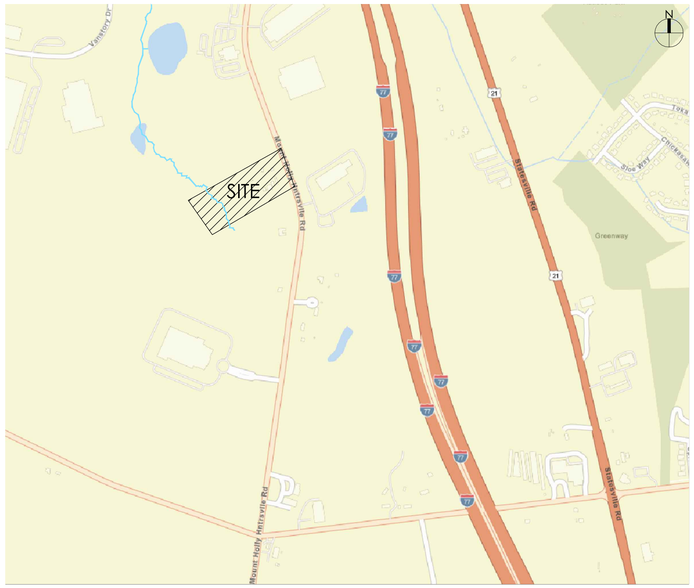
SHEET INDEX

SHEET NO.	SHEET NAME
RZ-1	COVER SHEET
RZ-2	EXISTING CONDITIONS
RZ-2.1	BUFFER DISTURBANCE PLAN
RZ-2.2	EXISTING SURVEY
RZ-3	SITE PLAN
RZ-4	GRADING PLAN
RZ-5	LANDSCAPING PLAN
RZ-6	REZONING NOTES

APPROVALS BLOCK

ACCELA REFERENCE NUMBER:

COMMERCIAL SITE PLAN # COM-500106
(REVIEW IN PROGRESS)



OVERALL SITE MAP
NOT TO SCALE

NOTES:

1. THESE PLANS SHALL BE CONSIDERED PRELIMINARY IN NATURE UNTIL ALL REQUIRED TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY AND OTHER AGENCY REVIEWS AND APPROVALS ARE COMPLETED. PRELIMINARY PLANS ARE SUBJECT TO SUBSTANTIAL REVISION. ONLY A FINAL FULLY APPROVED PLAN SET INCLUDING PLANS, CALCULATIONS, SPECIFICATIONS AND SUPPORTING DOCUMENTS THAT HAS BEEN ISSUED BY THE ENGINEER SHALL BE USED FOR CONSTRUCTION.
2. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE STANDARDS.
4. ALL MONUMENT SIGNAGE WILL BE PERMITTED SEPARATELY AND APPROVED BY THE TOWN OF HUNTERSVILLE.
5. STORMWATER MANAGEMENT SHALL COMPLY WITH TOWN OF HUNTERSVILLE REGULATIONS.
6. SOIL EROSION CONTROL SHALL COMPLY WITH TOWN OF HUNTERSVILLE REGULATIONS.
7. LANDSCAPING SHALL COMPLY WITH TOWN OF HUNTERSVILLE REGULATIONS.
8. LIGHTING SHALL BE BUILDING MOUNTED AND COMPLY WITH TOWN OF HUNTERSVILLE REGULATIONS.
9. PROPOSED WATER AND SEWER SHALL BE PER CHARLOTTE WATER STANDARDS AS APPLICABLE.
10. RETAINING WALLS SHALL BE DESIGNED BY OTHERS AND PERMITTED BY OTHERS.
11. USACE/NCDEQ PERMITS IN PROGRESS SIMULTANEOUSLY AND APPROVALS SHALL BE PROVIDED TO THE TOWN OF HUNTERSVILLE PRIOR TO THE ISSUANCE OF A GRADING PERMIT.
12. BUILDING DESIGN AND BUILDING PERMIT BY THE PROJECT ARCHITECT AND PROCESSED SEPARATELY.

REQUIRED NCDOT IMPROVEMENTS:

1. NCDOT REVIEWS ARE IN PROGRESS AND ARE PERMITTED SEPARATELY VIA THE NCDOT PORTAL.
2. RIGHT TURN LANE CONNECTION INTO NORTH DRIVEWAY
3. RIGHT TURN LANE EXTENSION FROM NORTH DRIVEWAY TO SOUTH DRIVEWAY
4. ONE TEMPORARY DRIVEWAY ACCESS PERMIT MAY BE GRANTED BY NCDOT TO BEGIN SITE CONSTRUCTION WHILE ROAD IMPROVEMENT PLANS ARE BEING PROCESSED.
5. ALL REQUIRED NCDOT ROAD IMPROVEMENTS SHALL BE CONSTRUCTED PRIOR TO BUILDING CERTIFICATE OF OCCUPANCY.

GOVERNING AGENCIES CONTACT LIST:

PLANNING DEPARTMENT
TOWN OF HUNTERSVILLE
PLANNER II: PATRICK PATTERSON
105 GILEAD RD
HUNTERSVILLE, NC 28070
(704) 766-2262

ENGINEERING
TOWN OF HUNTERSVILLE
DIRECTOR OF ENGINEERING: SAMUEL ARNOLD PE
105 GILEAD RD
HUNTERSVILLE, NC 28070
(704) 766-2229

ZONING DEPARTMENT
TOWN OF HUNTERSVILLE
DEVELOPMENT CODE OFFICER: AU'DARIUS BLACKWOOD
105 GILEAD RD
HUNTERSVILLE, NC 28070
(704) 766-2251

PUBLIC WORKS
TOWN OF HUNTERSVILLE
PUBLIC WORKS DIRECTOR: KEVIN FOX P.E.
105 GILEAD RD
HUNTERSVILLE, NC 28070
(704) 766-2018

EROSION CONTROL INSPECTOR
TOWN OF HUNTERSVILLE
ANNE LOFTIN
105 GILEAD RD
HUNTERSVILLE, NC 28070
(704) 766-2256

FIRE MARSHAL
MECKLENBURG COUNTY FIRE MARSHAL
2145 SUITLE AVENUE
CHARLOTTE, NC 28208
CONTACT: RANDY FRAZIER
(980) 314-3074

DEPARTMENT OF TRANSPORTATION
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
ASSISTANT DISTRICT ENGINEER
DIVISION 10: JACOB MOYER
7605 DISTRICT DRIVE
CHARLOTTE NC 28213
(704) 523-0000

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

OWNER:
LYDIA MERCER
277 WINTHROW CREEK RD
MOORESVILLE, NC 28115
PHONE: 704.223.3024

APPLICANT:
SKYE PARTNERS LLC
19000 DAVIDSON CONCORD RD
DAVIDSON, NC 28036
CONTACT: SHERRIE CHAFFIN
PHONE: 704.400.1348
EMAIL: SHERRIE@SKYEPARTNERSLLC.COM

ARCHITECT: (LICENSE #8597)
WGM DESIGN
2907 PROVIDENCE RD. SUITE 304
CHARLOTTE, NC 28211
CONTACT: MATT SPIVA
PHONE: 704.248.3255
EMAIL: matts@wgmdesign.com
www.wgmdesign.com

CIVIL ENGINEER: (NCBELS #P-1223)
D&A WOLVERINE PLLC
6120 BROOKSHIRE BLVD. UNIT R
CHARLOTTE, NC 28216
CONTACT: CHRISTOPHER FLECK, PE
PHONE: 704.494.9776
EMAIL: chris@dnawolverine.com
www.dnawolverine.com

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 044658 CHRISTOPHER M. FLECK
5/12/25

5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS
DATE	BY	REVISION

PROJECT #:	DATE:	SHEET:
242001	4/1/2025	C1

EXISTING CONDITIONS & REMOVAL PLAN

SCALE: 1"=50'

FUTURE R/W

EXIST. R/W

ALL EXIST. STRUCTURES AND UTILITIES TO BE REMOVED AS PART OF CONSTRUCTION

EXIST. 30' POST CONSTRUCTION BUFFER PER 8.25 SWIM ORDINANCE. STREAM DRAINING LESS THAN 50 AC

EXIST. PERENNIAL STREAM

EXIST. TOP OF BANK PER FIELD SURVEY

EXIST. TOP OF BANK PER FIELD SURVEY

EXIST. INTERMITTENT STREAM

EXIST. WETLAND

EXIST. POWER TRANSMISSION TOWER

EXIST. POWER LINES

EXIST. TOP OF BANK PER FIELD SURVEY

EXIST. TOP OF BANK PER FIELD SURVEY

NOTE: NO SWIM BUFFERS OR WATER QUALITY BUFFERS EXIST ON SUBJECT PROPERTY

SITE LEGEND:

- 30' POST CONSTRUCTION BUFFER
- INTERMITTENT STREAM
- PERENNIAL STREAM
- WETLANDS

TREE LEGEND

- SPECIMEN TREE TO BE REMOVED
- SPECIMEN TREE TO REMAIN

NOTE: ONLY SPECIMEN AND HERITAGE TREES SHOWN. ADDITIONAL TREES NOT REQUIRED TO BE SHOWN PER BRIAN RICHARDS AND BRAD PRIEST AT INITIAL PRE MEETING ON 04/23/2024.

NOTE: DELINEATION PERFORMED BY ATLAS ENVIRONMENTAL DATED 03/05/2025.

D&A WOLVERINE, PLLC
CIVIL ENGINEERING
D&A WOLVERINE, PLLC
6120 BROOKSHIRE BOULEVARD UNIT R
CHARLOTTE, NC 28273
TEL: 704.494.9776
WWW.DNAWOLVERINE.COM
NCBELS LICENSE NO: P-1223

SEAL:

NORTH CAROLINA PROFESSIONAL SEAL 034556 ENGINEER CHRISTOPHER M. FLECK

5/12/2025

SKYE partners

MHH LOGISTICS
11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC
ATTN: SHERRIE CHAFFIN TEL:704.400.1348

EXISTING CONDITIONS & REMOVAL

DATE	BY	REVISION
5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS

PROJECT #: 242001	DRAWN BY:	TTB
	CHECKED BY:	FLG
DATE: 4/1/2025	APPROVED BY:	CMF
SCALE: 1"=50'	SHEET:	RZ-2

BUFFER DISTURBANCE PLAN

SCALE: 1"=50'

FUTURE R/W

EXIST. R/W

ALL EXIST. STRUCTURES AND UTILITIES TO BE REMOVED AS PART OF CONSTRUCTION

EXIST. 30' POST CONSTRUCTION BUFFER PER 8.25 SWIM ORDINANCE. STREAM DRAINING LESS THAN 50 AC

EXIST. WETLAND

EXIST. PERENNIAL STREAM

EXIST. INTERMITTENT STREAM

BUFFER RESTORED WITH LEVEL 2 PLANTING PLAN

EXIST. POWER TRANSMISSION TOWER

EXIST. POWER LINES

SITE LEGEND:

- BUFFER NOT TO BE DISTURBED
- BUFFER TO BE DISTURBED
- BUFFER TO BE RESTORED
- INTERMITTENT STREAM
- PERENNIAL STREAM
- WETLANDS

BUFFER IMPACT TABLE

BUFFER TO BE DISTURBED:	17,307	SF
BUFFER NOT TO BE DISTURBED:	31,495	SF
BUFFER TO BE RESTORED:	1,444	SF

TREE LEGEND

- SPECIMEN TREE TO BE REMOVED
- SPECIMEN TREE TO REMAIN

NOTE: ONLY SPECIMEN AND HERITAGE TREES SHOWN. ADDITIONAL TREES NOT REQUIRED TO BE SHOWN PER BRIAN RICHARDS AND BRAD PRIEST AT INITIAL PRE MEETING ON 04/23/2024.

NOTE: DELINEATION PERFORMED BY ATLAS ENVIRONMENTAL DATED 03/05/2025.

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SEAL:

NORTH CAROLINA PROFESSIONAL SEAL 034556 ENGINEER CHRISTOPHER M. FLECK

5/12/2025

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11855 MT HOLLY-HUNTERSVILLE RD

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BUFFER DISTURBANCE PLAN

DATE	BY	REVISION
5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS

PROJECT #:	242001	DRAWN BY:	TTB
		CHECKED BY:	FLG
DATE:	4/1/2025	APPROVED BY:	CMF
SCALE:	1"=50'	SHEET:	RZ-2.1

EXISTING SURVEY

TOPOGRAPHIC and BOUNDARY SURVEY
for
MHH LOGISTICS, LLC

LEGEND

- PL — PROPERTY LINE
- R/W — RIGHT OF WAY
- F R/W — FUTURE RIGHT OF WAY
- A/W — ADJOINER RIGHT OF WAY
- ADJOINER PROPERTY LINE
- ROAD CENTERLINE
- EDGE OF PAVEMENT
- SSE — SANITARY SEWER EASEMENT
- SS — SANITARY SEWER LINE
- X — EXISTING FENCES
- E — DUKE ENERGY R/W
- OE — OVERHEAD ELECTRIC
- FO — UNDERGROUND FIBER OPTIC LINE
- W — UNDERGROUND WATER LINE
- BUILDINGS FOOT PRINT
- STORM PIPES
- STORM CBI
- TRANSMISSION TOWER
- POWER POLE
- LIGHT POLE
- GUY CABLE
- SANITARY SEWER MANHOLE
- SIGN
- FIRE HYDRANT
- WATER VALVE
- TELECOMMUNICATION VAULT
- NGS MONUMENT FOUND
- PCF@ — PROPERTY CORNER FOUND

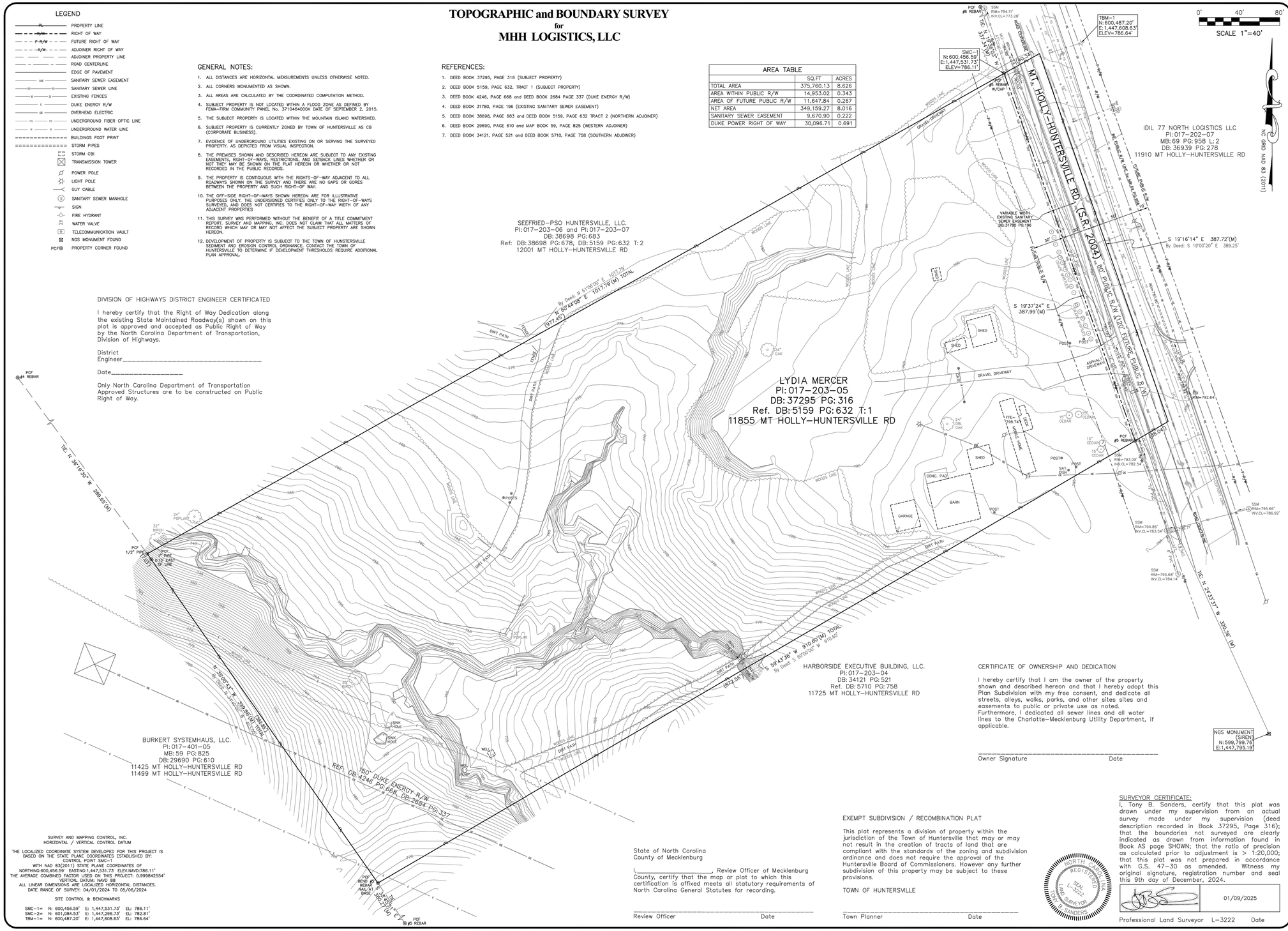
GENERAL NOTES:

1. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. ALL AREAS ARE CALCULATED BY THE COORDINATED COMPUTATION METHOD.
4. SUBJECT PROPERTY IS NOT LOCATED WITHIN A FLOOD ZONE AS DEFINED BY FEMA-FIRM COMMUNITY PANEL No. 3710464200K DATE OF SEPTEMBER 2, 2015.
5. THE SUBJECT PROPERTY IS LOCATED WITHIN THE MOUNTAIN ISLAND WATERSHED.
6. SUBJECT PROPERTY IS CURRENTLY ZONED BY TOWN OF HUNTERSVILLE AS CB (CORPORATE BUSINESS).
7. EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY, AS DEPICTED FROM VISUAL INSPECTION.
8. THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EXISTING EASEMENTS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY MAY BE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS.
9. THE PROPERTY IS CONTIGUOUS WITH THE RIGHTS-OF-WAY ADJACENT TO ALL ROADWAYS SHOWN ON THE SURVEY AND THERE ARE NO GAPS OR GORES BETWEEN THE PROPERTY AND SUCH RIGHT-OF WAY.
10. THE OFF-SIDE RIGHT-OF-WAYS SHOWN HEREON ARE FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFIES TO THE RIGHT-OF-WAY WIDTH OF ANY ADJACENT PROPERTIES
11. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. SURVEY AND MAPPING, INC. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
12. DEVELOPMENT OF PROPERTY IS SUBJECT TO THE TOWN OF HUNSTERSVILLE SEDIMENT AND EROSION CONTROL ORDINANCE. CONTACT THE TOWN OF HUNTERSVILLE TO DETERMINE IF DEVELOPMENT THRESHOLDS REQUIRE ADDITIONAL PLAN APPROVAL.

REFERENCES:

1. DEED BOOK 37295, PAGE 316 (SUBJECT PROPERTY)
2. DEED BOOK 5159, PAGE 632, TRACT 1 (SUBJECT PROPERTY)
3. DEED BOOK 4246, PAGE 668 and DEED BOOK 2684 PAGE 337 (DUKE ENERGY R/W)
4. DEED BOOK 31780, PAGE 196 (EXISTING SANITARY SEWER EASEMENT)
5. DEED BOOK 38698, PAGE 683 and DEED BOOK 5159, PAGE 632 TRACT 2 (NORTHERN ADJOINER)
6. DEED BOOK 29690, PAGE 610 and MAP BOOK 59, PAGE 825 (WESTERN ADJOINER)
7. DEED BOOK 34121, PAGE 521 and DEED BOOK 5710, PAGE 758 (SOUTHERN ADJOINER)

AREA TABLE	SQ.FT	ACRES
TOTAL AREA	375,760.13	8.626
AREA WITHIN PUBLIC R/W	14,953.02	0.343
AREA OF FUTURE PUBLIC R/W	11,647.84	0.267
NET AREA	349,159.27	8.016
SANITARY SEWER EASEMENT	9,670.90	0.222
DUKE POWER RIGHT OF WAY	30,096.71	0.691



SURVEY AND MAPPING CONTROL, INC.
HORIZONTAL / VERTICAL CONTROL DATUM

THE LOCALIZED COORDINATE SYSTEM DEVELOPED FOR THIS PROJECT IS BASED ON THE STATE PLANE COORDINATES ESTABLISHED BY:
CONTROL POINT SMC-1
WITH NAD 83(2011) STATE PLANE COORDINATES OF
NORTHING:600,456.59' EASTING:1,447,531.73' ELEV:NAVD:786.11'
THE AVERAGE COMBINED FACTOR USED ON THIS PROJECT: 0.999842554'
VERTICAL DATUM: NAVD 88
ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL DISTANCES.
DATE RANGE OF SURVEY: 04/01/2024 TO 05/06/2024

SITE CONTROL & BENCHMARKS

SMC-1= N: 600,456.59' E: 1,447,531.73' EL: 786.11'
SMC-2= N: 601,084.53' E: 1,447,296.73' EL: 782.81'
TBM-1= N: 600,487.20' E: 1,447,608.63' EL: 786.64'

DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATED

I hereby certify that the Right of Way Dedication along the existing State Maintained Roadway(s) shown on this plat is approved and accepted as Public Right of Way by the North Carolina Department of Transportation, Division of Highways.

District Engineer_____

Date_____

Only North Carolina Department of Transportation Approved Structures are to be constructed on Public Right of Way.

State of North Carolina
County of Mecklenburg

I,_____, Review Officer of Mecklenburg County, certify that the map or plat to which this certification is affixed meets all statutory requirements of North Carolina General Statutes for recording.

_____
Review Officer Date

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this Plan Subdivision with my free consent, and dedicate all streets, alleys, walks, parks, and other sites sites and easements to public or private use as noted. Furthermore, I dedicated all sewer lines and all water lines to the Charlotte-Mecklenburg Utility Department, if applicable.

_____
Owner Signature Date

EXEMPT SUBDIVISION / RECOMBINATION PLAT

This plat represents a division of property within the jurisdiction of the Town of Huntersville that may or may not result in the creation of tracts of land that are compliant with the standards of the zoning and subdivision ordinance and does not require the approval of the Huntersville Board of Commissioners. However any further subdivision of this property may be subject to these provisions.

TOWN OF HUNTERSVILLE

_____
Town Planner Date

SURVEYOR CERTIFICATE:

I, Tony B. Sanders, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 37295, Page 316); that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS page SHOWN; that the ratio of precision as calculated prior to adjustment is > 1:20,000; that this plat was not prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 9th day of December, 2024.

NORTH CAROLINA REGISTERED SEAL L-3222 LAND SURVEYOR TONY B. SANDERS

01/09/2025

Professional Land Surveyor L-3222 Date

D&A WOLVERINE, PLLC
6120 BROOKSHIRE BOULEVARD UNIT R
CHARLOTTE, NC 28273
TEL: 704.494.9776
WWW.DNAWOLVERINE.COM
NCBELS LICENSE NO: P-1223

SEAL:

NORTH CAROLINA PROFESSIONAL SEAL 034456 ENGINEER CHRISTOPHER M. FLECK

5/12/2025

SKYE partners

VICINITY MAP N.T.S.



Map Prepared By:
SURVEY & MAPPING CONTROL, INC.
CHARLOTTE, NORTH CAROLINA
Phone (704) 542-9095
NCBELS License C-1915

030324	1" = 40'	05/08/2024
JOB NO.	SCALE	DATE
D&A/030324/MHH LOGISTICS - TOPO CAD FILE PATH	T. Sanders CHECKED BY	
Freeman/Oakley SURVEYED BY		
F.Castro PREPARED BY		

TOPOGRAPHIC and BOUNDARY SURVEY
for
MHH LOGISTICS, LLC
of
PI: 017-203-05
11855 MT HOLLY-HUNTERSVILLE RD
CITY OF HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA

REVISIONS	DATE	BY	NOTE
	12.5.24	SMC	PUBLIC R/W
	12.9.24	SMC	NOTES ADDED
	1.9.25	SMC	U.UTIL.UPDATE
	5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS

SHEET	OF
1	1

MHH LOGISTICS
11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC
ATTN: SHERRIE CHAFFIN TEL:704.400.1348

EXISTING SURVEY

DATE	BY	REVISION
5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS

PROJECT #:	DRAWN BY:	TTB
242001	CHECKED BY:	FLG
DATE: 4/1/2025	APPROVED BY:	CMF
SCALE:	SHEET:	RZ-2.2

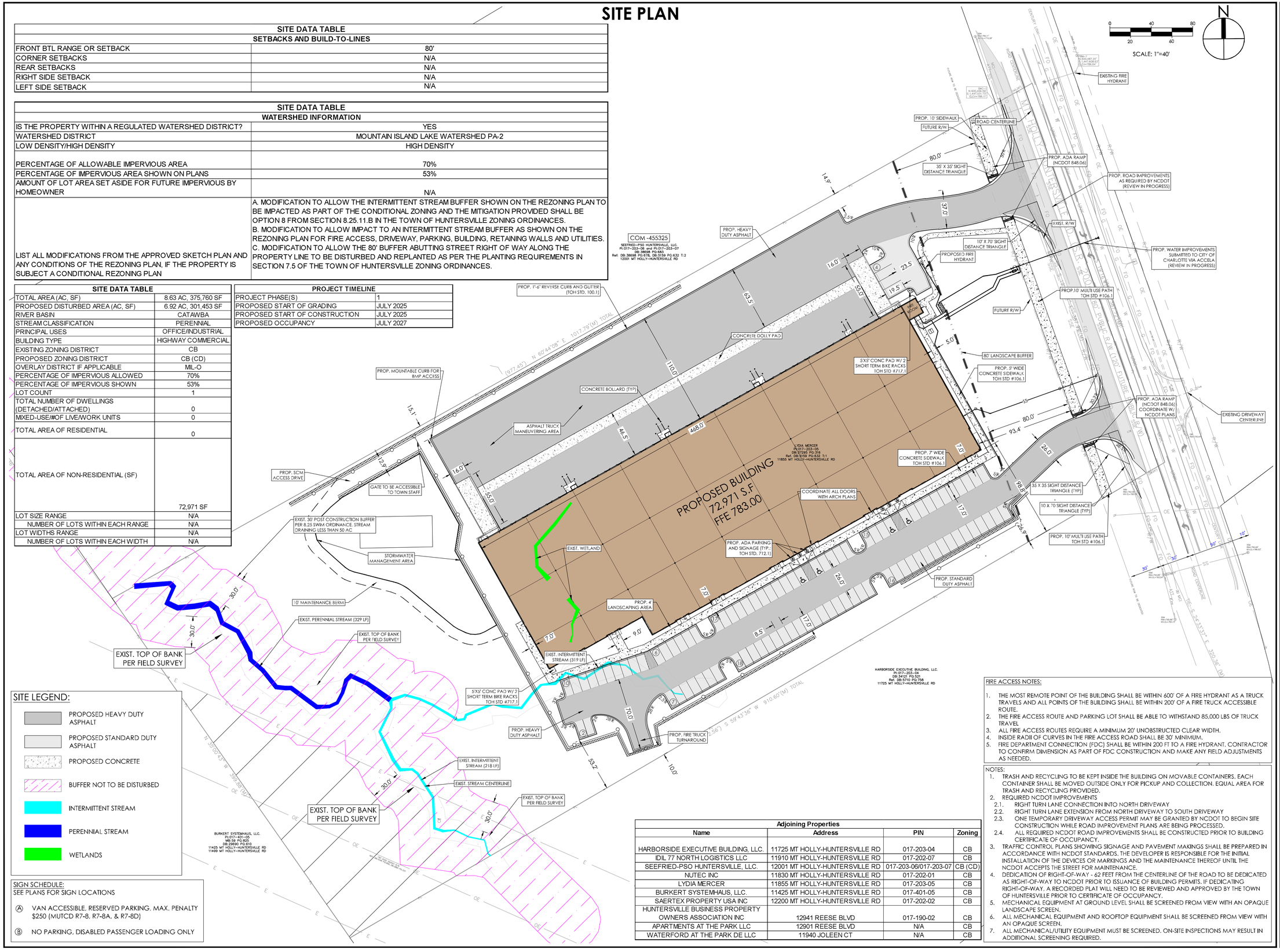
SITE PLAN

SITE DATA TABLE	
SETBACKS AND BUILD-TO-LINES	
FRONT BTL RANGE OR SETBACK	80'
CORNER SETBACKS	N/A
REAR SETBACKS	N/A
RIGHT SIDE SETBACK	N/A
LEFT SIDE SETBACK	N/A

SITE DATA TABLE	
WATERSHED INFORMATION	
IS THE PROPERTY WITHIN A REGULATED WATERSHED DISTRICT?	YES
WATERSHED DISTRICT	MOUNTAIN ISLAND LAKE WATERSHED PA-2
LOW DENSITY/HIGH DENSITY	HIGH DENSITY
PERCENTAGE OF ALLOWABLE IMPERVIOUS AREA	70%
PERCENTAGE OF IMPERVIOUS AREA SHOWN ON PLANS	53%
AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS BY HOMEOWNER	N/A
LIST ALL MODIFICATIONS FROM THE APPROVED SKETCH PLAN AND ANY CONDITIONS OF THE REZONING PLAN, IF THE PROPERTY IS SUBJECT A CONDITIONAL REZONING PLAN	A. MODIFICATION TO ALLOW THE INTERMITTENT STREAM BUFFER SHOWN ON THE REZONING PLAN TO BE IMPACTED AS PART OF THE CONDITIONAL ZONING AND THE MITIGATION PROVIDED SHALL BE OPTION 8 FROM SECTION 8.25.11.B IN THE TOWN OF HUNTERSVILLE ZONING ORDINANCES. B. MODIFICATION TO ALLOW IMPACT TO AN INTERMITTENT STREAM BUFFER AS SHOWN ON THE REZONING PLAN FOR FIRE ACCESS, DRIVEWAY, PARKING, BUILDING, RETAINING WALLS AND UTILITIES. C. MODIFICATION TO ALLOW THE 80' BUFFER ABUTTING STREET RIGHT OF WAY ALONG THE PROPERTY LINE TO BE DISTURBED AND REPLANTED AS PER THE PLANTING REQUIREMENTS IN SECTION 7.5 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCES.

SITE DATA TABLE	
TOTAL AREA (AC, SF)	8.63 AC, 375,760 SF
PROPOSED DISTURBED AREA (AC, SF)	6.92 AC, 301,453 SF
RIVER BASIN	CATAWBA
STREAM CLASSIFICATION	PERENNIAL
PRINCIPAL USES	OFFICE/INDUSTRIAL
BUILDING TYPE	HIGHWAY COMMERCIAL
EXISTING ZONING DISTRICT	CB
PROPOSED ZONING DISTRICT	CB (CD)
OVERLAY DISTRICT IF APPLICABLE	MIL-O
PERCENTAGE OF IMPERVIOUS ALLOWED	70%
PERCENTAGE OF IMPERVIOUS SHOWN	53%
LOT COUNT	1
TOTAL NUMBER OF DWELLINGS (DETACHED/ATTACHED)	0
MIXED-USE/#OF LIVE/WORK UNITS	0
TOTAL AREA OF RESIDENTIAL	0
TOTAL AREA OF NON-RESIDENTIAL (SF)	72,971 SF
LOT SIZE RANGE	N/A
NUMBER OF LOTS WITHIN EACH RANGE	N/A
LOT WIDTHS RANGE	N/A
NUMBER OF LOTS WITHIN EACH WIDTH	N/A

PROJECT TIMELINE	
PROJECT PHASE(S)	1
PROPOSED START OF GRADING	JULY 2025
PROPOSED START OF CONSTRUCTION	JULY 2025
PROPOSED OCCUPANCY	JULY 2027



SITE LEGEND:

- PROPOSED HEAVY DUTY ASPHALT
- PROPOSED STANDARD DUTY ASPHALT
- PROPOSED CONCRETE
- BUFFER NOT TO BE DISTURBED
- INTERMITTENT STREAM
- PERENNIAL STREAM
- WETLANDS

SIGN SCHEDULE:
SEE PLANS FOR SIGN LOCATIONS

Ⓐ VAN ACCESSIBLE, RESERVED PARKING, MAX. PENALTY $250 (MUTCD R7-8, R7-8A, & R7-8D)

Ⓑ NO PARKING, DISABLED PASSENGER LOADING ONLY

Adjoining Properties			
Name	**Address**	**PIN**	**Zoning**
HARBORSIDE EXECUTIVE BUILDING, LLC.	11725 MT HOLLY-HUNTERSVILLE RD	017-203-04	CB
IDIL 77 NORTH LOGISTICS LLC	11910 MT HOLLY-HUNTERSVILLE RD	017-202-07	CB
SEEFRIED-PSO HUNTERSVILLE, LLC.	12001 MT HOLLY-HUNTERSVILLE RD	017-203-06/017-203-07	CB (CD)
NUTEC INC	11830 MT HOLLY-HUNTERSVILLE RD	017-202-01	CB
LYDIA MERCER	11855 MT HOLLY-HUNTERSVILLE RD	017-203-05	CB
BURKERT SYSTEMHAUS, LLC.	11425 MT HOLLY-HUNTERSVILLE RD	017-401-05	CB
SAERTEX PROPERTY USA INC	12200 MT HOLLY-HUNTERSVILLE RD	017-202-02	CB
HUNTERSVILLE BUSINESS PROPERTY OWNERS ASSOCIATION INC	12941 REESE BLVD	017-190-02	CB
APARTMENTS AT THE PARK LLC	12901 REESE BLVD	N/A	CB
WATERFORD AT THE PARK DE LLC	11940 JOLEEN CT	N/A	CB

FIRE ACCESS NOTES:

1. THE MOST REMOTE POINT OF THE BUILDING SHALL BE WITHIN 600' OF A FIRE HYDRANT AS A TRUCK TRAVELS AND ALL POINTS OF THE BUILDING SHALL BE WITHIN 200' OF A FIRE TRUCK ACCESSIBLE ROUTE.
2. THE FIRE ACCESS ROUTE AND PARKING LOT SHALL BE ABLE TO WITHSTAND 85,000 LBS OF TRUCK TRAVEL
3. ALL FIRE ACCESS ROUTES REQUIRE A MINIMUM 20' UNOBSTRUCTED CLEAR WIDTH.
4. INSIDE RADII OF CURVES IN THE FIRE ACCESS ROAD SHALL BE 30' MINIMUM.
5. FIRE DEPARTMENT CONNECTION (FDC) SHALL BE WITHIN 200 FT TO A FIRE HYDRANT. CONTRACTOR TO CONFIRM DIMENSION AS PART OF FDC CONSTRUCTION AND MAKE ANY FIELD ADJUSTMENTS AS NEEDED.

NOTES:

1. TRASH AND RECYCLING TO BE KEPT INSIDE THE BUILDING ON MOVABLE CONTAINERS. EACH CONTAINER SHALL BE MOVED OUTSIDE ONLY FOR PICKUP AND COLLECTION. EQUAL AREA FOR TRASH AND RECYCLING PROVIDED.
2. REQUIRED NCDOT IMPROVEMENTS
   - 2.1. RIGHT TURN LANE CONNECTION INTO NORTH DRIVEWAY
   - 2.2. RIGHT TURN LANE EXTENSION FROM NORTH DRIVEWAY TO SOUTH DRIVEWAY
   - 2.3. ONE TEMPORARY DRIVEWAY ACCESS PERMIT MAY BE GRANTED BY NCDOT TO BEGIN SITE CONSTRUCTION WHILE ROAD IMPROVEMENT PLANS ARE BEING PROCESSED.
   - 2.4. ALL REQUIRED NCDOT ROAD IMPROVEMENTS SHALL BE CONSTRUCTED PRIOR TO BUILDING CERTIFICATE OF OCCUPANCY.
3. TRAFFIC CONTROL PLANS SHOWING SIGNAGE AND PAVEMENT MAKINGS SHALL BE PREPARED IN ACCORDANCE WITH NCDOT STANDARDS. THE DEVELOPER IS RESPONSIBLE FOR THE INITIAL INSTALLATION OF THE DEVICES OR MARKINGS AND THE MAINTENANCE THEREOF UNTIL THE NCDOT ACCEPTS THE STREET FOR MAINTENANCE.
4. DEDICATION OF RIGHT-OF-WAY - 62 FEET FROM THE CENTERLINE OF THE ROAD TO BE DEDICATED AS RIGHT-OF-WAY TO NCDOT PRIOR TO ISSUANCE OF BUILDING PERMITS. IF DEDICATING RIGHT-OF-WAY, A RECORDED PLAT WILL NEED TO BE REVIEWED AND APPROVED BY THE TOWN OF HUNTERSVILLE PRIOR TO CERTIFICATE OF OCCUPANCY.
5. MECHANICAL EQUIPMENT AT GROUND LEVEL SHALL BE SCREENED FROM VIEW WITH AN OPAQUE LANDSCAPE SCREEN.
6. ALL MECHANICAL EQUIPMENT AND ROOFTOP EQUIPMENT SHALL BE SCREENED FROM VIEW WITH AN OPAQUE SCREEN.
7. ALL MECHANICAL/UTILITY EQUIPMENT MUST BE SCREENED. ON-SITE INSPECTIONS MAY RESULT IN ADDITIONAL SCREENING REQUIRED.

D&A WOLVERINE, PLLC
6120 BROOKSHIRE BOULEVARD UNIT R
CHARLOTTE, NC 28273
TEL: 704.494.9776
WWW.DNAWOLVERINE.COM
NCBELS LICENSE NO: P-1223

SEAL:

NORTH CAROLINA PROFESSIONAL SEAL 034556 ENGINEER CHRISTOPHER M. FLECK

5/12/2025

SKYE partners

MHH LOGISTICS
11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC
ATTN: SHERRIE CHAFFIN TEL:704.400.1348

SITE PLAN

DATE	BY	REVISION
5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS

PROJECT #:	242001	DRAWN BY:	TTB
		CHECKED BY:	FLG
DATE:	4/1/2025	APPROVED BY:	CMF
SCALE:	1" = 40'	SHEET:	RZ-3

GRADING PLAN

CONSTRUCTION SEQUENCE

	2025				2026			
	JUL	AUG	SEPT	OCT	DEC	JAN	MAR	APR	JUL
Install silt fence & erosion ctrl.	■							
Install stone const. entrance	■							
Strip topsoil	■							
Mass grade site	■	■						
Construct building			■	■				
Construct utilities		■	■					
Place curb & gutter & sidewalks				■	■			
Place pavement for drives						■		
Finish grading & seeding							■	■
Perimeter Landscaping & Trees							■	■
Temporary Seeding & EC Maint.	■	■	■	■	■	■	■	■

SCALE: 1"=40'

PRELIMINARY GRADING PLAN SUBJECT TO FINAL DESIGN

PROPOSED BUILDING
72,971 S.F
FFE 783.00

COM -455325
SEEFRIED-PSG HUNTERSVILLE, LLC.
PI:017-203-08 and PI:017-203-07
DB:34121 PG:521
Ref: DB:38688 PG:678, DB:5159 PG:632 TO
12001 MT HOLLY-HUNTERSVILLE RD

OFF SITE DRAINAGE DIRECTED AWAY FROM SITE

PROP ±432 LF RETAINING WALL
HEIGHT VARIES UP TO 8 FT TALL
(CONTRACTOR TO PROVIDE DESIGN, SHOP DRAWINGS & PERMIT FOR RETAINING WALLS)

PROP ±494 LF RETAINING WALL
HEIGHT VARIES UP TO 23.5 FT TALL
(CONTRACTOR TO PROVIDE DESIGN, SHOP DRAWINGS & PERMIT FOR RETAINING WALLS)

PROP ±223 LF RETAINING WALL
HEIGHT VARIES UP TO 12 FT TALL
(CONTRACTOR TO PROVIDE DESIGN, SHOP DRAWINGS & PERMIT FOR RETAINING WALLS)

PROP ±162 LF RETAINING WALL
HEIGHT VARIES UP TO 6 FT TALL
(CONTRACTOR TO PROVIDE DESIGN, SHOP DRAWINGS & PERMIT FOR RETAINING WALLS)

MAX 3:1 SLOPES

NO OFFSITE GRADING WITHOUT OWNER PERMISSION

PROP. BYPASS DRAINAGE PIPE

PROP. FOREBAY AREA

PROP. SAND FILTER

RISER STRUCTURE

SHWT ELEV:754.5

3:1 SLOPES (TYP.)

EMERGENCY OVERFLOW

10' MAINTENANCE ACCESS

FIRE ROOM

LYDIA MERCER
PI:017-203-06
DB:37295 PG:316
Ref: DB:5159 PG:632 T:1
11855 MT HOLLY-HUNTERSVILLE RD

HARBORSIDE EXECUTIVE BUILDING, LLC.
PI:017-203-04
DB:34121 PG:521
Ref: DB:5710 PG:758
11725 MT HOLLY-HUNTERSVILLE RD

BURKERT SYSTEMHAUS, LLC.
PI:017-401-05
MB:59 PG:825
DB:29690 PG:610
11425 MT HOLLY-HUNTERSVILLE RD
11499 MT HOLLY-HUNTERSVILLE RD

MT HOLLY-HUNTERSVILLE RD (VAR. WIDTH) SR 1140 (NC49) SR2 PUBLIC R/W (124' FUTURE PUBLIC SR2 R/W)

COUNTRY LANE

ROAD TERMINUS

NOTES:
1. INSPECTIONS SHALL BE CONDUCTED AS PRESCRIBED BY THE MAINTENANCE COVENANT. ADDITIONAL INSPECTIONS MAY BE CONDUCTED BY THE TOWN OF HUNTERSVILLE ON ANY REASONABLE BASIS, INCLUDING BUT NOT LIMITED TO: ROUTINE INSPECTIONS; RANDOM INSPECTIONS; INSPECTIONS BASED UPON COMPLAINTS OR OTHER NOTICE OF POSSIBLE VIOLATIONS; INSPECTIONS OF DRAINAGE BASINS OR AREAS IDENTIFIED AS HIGHER THAN TYPICAL SOURCES OF SEDIMENT OR OTHER CONTAMINANTS OR POLLUTANTS; INSPECTIONS OF BUSINESSES OR INDUSTRIES OF A TYPE ASSOCIATED WITH HIGHER THAN USUAL DISCHARGERS OF CONTAMINANTS OR POLLUTANTS OR WITH DISCHARGES OF A TYPE WHICH ARE MORE LIKELY THAN THE TYPICAL DISCHARGE TO CAUSE VIOLATIONS OF STATE OR FEDERAL WATER QUALITY STANDARDS OR THE NPDES STORM WATER PERMIT; AND JOINT INSPECTIONS WITH OTHER AGENCIES INSPECTING UNDER ENVIRONMENTAL AND SAFETY LAWS. INSPECTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO: REVIEWING MAINTENANCE AND REPAIR RECORDS; SAMPLING DISCHARGES, SURFACE WATER, GROUNDWATER, AND MATERIAL OR WATER IN BMPS; EVALUATING THE CONDITION OF BMPS AND STORM WATER MANAGEMENT PRACTICES.
2. RIGHT-OF-ENTRY FOR INSPECTION. WHEN ANY NEW BMP IS INSTALLED ON PRIVATE PROPERTY, THE PROPERTY OWNER SHALL GRANT TO THE TOWN OF HUNTERSVILLE THE RIGHT TO ENTER THE PROPERTY AT REASONABLE TIMES AND IN A REASONABLE MANNER FOR THE PURPOSE OF INSPECTION. THIS INCLUDES THE RIGHT TO ENTER A PROPERTY WHEN THE TOWN OF HUNTERSVILLE HAS A REASONABLE BASIS TO BELIEVE THAT A VIOLATION OF THIS REGULATION IS OCCURRING OR HAS OCCURRED, AND TO ENTER WHEN NECESSARY FOR ABATEMENT OF A PUBLIC NUISANCE OR CORRECTION OF A VIOLATION OF THIS REGULATION.

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TEL: 704.494.9776
WWW.DNAWOLVERINE.COM
NCBELS LICENSE NO: P-1223

SEAL:

NORTH CAROLINA PROFESSIONAL SEAL 034556 ENGINEER CHRISTOPHER M. TESH

5/12/2025

SKYE partners

MHH LOGISTICS
11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC
ATTN: SHERRIE CHAFFIN TEL:704.400.1348

GRADING PLAN

DATE	BY	REVISION
5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS

PROJECT #: 242001	DRAWN BY: TTB
	CHECKED BY: FLG
DATE: 4/1/2025	APPROVED BY: CMF
SCALE: 1" = 40'	SHEET: RZ-4

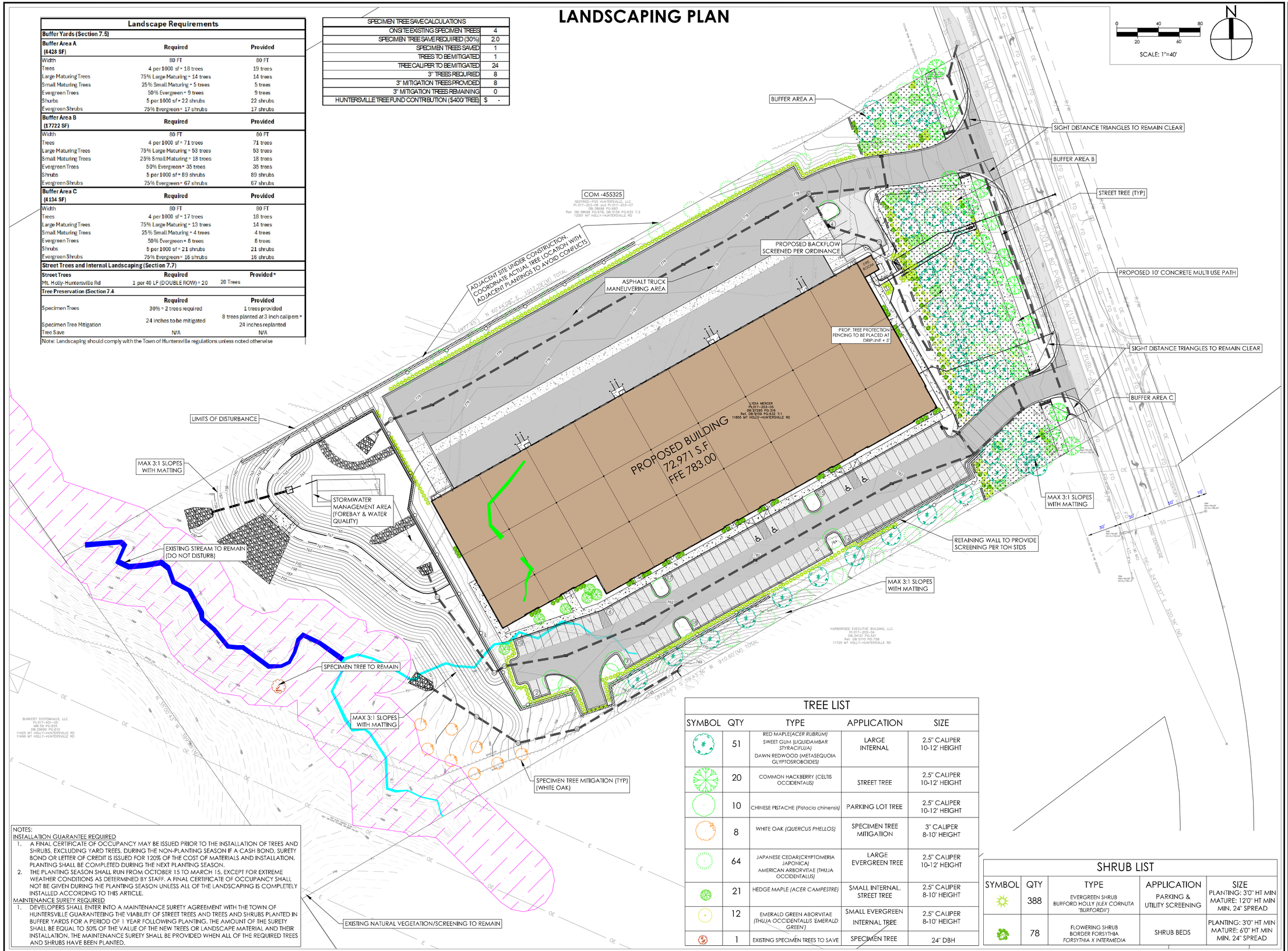
LANDSCAPING PLAN

Landscape Requirements

Buffer Yards (Section 7.5)		
Buffer Area A (4428 SF)	**Required**	**Provided**
Width	80 FT	80 FT
Trees	4 per 1000 sf = 18 trees	19 trees
Large Maturing Trees	75% Large Maturing = 14 trees	14 trees
Small Maturing Trees	25% Small Maturing = 5 trees	5 trees
Evergreen Trees	50% Evergreen = 9 trees	9 trees
Shurbs	5 per 1000 sf = 22 shrubs	22 shrubs
Evergreen Shrubs	75% Evergreen= 17 shrubs	17 shrubs
Buffer Area B (17722 SF)	**Required**	**Provided**
Width	80 FT	80 FT
Trees	4 per 1000 sf = 71 trees	71 trees
Large Maturing Trees	75% Large Maturing = 53 trees	53 trees
Small Maturing Trees	25% Small Maturing = 18 trees	18 trees
Evergreen Trees	50% Evergreen = 35 trees	35 trees
Shrubs	5 per 1000 sf = 89 shrubs	89 shrubs
Evergreen Shrubs	75% Evergreen= 67 shrubs	67 shrubs
Buffer Area C (4134 SF)	**Required**	**Provided**
Width	80 FT	80 FT
Trees	4 per 1000 sf = 17 trees	18 trees
Large Maturing Trees	75% Large Maturing = 13 trees	14 trees
Small Maturing Trees	25% Small Maturing = 4 trees	4 trees
Evergreen Trees	50% Evergreen = 8 trees	8 trees
Shrubs	5 per 1000 sf = 21 shrubs	21 shrubs
Evergreen Shrubs	75% Evergreen= 16 shrubs	16 shrubs
Street Trees and Internal Landscaping (Section 7.7)		
Street Trees	**Required**	**Provided***
Mt. Holly-Huntersville Rd	1 per 40 LF (DOUBLE ROW) = 20	20 Trees
Tree Preservation (Section 7.4		
	Required	**Provided**
Specimen Trees	30% = 2 trees required	1 trees provided
Specimen Tree Mitigation	24 inches to be mitigated	8 trees planted at 3 inch calipers = 24 inches replanted
Tree Save	N/A	N/A

Note: Landscaping should comply with the Town of Huntersville regulations unless noted otherwise

SPECIMEN TREE SAVE CALCULATIONS	
ONSITE EXISTING SPECIMEN TREES	4
SPECIMEN TREE SAVE REQUIRED (30%)	2.0
SPECIMEN TREES SAVED	1
TREES TO BE MITIGATED	1
TREE CALIPER TO BE MITIGATED	24
3" TREES REQUIRED	8
3" MITIGATION TREES PROVIDED	8
3" MITIGATION TREES REMAINING	0
HUNTERSVILLE TREE FUND CONTRIBUTION ($400/TREE)	$ -



TREE LIST

SYMBOL	QTY	TYPE	APPLICATION	SIZE
	51	RED MAPLE(*ACER RUBRUM*) SWEET GUM (*LIQUIDAMBAR STYRACIFLUA*) DAWN REDWOOD (METASEQUOIA GLYPTOSROBOIDES)	LARGE INTERNAL	2.5" CALIPER 10-12' HEIGHT
	20	COMMON HACKBERRY (CELTIS OCCIDENTALIS)	STREET TREE	2.5" CALIPER 10-12' HEIGHT
	10	CHINESE PISTACHE (Pistacia chinensis)	PARKING LOT TREE	2.5" CALIPER 10-12' HEIGHT
	8	WHITE OAK (*QUERCUS PHELLOS*)	SPECIMEN TREE MITIGATION	3" CALIPER 8-10' HEIGHT
	64	JAPANESE CEDAR(CRYPTOMERIA JAPONICA) AMERICAN ARBORVITAE (THUJA OCCIDENTALIS)	LARGE EVERGREEN TREE	2.5" CALIPER 10-12' HEIGHT
	21	HEDGE MAPLE (*ACER CAMPESTRE*)	SMALL INTERNAL, STREET TREE	2.5" CALIPER 8-10' HEIGHT
	12	EMERALD GREEN ABORVITAE (*THUJA OCCIDENTALLIS 'EMERALD GREEN'*)	SMALL EVERGREEN INTERNAL TREE	2.5" CALIPER 8-10' HEIGHT
	1	EXISTING SPECIMEN TREES TO SAVE	SPECIMEN TREE	24" DBH

SHRUB LIST

SYMBOL	QTY	TYPE	APPLICATION	SIZE
	388	EVERGREEN SHRUB BURFORD HOLLY (*ILEX CORNUTA 'BURFORDII'*)	PARKING & UTILITY SCREENING	PLANTING: 3'0" HT MIN MATURE: 12'0" HT MIN MIN. 24" SPREAD
	78	FLOWERING SHRUB BORDER FORSYTHIA *FORSYTHIA X INTERMEDIA*	SHRUB BEDS	PLANTING: 3'0" HT MIN MATURE: 6'0" HT MIN MIN. 24" SPREAD

NOTES:

INSTALLATION GUARANTEE REQUIRED

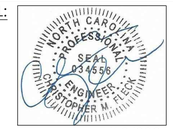
1. A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED PRIOR TO THE INSTALLATION OF TREES AND SHRUBS, EXCLUDING YARD TREES, DURING THE NON-PLANTING SEASON IF A CASH BOND, SURETY BOND OR LETTER OF CREDIT IS ISSUED FOR 120% OF THE COST OF MATERIALS AND INSTALLATION. PLANTING SHALL BE COMPLETED DURING THE NEXT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

MAINTENANCE SURETY REQUIRED

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

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NCBELS LICENSE NO: P-1223

SEAL:



5/12/2025

SKYE partners

MHH LOGISTICS
11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC
ATTN: SHERRIE CHAFFIN TEL:704.400.1348

LANDSCAPING PLAN

DATE	BY	REVISION
5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS

PROJECT #:	242001	DRAWN BY:	TTB
		CHECKED BY:	FLG
DATE:	4/1/2025	APPROVED BY:	CMF
SCALE:	1" = 40'	SHEET:	RZ-5

CONDITIONAL RE-ZONING NOTES

REZONING NOTES
MMH LOGISTICS

1. Rezoning Petition. These rezoning notes comprise the development standards ("Development Standards") associated with the rezoning petition (the "Rezoning Petition") filed by Skye Partners ("Petitioner") on April 1, 2025 (the "Filing Date") as Rezoning Petition CSP-500074 (the "Rezoning Plan") for that approximately 8.63 acre tract of land, identified on the Rezoning Plan as MMH Logistics (the "Project") in connection with tax parcel number 01720305 (the "Property"). The purpose of the Rezoning Petition is to convert the zoning classification of the Property from Corporate Business (CB) to Corporate Business-Conditional District (CB-CD) in accordance with the provisions of the Town of Huntersville Zoning Ordinance (the "Ordinance").

2. Development Standards. Development of the Property will be governed by these Development Standards, which are part of the Rezoning Petition, and the applicable provisions of the Ordinance in place on the date of the filing of the Rezoning Plan. Unless the Rezoning Plan establishes alternate standard(s) as noted on the Rezoning Plan or in these Development Standards, the regulations established under the Ordinance in place on the date of the filing of the Rezoning Plan govern development of the Property as shown on the Rezoning Plan.

3. Schematic Nature of Rezoning Plan. The lot and building shown on the Rezoning Plan is schematic in nature and the exact location, architecture, and size, of the building may be modified, with Planning Staff approval, during design, engineering and construction phases of the development so long as such modification meets the applicable requirements of the Zoning Ordinance and the Modifications. The exact alignments of the internal drives and internal public streets have not been determined and are subject to final design and engineering plans, and minor modifications or alterations of these alignments may take place during design development and construction phases.

4. Vested Rights. This Rezoning Plan is a site-specific development plan, and approval thereof constitutes vested rights in the Rezoning Plan pursuant to the provisions of the Ordinance. Notwithstanding any other provisions of these Development Standards, if, at some point and prior to completion of the development, modifications are made to the Ordinance by the Town Board, Petitioner may voluntarily agree to apply such modifications to the Rezoning Plan in a manner consistent with the Rezoning Plan and the Ordinance as it changes from time to time, and without pursuing a rezoning. Such modifications to the Ordinance shall in no way impact the Petitioner's vested rights. Approval of this conditional rezoning shall constitute establishment of vested rights in the landowner (and its successors or assigns) for a period of five years pursuant to N.C. Gen. Stat. §160D-108.1.

5. Permitted Uses. The Property may be developed for the uses shown on the Rezoning Plan, subject to Modifications and development standards associated with such uses.

6. Grading. As more particularly described in the Rezoning Plan and the Modifications, grading in the buffer shall be allowed in accordance with the modifications set forth herein.

7. Impact on Intermittent Steam Buffer. As more particularly described in the Rezoning Plan and the Modifications, impact to the intermittent stream buffer shall be allowed in accordance with the modifications set forth herein

8. Amendment. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Property in accordance with the provisions of the Ordinance; provided, however, in the event any portion of the Property is conveyed to a third party, Petitioner may request an amendment to the Rezoning Plan without the written consent of any other owner of all or any portion of the Property unless such amendment constitutes a change in the building or use of the portion of the Property owned by such owner. All requirements in connection with the amendment will be calculated on the Property as a whole in the same manner such requirements were calculated at the time of the initial approval. This note shall be shown on the final plat when recorded.

9. BMP Design. The designs for the BMPs shown on the Rezoning Plan shall be finalized during the construction phase and shall be completed as a part of the infrastructure improvements.

10. Binding Effect of the Rezoning Documents and Definitions. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Property imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Property and their respective successors in interest and assigns. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Property from time to time who may be involved in any future development thereof.

11. Modifications to Standards. Pursuant to Section 11.4.7(k) of the Ordinance, the standards of the Ordinance are modified to permit the following:

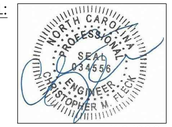
a. Modification to allow the intermittent stream buffer shown on the Rezoning Plan to be impacted as part of the conditional zoning and the mitigation provided shall be option 8 from Section 8.25.11.b in the Town of Huntersville Zoning Ordinances.

b. Modification to allow impact to an intermittent stream buffer as shown on the Rezoning Plan for fire access, driveway, parking, building, retaining walls and utilities.

c. Modification to allow the 80' buffer abutting street right of way along the property line to be disturbed and replanted as per the planting requirements in Section 7.5 of the Town of Huntersville Zoning Ordinances.

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NCBELS LICENSE NO: P-1223

SEAL:



5/12/2025

SKYE partners

MHH LOGISTICS
11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC
ATTN: SHERRIE CHAFFIN TEL:704.400.1348

CONDITIONAL RE-ZONING NOTES

DATE	BY	REVISION
5/12/25	TTB	REV PER REZONING CYCLE 1 COMMENTS

PROJECT #:	242001	DRAWN BY:	TTB
		CHECKED BY:	FLG
DATE:	4/1/2025	APPROVED BY:	CMF
SCALE:	1" = 40'	SHEET:	RZ-6

Town Engineering Rezoning Comment Summary
R25-05 MHH Logistics Rezoning
11855 Mount Holly-Huntersville Road
Huntersville, NC 28078

General Project Information

This proposed rezoning is located at 11855 Mount Holly-Huntersville Road. This rezoning plans for one (1) industrial facility with associated parking lots and BMP facility. Two (2) driveway access along Mount Holly-Huntersville Road are proposed for this development. The applicant is proposing a modification to an existing 30' post-construction buffer on-site.

Engineering Staff Comments

Traffic Impact Analysis (TIA):

1) A TIA was not required as part of this proposed rezoning due to not meeting trip generation thresholds.

Site Plan Comments:

1) The applicant is requesting to modify a post-construction stream buffer, subject to Town Board approval, per Zoning Ordinance 8.25.10 (this is an intermittent stream buffer draining less than 50 acres). They have proposed to implement mitigation technique #8 (ZO 8.25.11.b) "Mitigation Credits." This would require purchase of mitigation credits on a 1:1 basis, at the currently established rate, from the Charlotte-Mecklenburg Stream Buffer Mitigation Fund. Payment will be required prior to preliminary (construction) plan approval.

Community Meeting Report for MHH Logistics (R25-05 MHH Logistics)

Meeting Date: April 28, 2025

Meeting Time: 6pm – 7pm

Meeting Location: CPCC – CJW Belk Center for Justice Room #137

The meeting was held from 6pm to 7pm and no one from the public attended the meeting. Owner's representative and engineer were in attendance as well as Town of Huntersville planning representative. All in attendance are listed on the sign in sheet.

The rezoning plan was at the meeting in 24x36 format on an easel. We had planned to present the plan and explain the purpose of the rezoning however with no public attendance that didn't happen.

Community Meeting Notices

Project Name	R25-05 MHH LOGISTICS

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a list of all persons and organizations contacted about the meeting shall be submitted to the Planning Department and incorporated into the application for this project.

The following persons and organizations were sent notices of the community meeting (first and last name or business name only):

First and Last Name	Parcel ID	Date Sent	Method Sent	Reason Sent
HARBORSIDE EXECUTIVE BUILDING LLC	1720304	4/16/2025	Certified Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
IDIL 77 NORTH LOGISTICS LLC	1720207	4/16/2025	Certified Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
SEEFRIED-PSO HUNTERSVILLE LLC	1720306	4/16/2025	Certified Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
NUTEC INC	1720201	4/16/2025	Certified Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
GARRY BROWN MERCER	1720305	4/16/2025	Certified Mail	Property Owner (SO 6.320.3(a))
BURKERT SYSTEMHAUS LLC	1740105	4/16/2025	Certified Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
SAERTEX PROPERTY USA INC	1720202	4/16/2025	Certified Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
LE BUSINESS PROPERTY OWNERS ASSO	1719302	4/16/2025	Certified Mail	Neigborhood association, property woner assocation, and hom
APARTMENTS AT THE PARK LLC	N/A	4/16/2025	Certified Mail	Neigborhood association, property woner assocation, and hom
WATERFORD AT THE PARK DE LLC	N/A	4/16/2025	Certified Mail	Neigborhood association, property woner assocation, and hom

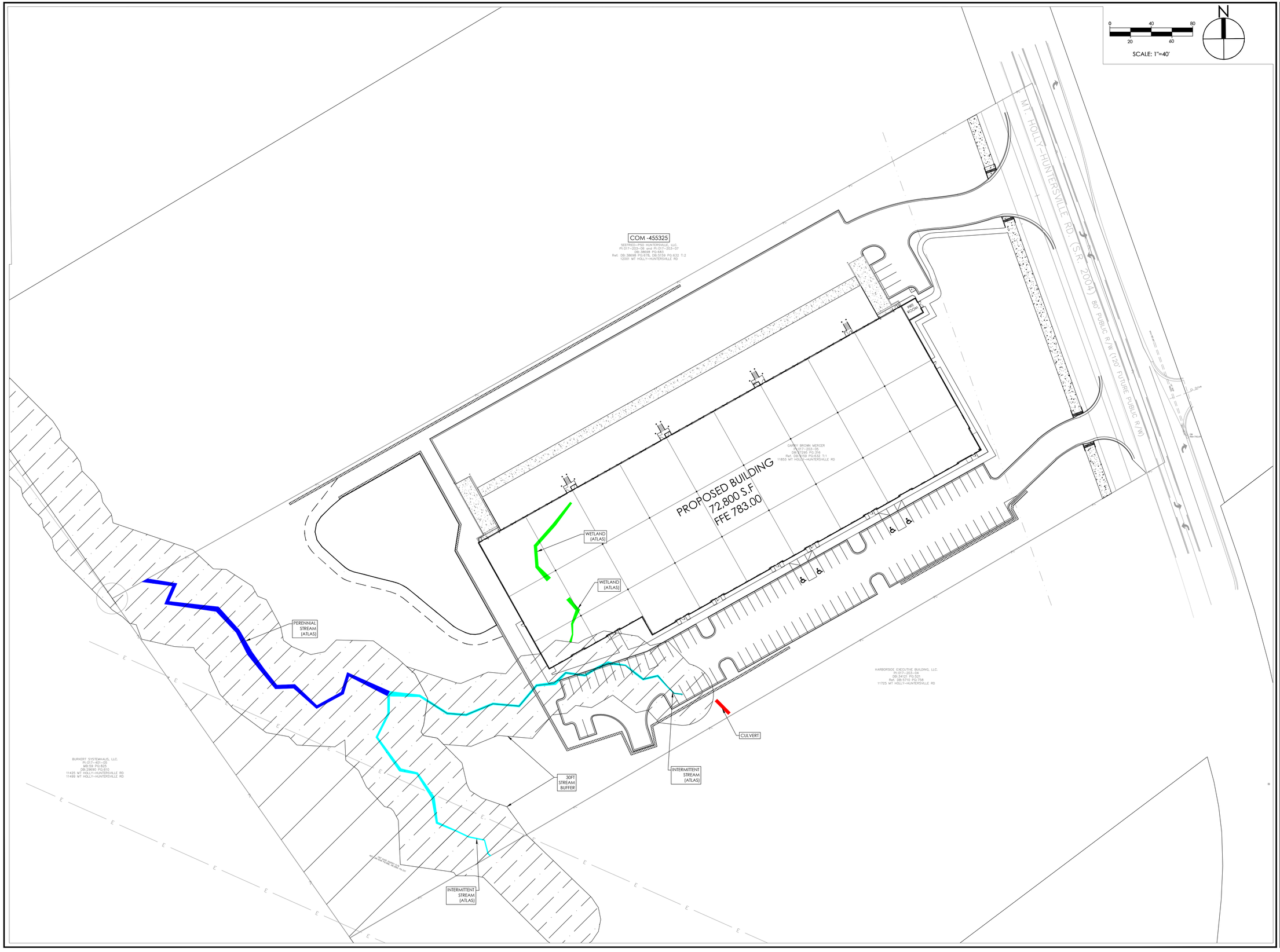
Community Meeting Attendance Log

Project Name:	R25-05 MHH LOGISTICS
Location of Meeting:	CPCC - CJW Belk Center for Justice Building
Date:	28-Apr-25
Time:	6:00 PM - 7:00 PM

Pursuant to Huntersville Subdivision Ordinance 6.320.3 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 Sherrie Chaffin
2 Patrion Patterson
3 Chris Fleck
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SEAL:

SKYE partners

MHH LOGISTICS
11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC
ATTN: SHERRIE CHAFFIN TEL:704.400.1348

DATE	BY	REVISION

PROJECT #: 242001		DRAWN BY:	TTB
		CHECKED BY:	FLG
DATE: 12/20/2024		APPROVED BY:	CMF
SCALE:		SHEET:	

April 17, 2025

SUBJECT: Notice of community meeting for information related to a Conditional Rezoning of the property located at 11855 Mt. Holly Huntersville Rd., Huntersville, NC, shown on the map below and having Parcel ID Number of 01740105. The Applicant for the subject property is Skye Partners LLC.

To Whom It May Concern:

Recipients of this letter meet the notification requirements of the Town of Huntersville as being adjacent landowners with at least a portion of their properties located within 250 ft. of the subject property, and neighborhood organizations registered with the Town of Huntersville within 2,000 ft. of any portion of the rezoning site. The purpose of the community meeting is to provide an opportunity for the Applicant to describe the proposed project and to answer any questions you may have. The Applicant is requesting approval from the Town for a Conditional Rezoning from the current zoning of CB to the proposed zoning of CB(CD) to allow for a modification to an intermittent stream buffer per Section 8.25.10 of the Planning Ordinance.

MEETING DETAILS:
6:00 P.M. to 7:00 P.M.
Monday, April 28, 2025
CPCC – CJW Belk Center for Justice Building
Computer Lab CJ137
11920 Verhoeff Drive
Huntersville, NC 28078

You are welcome to attend the above-mentioned community meeting. There will be an additional opportunity to ask questions about the proposed development.

Sincerely,

Sherrie Chaffin (Apr 10, 2025 11:22 EDT)

Sherrie Chaffin, Manager
Skye Partners LLC



Town of Huntersville
NORTH CAROLINA

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

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (150) or more peak hour vehicle trips or 1,500 or more daily trips.

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

Applicant: Skye Partners LLC

Project Name: MHH Logistics

Project Address: 11855 Mt Holly Huntersville Road, Huntersville, NC 28078

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

Proposed 72,800 SF building consisting of industrial/warehouse uses. Access is provided via two (2) full movement driveways along Mt. Holly-Huntersville Road. One (1) access will serve truck traffic primarily and the other will serve passenger vehicles.

Applicant

Printed Name Skye Partners LLC Phone 704-400-1348

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

Signature

Title Partner Email sherrie@skyepartnersllc.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File #

Date Submitted 9/5/24

Daily Trips Anticipated 1,489

Peak Hour Trips Anticipated AM 102 **PM** 110

TIA Required (Yes/No) No

Date of Determination: 9/10/24

Comments: Determination based on 72,800 square feet of flex space (LU#770).

SCALE: 1"=40'

TRUCK COURT

RETAINING WALL

FOREBAY

SAND FILTER

STORM WATER MANAGEMENT AREA

FOREBAY

EXISTING WATER QUALITY BUFFER

EXISTING EASEMENT

8,320 SF BAY

8,320 SF BAY

8,320 SF BAY

8,320 SF BAY

8,320 SF BAY

7,280 SF BAY

7,280 SF BAY

PROPOSED BUILDING
72,800 S.F
FFE 782.50

160.0'

52.0'

20.0'

80.0'

BMP ACCESS

RETAINING WALL

80' LANDSCAPING BUFFER PER TOH STANDARDS

120' FU ROW

120' FU ROW

MT HOLLY-HUNTERSVILLE RD

ROW

BSL

DE

E

SEEFRIED-PSG HUNTERSVILLE, LLC.
PI:017-203-07
DB:38688 PG:683
Ref: DB:38688 PG:678, DB:5159 PG:632 T-2
12001 MT HOLLY-HUNTERSVILLE RD

HARBORSIDE EXECUTIVE BUILDING, LLC.
PI:017-203-04
DB:34121 PG:521
Ref: DB:5710 PG:758
11725 MT HOLLY-HUNTERSVILLE RD

BURKERT SYSTEMHAUS, LLC.
PI:017-401-05
MB:59 PG:825
DB:29690 PG:610
11425 MT HOLLY-HUNTERSVILLE RD
11459 MT HOLLY-HUNTERSVILLE RD

D&A WOLVERINE, PLLC
6120 BROOKSHIRE BOULEVARD UNIT R
CHARLOTTE, NC 28273
TEL: 704.494.9776
WWW.DNAWOLVERINE.COM
NCBELS LICENSE NO: P-1223

SEAL:

NOT FOR CONSTRUCTION

SKYE partners

SKYE PARTNERS
11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC - ATTN: SHERRIE CHAFFIN

CONCEPT 27

DATE	BY	REVISION

PROJECT #:	242001	DRAWN BY:	TTB
		CHECKED BY:	FLG
DATE:	08/27/2024	APPROVED BY:	CMF
SCALE:	1" = 40'	SHEET:	C27

Request for Board Action

June 24, 2025

To: Board Members

From: Patrick Patterson, Planner II

Date: June 24, 2025

Subject: TA25-07

EXPLAIN REQUEST:
Consider a recommendation on Petition #TA25-07, a request by the Town of Huntersville Planning Department to amend the Huntersville Zoning and Subdivision Ordinance by re-designating the Board of Adjustment duties to the Planning Board.

ACTION RECOMMENDED:
Consider a recommendation

FINANCIAL IMPLICATIONS:
N/A

ATTACHMENTS:
1. TA25-07 Staff Report Planning Board
2. TA25-07 Application
3. TA25-07 Ordinance
4. TA25-07 Redlines

TA25-07 BOA Re-Designation

PART 1: DESCRIPTION

TA25-07 is a text amendment request by the Town of Huntersville Planning Department to amend the Huntersville Zoning and Subdivision Ordinance by re-designating the Board of Adjustment duties to the Planning Board.

PART 2: BACKGROUND

The Town Board issued a directive to re-designate the responsibilities of the Board of Adjustments to the Planning Board. Staff have made the necessary revisions to the Zoning Ordinance and Subdivision Ordinance, and other relevant documents to appropriately redesignate the associated responsibilities of the Board of Adjustments to the Planning Board.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

No relevant policies in the Huntersville 2040 Community Plan.

PART 4: STAFF RECOMMENDATION

Staff recommend approval of the proposed text amendment TA25-07.

PART 5: PUBLIC HEARING

A Public Hearing was held on June 3, 2025. No one from the public spoke for or against the application. After staff the applicant presented, and questions from the Town Board, the public hearing was closed. The livestream of the meeting can be found with the link below;

https://www.youtube.com/watch?v=5xAJwB_uHwE

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for June 24, 2025.

PART 7: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance
3. Ordinance Redlines

PART 8: STATEMENT OF CONSISTENCY – TA25-07

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA25-07, Planning Staff recommends approval. It is reasonable and in the public interest to amend the Zoning and Subdivision Ordinance because it will provide further clarification of the responsibilities designated by the Town Board.	**APPROVAL:** In considering the proposed amendment TA25-07, the Planning Board recommends approval based on the amendment being consistent with **(insert applicable plan reference)** It is reasonable and in the public interest to amend the Zoning Ordinance because…*(Explain)*	**APPROVAL:** In considering the proposed amendment TA25-07, the Town Board recommends approval based on the amendment being consistent with **(insert applicable plan reference)** It is reasonable and in the public interest to amend the Zoning Ordinance because…*(Explain)*
DENIAL: N/A	**DENIAL:** In considering the proposed amendment TA25-07, the Planning Board recommends denial based on the amendment being **(consistent OR inconsistent)** with **(insert applicable plan reference).** It is not reasonable and in the public interest to amend the Zoning Ordinance because…. *(Explain)*	**DENIAL:** In considering the proposed amendment TA25-07, the Town Board recommends denial based on the amendment being **(consistent OR inconsistent)** with **(insert applicable plan reference).** It is not reasonable and in the public interest to amend the Zoning Ordinance because…. *(Explain)*

Town of Huntersville
NORTH CAROLINA

Text Amendment
Application

Date of Application 4/28/25

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

___X__ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

___X__ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): **See Attached** Article(s): **See Attached** Section(s): **See Attached**

Current Ordinance: See Attached

Proposed Text: See Attached

Reason for Proposed Change: To re-designate the Board of Adjustment Duties to the Planning Board

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 _____ Date _____

Title _____ Email planning@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: 4-28-25

Staff Initials:

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO RE-DESIGNATE BOARD OF ADJUSTMENT DUTIES TO THE PLANNING BOARD

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 2.100 of the Subdivision Ordinance, Definitions, is hereby amended by removing the definition of *Board of Adjustment*.

~~*Board of Adjustment*. The Zoning Board of Adjustment of the Town of Huntersville.~~

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 2.3(3) of the Zoning Ordinance, Expansion/Redevelopment Of Existing Structures And Projects, is hereby amended as follows:

3. Appeal of the Planning Director's decision regarding expansion or redevelopment according to subsections 2.3.1 or 2.3.2, above shall be to the Huntersville Planning Board ~~of Adjustment~~ following the procedures of Section 11.3.2.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.2-A(c)(6) of the Zoning Ordinance, Critical Areas (CA-1, CA-2, CA-3, CA4), is hereby amended as follows:

(6) A Density Averaging Certificate shall be obtained from the Watershed Review Board (Planning Board ~~of Adjustment~~) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.2-B(h)(5)(2) of the Zoning Ordinance, Protected Areas (PA-1, PA-2), is hereby amended as follows:

5. Additional Requirements.
    1. An Occupancy Permit shall not be issued for any building within the permitted development until the Town Engineering Department has approved the storm water control structure.

2. Appeals of any order, requirement, decision or determination shall be made to and decided by the ~~Zoning Board of Adjustment~~ Planning Board of the Town of Huntersville.

Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.2-B(i)(6) of the Zoning Ordinance, Protected Areas (PA-1, PA-2), is hereby amended as follows:

(6) A Density Averaging Certificate shall be obtained from the Watershed Review Board (Planning Board ~~of Adjustment~~) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.2-C of the Zoning Ordinance, Appeals And Variances In MIL-O District, is hereby amended as follows:

3.3.2-C Appeals And Variances In MIL-O District

1. The ~~Zoning~~ Planning Board ~~of Adjustment~~ is hereby designated the Watershed Review Board.
2. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator (herein designated the Watershed Administrator), shall comply with the procedures and standards of Section 11.3 of these regulations.
3. A petition for variance to the standards of the Mountain Island Lake Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.
    a. In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being

requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

b. Major and Minor Variances are differentiated by definition.

Minor variances shall include a variance from the minimum statewide watershed protection rules that results in the relaxation of up to 10 percent of any vegetated setback, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five percent of any vegetated setback, density, or minimum lot size requirement applicable to high density development. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach within the vegetated setback divided by the total area of vegetated setback within the project.

Major variances means a variance that is not a "minor variance" as that term is defined in 15A NCAC 02B .0621 of the North Carolina Administrative Code.

c. Major and Minor Variances are differentiated as to procedures and standards.

Per 15A NCAC 02B.0623(5) of the North Carolina Administrative Code the Watershed Review Board shall make the below findings of fact for granting minor and major variance petitions: a) there are difficulties or hardships that prevent compliance with the ordinance; (b) the variance is in accordance with the general purpose and intent of the local watershed protection ordinance; and (c) granting the variance, the project will ensure equal or better protection of waters of the State than the requirements of Rules .0621-.0624 of 15A NCAC 02B.0623(5) of the North Carolina Administrative Code and that the stormwater controls will function in perpetuity.

Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Major variances shall comply with the procedures and standards of Section 11.3 except that:

A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Planning Board ~~of Adjustment~~ hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.3-A(c)(5) of the Zoning Ordinance, Critical Area (CA), is hereby amended as follows:

5. Additional Requirements.

a. An Occupancy Permit shall not be issued for any building within the permitted development until the Town Engineering Department has approved the storm water control structure.

b. Appeals of any order, requirement, decision or determination shall be made to and decided by the ~~Zoning~~ Planning Board ~~of Adjustment~~ of the Town of Huntersville.

Section 8. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.3-A(d)(6) of the Zoning Ordinance, Critical Area (CA), is hereby amended as follows:

(6) A Density Averaging Certificate shall be obtained from the Watershed Review Board (Planning Board ~~of Adjustment~~) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

Section 9. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.3-B of the Zoning Ordinance, Appeals And Variances In LN-O District, is hereby amended as follows:

3.3.3-B Appeals And Variances In MIL-O District

1. The ~~Zoning~~ Planning Board ~~of Adjustment~~ is hereby designated the Watershed Review Board.

2. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator (herein designated the Watershed Administrator), shall comply with the procedures and standards of Section 11.3 of these regulations.

3. A petition for variance to the standards of the Mountain Island Lake Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.

    1. In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

    2. Major and Minor Variances are differentiated by definition.

        Minor variances shall include a variance from the minimum statewide watershed protection rules that results in the relaxation of up to 10 percent of any vegetated setback, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five percent of any vegetated setback, density, or minimum lot size requirement applicable to high density development. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach within the vegetated setback divided by the total area of vegetated setback within the project.

        Major variances means a variance that is not a "minor variance" as that term is defined in 15A NCAC 02B .0621 of the North Carolina Administrative Code.

    3. Major and Minor Variances are differentiated as to procedures and standards.

        Per 15A NCAC 02B.0623(5) of the North Carolina Administrative Code the

Watershed Review Board shall make the below findings of fact for granting minor and major variance petitions: a) there are difficulties or hardships that prevent compliance with the ordinance; (b) the variance is in accordance with the general purpose and intent of the local watershed protection ordinance; and (c) granting the variance, the project will ensure equal or better protection of waters of the State than the requirements of Rules .0621-.0624 of 15A NCAC 02B.0623(5) of the North Carolina Administrative Code and that the stormwater controls will function in perpetuity.

Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Major variances shall comply with the procedures and standards of Section 11.3 except that:

A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Planning Board ~~of Adjustment~~ hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

Section 10. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 7.2(8) of the Zoning Ordinance, General Regulations, is hereby amended as follows:

8. The Zoning Administrator may approve revisions to a landscaping plan approved by the Town Board or Planning Board ~~of Adjustment~~ in order to accommodate seasonal planting problems or a lack of plant availability as long as:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in the size or location of plant materials.

3. The new plants are of the same general category and have the same general design characteristics as the materials being replaced.

Section 11. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 8.15(5) of the Zoning Ordinance, Special Requirements For Lots Along Thoroughfares, is hereby amended as follows:

5. Right To Appeal. An affected property owner shall have the right to appeal transitional yard or setback requirements to the Planning Board ~~of Adjustment~~ for a variance ~~or modification~~ as they apply to a particular piece of property. The Planning Board ~~of Adjustment~~ may approve a variance of ~~vary or modify~~ these requirements upon a showing that:

a. The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirements, and

b. The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted, and

c. Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

d. In granting relief, the Planning Board ~~of Adjustment~~ may impose reasonable and appropriate conditions and safeguards to protect the interests of neighboring properties. The Planning Board's ~~of Adjustment's~~ decision shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with N.C.G.S. 160D-1402 ~~160A-388 (e)~~.

Section 12. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 8.25(11)(b) of the Zoning Ordinance, (Surface Water Improvement And Management) Stream Buffers, is hereby amended as follows:

11. Appeals and Variances.

a. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of Section 11.3 of these ordinances.

b. **Special Variance Provisions/Mitigation Techniques**.

• When "unnecessary hardships", as defined in Section 11.3.2 e, would result from strict adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the Huntersville Planning Board ~~of Adjustment~~ in compliance with the procedures and standards of Section 11.3.

• Site specific mitigation plans using the mitigation techniques set out below and approved by the designated agency shall be construed by the Planning Board ~~of Adjustment~~ to be evidence responsive to Section 11.3.2 e),– 4 consistency with adopted plans and protection of public safety and welfare. Specifications for these mitigation techniques are provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines (for Structural BMPs). The techniques below are not construed to offset the requirement of Section 8.25.6 for diffuse flow.

Section 13. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.2(2) of the Zoning Ordinance, Enforcement, is hereby amended as follows:

2. Right to Appeal Administrative Decisions. Any person who has standing or the local government (used interchangeably with the "Town") may appeal an administrative decision to the Huntersville Planning Board ~~of Adjustment~~ (the "Planning Board ~~of Adjustment~~") as provided in Section 11.3.2. Appeals of administrative decisions made to the Planning Board ~~of Adjustment~~ must be filed within 30 days from receipt of the written notice of the determination. In the absence of evidence to the contrary, written notice of the determination sent by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

Section 14. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.2(3)(g) of the Zoning Ordinance, Enforcement, is hereby amended as follows:

g. Civil Penalty. In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to NC General Statute 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator.

Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a warning citation) after it has been issued unless the offender has sought an appeal to the decision of the Zoning Administrator through the Planning Board ~~of Adjustment~~. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

Section 15. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.3 of the Zoning Ordinance, Appeals And Variances, is hereby amended as follows:

11.3 Appeals And Variances

~~1. **Board of Adjustment.**~~ **Reserved.**

a. **Establishment**. The Board of Adjustment of the Town of Huntersville (the "Board of Adjustment") shall consist of seven regular members and three alternate members. The regular membership shall consist of six members who reside within the corporate limits, appointed by the Town Board, plus one extraterritorial member. The number of regular members appointed who reside in the extraterritorial zoning jurisdiction shall at a minimum meet the requirements of N.C.G.S. 160D-307 for proportional representation, but shall in no instance be less than one. The alternate membership shall consist of at least two members who reside within the corporate limits, with the remaining alternate member residing in either the corporate limits or the extraterritorial jurisdiction of Huntersville.

b. **Members from Within the Town Limits**. Each member and alternate shall be appointed by the Town Board for a term of three years. The terms of membership shall be staggered; therefore, in appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Board may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The expiration date for each term shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July. If the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment, it being the intent of this proviso that original members shall serve terms of one, two, or three years plus a period of time between their initial appointments and June 30th of the year of their initial appointments. For purposes of this section, original appointments refer to members and alternates appointed upon first establishment of the Board of Adjustment, and to members and alternates appointed to newly created seats upon any expansion of the Board of Adjustment.

c. **Extraterritorial Members**. In addition to the members and alternates herein above provided for, members of the Board of Adjustment shall be appointed from the area within the extraterritorial jurisdiction of the Town of Huntersville, pursuant to the appointment process prescribed in N.C.G.S. 160D-307. Members so appointed shall have all of the obligations and duties of the other members of the Board of Adjustment, including rights to vote on all matters coming before the Board. Each extraterritorial member shall be appointed for a period of three years. Expiration dates for each term, initially and thereafter, shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July; provided further that if the original members are appointed such that their terms of office begin prior

to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30 of the year of their appointment. Eligibility for reappointment shall be determined by the procedures and policies established by the appointing body.

d. **Term Limits and Service Limits**. Members and alternates shall be limited to serving two (2) consecutive terms; however, a member or alternate may be reappointed to the Board of Adjustment after remaining off of the Board for at least one (1) year. Time spent as an alternate member shall not count in determining whether an alternate is eligible for appointment as a regular member. Additionally, appointment to a vacant position as an alternate or regular member to fill an unexpired term shall not be counted in determining eligibility for appointment or reappointment. No person shall be eligible for appointment as a regular or alternate member if such person is serving on any other board or commission appointed by the Board of Commissioners, unless such other service is in an ex officio capacity. These terms limits and service limits shall apply to both members and alternates residing in the corporate limits and within the extraterritorial jurisdiction of the Town of Huntersville. Notwithstanding the foregoing, the Board of Commissioners shall have the discretion to waive these term limits and service limits for a particular position on the Board of Adjustment when there are no other members of the public willing to serve in the position, or in other appropriate circumstances as determined by the Board of Commissioners.

e. **Proceedings**.

1. Meetings. All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact. Final disposition of appeals or variances shall be recorded in the minutes, indicating the reasons of the Board therefore, all of which shall become a part of the public record.

2. Quorum Required. No final action shall be taken on any matter unless a quorum is present. A quorum is the majority of the members of the Board or, for variance actions (which require the concurring vote of 4/5ths of the Board), 4/5ths of the membership.

f. **Powers and Duties**. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals according to the procedures of this section, where it is alleged there is an error in any

~~order, decision, determination, or interpretation made by the Zoning Administrator or designated administrative official in the enforcement of this ordinance.~~

~~2. Variances. To hear and decide applications for variances from the terms of this ordinance according to the standards and procedures herein so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed by the Board.~~

~~3. Density Averaging Certificates. To hear and decide applications for density averaging certificates for paired parcel averaged density development, acting as the Watershed Review Board, to ensure both parcels considered together meet the standards of the ordinance and that potential owners have notice of how the watershed regulations were applied to the parcel pair.~~

2. **Appeals and Variances**.

a. **Petition to <u>Planning</u> Board ~~of Adjustment~~ for Appeal or Variance**.

1. An appeal of an administrative decision may be initiated by any person with standing or by the local government.

2. A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

b. **Appeals**. The <u>Planning</u> Board ~~of Adjustment~~ shall hear and decide appeals of administrative decisions of administrative officials charged with enforcement of the zoning and subdivision ordinances and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

1. Any person who has standing under G.S. 160D-1402(c), or the Town may appeal a decision to the <u>Planning</u> Board ~~of Adjustment~~. An appeal is taken by filing a Notice of Appeal with the Clerk to the <u>Planning</u> Board ~~of~~ Adjustment. The Notice of Appeal shall state the grounds for the appeal.

2. The official who made the decision shall give written notice of the determination to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

3. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

4. The official who made the decision shall transmit to the Planning Board ~~of Adjustment~~ all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. The record may be provided in written or electronic form.

5. Timely appeals of a notice of violation or other administrative decision shall stay enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Planning Board ~~of Adjustment~~ and any subsequent appeal in accordance with N.C.G.S. § 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom. After notice of the appeal has been filed, if the official who made the decision certifies to the Planning Board ~~of~~ Adjustment that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance, the enforcement proceedings shall not be stayed except by a restraining order granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Planning Board ~~of Adjustment~~ shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for development approvals to use the property; in these situations, the appellant or local government may request and the Planning Board ~~of Adjustment~~ may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

6. Subject to the provisions of subdivision (6) of this subsection, the Planning Board ~~of Adjustment~~ shall hear and decide the appeal within a reasonable time.

7. The applicant, the local government, and any person with standing to appeal shall have the right to participate as a party at the evidentiary

hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Planning Board ~~of Adjustment~~. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Planning Board ~~of Adjustment~~ shall continue the hearing.

8. The Planning Board ~~of Adjustment~~ may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

9. When hearing an appeal pursuant to N.C.G.S. § 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in N.C.G.S. § 160D-1402(j).

c. **Standards for Granting an Appeal**.

1. The Planning Board ~~of Adjustment~~ shall reverse or modify the order, decision, determination, or interpretation under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

2. In modifying the order, decision, determination, or interpretation, the Planning Board ~~of Adjustment~~ shall have all the powers of the official from whom the appeal is taken.

d. **Filing a Variance Petition**. A petition for variance, in the form prescribed by the Planning Board ~~of Adjustment~~, shall be filed with the Clerk to the Planning Board ~~of Adjustment~~ or designated administrator, accompanied by a non-refundable filing fee as established by the Town Board and a list of adjoining properties including tax parcel numbers and the name and address of each owner.

e. **Standards for Granting a Variance**. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Planning Board ~~of Adjustment~~ shall vary any of the provisions of the ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

f. **No change in permitted uses may be authorized by variance.** Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

g. **Notice and Hearing**.

1. The Planning Board ~~of Adjustment~~ shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition which comes before it.

2. Notice of Hearing. – Notice of Hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or subdivision ordinance. In the absence of evidence to the contrary, the Town may rely on the County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a Notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The Planning Board ~~of Adjustment~~ may continue an evidentiary hearing that has been convened without further advertisement.

h. **Action by the <u>Planning</u> Board ~~of Adjustment~~**.

1. The concurring vote of four-fifths (4/5ths) of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

2. A member of the Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

3. Quasi-Judicial Decisions. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair, or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board, or such other office or official as the ordinance specifies. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

4. Oaths. The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath

during a proceeding before the Planning Board ~~of Adjustment~~ determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

5. Subpoenas. The Planning Board ~~of Adjustment~~ through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request the issuance of a subpoena, the applicant, local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Planning Board ~~of Adjustment~~. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Planning Board ~~of Adjustment~~ or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

i. **Effect of Grant of Variance or Reversal or Modification of Administrative Decision**. After the Planning Board ~~of Adjustment~~ approves a variance, or reverses or modifies an order, decision, determination, or interpretation of an administrative official, the appellant or petitioner shall be responsible for obtaining a building permit and/or certificate of occupancy, as applicable, in order to proceed with the development of the subject property. All orders, decisions, determinations, and interpretations made by administrative officials under those procedures shall be consistent with the variance, reversal, or modification granted to the appellant or petitioner by the Planning Board ~~of Adjustment~~.

j. **Rehearing**. The Planning Board ~~of Adjustment~~ shall refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

k. **Appeal from Planning Board ~~of Adjustment~~**. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subsection

11.3.2(h)(3). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

3. Standards for Granting an Administrative Waiver.

a. **Purpose and Intent**. Unless otherwise provided in the Zoning Ordinance, the Zoning Administrator (which term shall include an administrative official designated by the Town Manager to perform these functions) is authorized to grant an administrative waiver of minor deviations from measurable and quantifiable standards of this ordinance subject to the following limitations:

1. The standard for which the waiver can be granted must be a quantifiable and/or measurable standard set forth in the ordinance. Such standards may include, but are not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, signage requirements and other similar measurable and quantifiable standards.

2. The Zoning Administrator shall grant such waiver only after the requesting party has demonstrated that such minor deviation was a result of an unintended error or unique conditions of the property, does not and will not violated the spirit and harmony of the ordinance, and does not and will not adversely affect the rights of other property owners in any material manner.

3. The minor administrative waiver may not deviate by more than three percent (3%) any of the standards for which the waiver is given.

b. **Construction**. The authority given to the Zoning Administrator to grant such waivers shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to make such waiver, and instead, require that the applicant seek a variance from the Planning Board ~~of Adjustment~~. The Zoning Administrator may not grant any waiver affecting the use or zoning classification; however, this shall not be construed as limiting the zoning Administrator's duties and rights under the ordinance, and whose decisions are appealable to the Planning Board ~~of Adjustment~~.

Section 16. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.4(2) of the Zoning Ordinance, Amendment Process, is hereby amended as follows:

Planning Board.

a. **Establishment**. The Planning Board of the Town of Huntersville shall consist of nine (9) members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, plus extraterritorial members determined as follows: the number of members appointed who reside in the extraterritorial zoning jurisdiction shall at a minimum meet the requirements of N.C.G.S. § 160D-307 for proportional representation, but shall in no instance be less than one (1).

b. **Membership**.

1. Members from Within the Town Limits. Each member shall be appointed by the Town Board for a term of three years. The terms of membership shall be staggered; therefore, in appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Board may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. ~~The expiration date for each term shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July. If the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment, it being the intent of this proviso that original members shall serve terms of one, two, or three years plus a period of time between their initial appointments and June 30th of the year of their initial appointments. For purposes of this section, original appointments refer to members appointed upon first establishment of the Planning Board and also to members appointed to newly created seats upon any expansion of the Planning Board~~.

2. Extraterritorial Members. In addition to the members hereinabove provided for, members of the Planning Board shall be appointed from the area within the extraterritorial jurisdiction of the Town of Huntersville, pursuant to the appointment process prescribed in N.C.G.S. 160D-307. Members so appointed shall have all of the obligations and duties of the other members of the Planning Board, including rights to vote on all matters coming before the Board. Each extraterritorial member shall be appointed for a period of three years. ~~Expiration dates for each term, initially and thereafter, shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding~~

~~member shall begin on the 1st day of July; provided further that if the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment.~~ Eligibility for reappointment shall be determined by the procedures and policies established by the appointing body.

3. Term Limits and Service Limits. Members shall be limited to serving two (2) consecutive terms, however a member may be reappointed to the Planning Board after remaining off of the Board for at least one (1) year. Appointment to a vacant position to fill an unexpired term shall not be counted in determining eligibility for appointment or reappointment. No person shall be eligible for appointment as a member if such person is serving on any other board or commission appointed by the Board of Commissioners unless such other service is in an ex officio capacity. These terms limits and service limits shall apply to members residing in the corporate limits and to those residing within the extraterritorial jurisdiction of the Town of Huntersville. Notwithstanding the foregoing, the Board of Commissioners shall have the discretion to waive these term limits and service limits for a particular position on the Planning Board when there are no other members of the public willing to serve in the position, or in other appropriate circumstances as determined by the Board of Commissioners.

c. **Meetings**. Meetings shall be held on a monthly basis unless otherwise determined by the Board. The Chairman of the Board, or in his absence the vice chairman, may call a special meeting of the Board at any time by giving each member 24 hours' notice. Special meetings shall also be scheduled upon request by a simple majority of board members. A quorum of the Board shall consist of a simple majority <u>or, for variance actions (which require the concurring vote of 4/5ths of the Board), 4/5ths of the membership</u> of the appointed members, and a quorum shall be in attendance before any action of an official nature can be taken.

d. **Powers and Duties**.

1. The Planning Board shall serve as the advisory board on all requests for changes in the zoning regulations and ordinances of the Town of Huntersville (the "Town"). As such, and pursuant to any authorities set forth in the Zoning Ordinance, the Planning Board shall hear all requests for zoning changes or other zoning action and shall, upon such hearings, make a recommendation to the Town Board as to any requested changes or action regarding this ordinance. Hearings on zoning petitions may, by joint decision of the Town Board and the Planning Board, be held at joint meetings, or may be held separately. The Planning Board is hereby empowered to set procedures for the filing of zoning

petitions so long as said procedures do not conflict with or are not in derogation of the then existing regulations and ordinances of the Town.

2. The Planning Board is empowered to make recommendations to the Town Board or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the Town and its environs.

3. Administrative Review. To hear and decide appeals according to the procedures of section 11.3, where it is alleged there is an error in any order, decision, determination, or interpretation made by the Zoning Administrator or designated administrative official in the enforcement of this ordinance.

4. Variances. To hear and decide applications for variances from the terms of this ordinance according to the standards and procedures herein so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed by the Board.

5. Density Averaging Certificates. To hear and decide applications for density averaging certificates for paired-parcel averaged-density development, acting as the Watershed Review Board, to ensure both parcels considered together meet the standards of the ordinance and that potential owners have notice of how the watershed regulations were applied to the parcel pair.

Section 17. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 12.2.1 of the Zoning Ordinance, General Definitions, is hereby amended by removing Board of Adjustment.

~~Board of Adjustment. The Zoning Board of Adjustment of the Town of Huntersville~~.

Section 18. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 12.2.3 of the Zoning Ordinance, Watershed Definitions, is hereby amended by amending the definition of Density Averaging Certificate and Watershed Administrator as follows:

Density Averaging Certificate. Approval for density averaging granted by the Planning Board ~~of Adjustment~~ acting as the Watershed Review Board at a Planning Board ~~of Adjustment~~ meeting after it is proven by the applicant that the request meets all the requirements of Section 3.3.2-A: h) or 3.3.3-A: i) of the Huntersville Zoning Ordinance.

Watershed Administrator. The individual appointed and duly sworn by the Board of Commissioners of the Town of Huntersville to administer and enforce the provisions of this section as follows:

1. The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits according to the provisions of this section. A record of all permits issued shall be kept on file in the office of the Watershed Administrator.
2. The Watershed Administrator or designee shall serve as staff to the Planning Board ~~of Adjustment~~ when it is serving in its capacity as the Watershed Review Board.

Section 19. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 14.7 of the Zoning Ordinance, Appeals And Variances, is hereby amended as follows:

14.7 Appeals And Variances

An applicant may seek a variance from the terms of this Article or appeal a determination by the Zoning Administrator or other administrative official, made pursuant to the terms of this Article, to the Planning Board ~~of Adjustment~~, as provided in Article 11.3 of the Zoning Ordinance.

Section 20. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 150.16(D)(1) of the Code of Ordinances, Administrative Procedure, is hereby amended as follows:

1. An appeal from any decision or order of the Inspector is a quasi-judicial matter and may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the town's ~~Zoning~~ Planning ~~Board of Adjustment~~, hereinafter referred to as "Board", a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the paper constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining

order, which may be granted for due cause shown upon not less than one-days written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § 160D-1208 and division (E) of this section.

Section 21. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 150.24 of the Code of Ordinances, Zoning Board Of Adjustment, is hereby amended as follows:

150.24 ~~Zoning~~ Planning Board ~~Of Adjustment~~

The town's ~~Zoning~~ Planning Board ~~of Adjustment~~ shall perform the duties prescribed by Section 150.16(D) and shall keep an accurate record of all its proceedings.

Section 22. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 150.48(D) and (E) of the Code of Ordinances, Corrective Procedures, is hereby amended as follows:

d. *Appeal*. Any owner or occupant who has received an order to take corrective action may appeal the order to the Huntersville ~~Zoning~~ Planning Board ~~of Adjustment~~ (hereinafter referred to as the "Planning Board ~~of Adjustment~~" or "Board") as provided in Article IV, Section 151.60. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Planning Board ~~of Adjustment~~ shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order.

e. *Failure to comply with order*. If the owner or occupant of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Planning Board ~~of Adjustment~~ following an appeal, he/she shall be subject to civil enforcement as described in Article II, Section 151.34.

Section 23. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.59 of the Code of Ordinances, Authority Of Board Of Adjustment, is hereby amended as follows:

151.59 Authority Of Planning Board ~~Of Adjustment~~

A. The Planning Board ~~of Adjustment~~ of Huntersville shall hear and decide appeals from any order, decision, determination or interpretation made by the Floodplain Administrator pursuant to or regarding these regulations.

B. The Planning Board ~~of Adjustment~~ shall hear and decide petitions for Variances from the requirements of this ordinance.

Section 24. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.60 of the Code of Ordinances, Initiation And Filing Of Appeal, is hereby amended as follows:

151.60 Initiation And Filing Of Appeal

A. An appeal of an order, decision, determination or interpretation made by the Floodplain Administrator may be initiated by any person aggrieved by any officer, department, board or bureau of the town.

B. A notice of appeal in the form prescribed by the Planning Board ~~of Adjustment~~ must be filed with the Board's Clerk, with a copy to the Floodplain Administrator, within 20 days of the order, decision, determination or interpretation and must be accompanied by a nonrefundable filing fee as established by the town council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section and the Planning Board ~~of Adjustment~~ shall have no jurisdiction to hear the appeal.

Section 25. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.61 of the Code of Ordinances, Standards And Hearing Procedure, is hereby amended as follows:

151.61 Standards And Hearing Procedure

A. The Planning Board ~~of Adjustment~~ will conduct the hearing on an appeal of an order, decision, determination or interpretation of these regulations in accordance with its normal hearing procedures as set out in the Town of Huntersville Zoning Code.

B. At the conclusion of the hearing, the Planning Board ~~of Adjustment~~ may reverse or modify the order, decision, determination or interpretation under appeal upon finding an error in the application of these regulations on the part of the Floodplain Administrator who rendered the decision, determination or interpretation. In modifying the decision, determination or interpretation, the Board will have all the powers of the officer from whom the appeal is taken.

Section 26. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.62 of the Code of Ordinances, Initiation And Filing Of Variance Petition, is hereby amended as follows:

151.62 Initiation And Filing Of Variance Petition

A. A petition for variance may be initiated only by the owner of the affected property, or an agent authorized in writing to act on the owner's behalf.

B. A petition for a variance from these regulations in the form prescribed by the Planning Board ~~of Adjustment~~ must be filed with the Board's Clerk, with a copy to the Floodplain Administrator, and be accompanied by a nonrefundable filing fee as established by the town council.

Section 27. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.63 of the Code of Ordinances, Factors For Consideration And Determination Of Completeness, is hereby amended as follows:

151.63 Factors For Consideration And Determination Of Completeness

A. In passing upon variances, the Planning Board ~~of Adjustment~~ shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

1. Danger that materials allowed to be placed in the floodway as a result of the variance may be swept onto other lands to the injury of others during a community base flood;
2. Danger to life and property due to flooding or erosion damage from a community base flood;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage during the community base flood;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flooding or erosion damage during a community base flood, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the Mecklenburg County Floodplain Management Guidance Document, Mecklenburg County Flood Hazard Mitigation Plans, the Mecklenburg County Greenway Plan, and any other adopted land use plans for that area;
9. Safety of access to the property in times of a community base flood for ordinary and emergency vehicles.
10. Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters during a community base flood expected at the site; and

11. Costs of providing governmental services during and after flood events, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.

B. A written report addressing each of the above factors shall be submitted with the application for a variance.

C. Upon consideration of the factors listed above and the purposes of this ordinance, the Planning Board ~~of Adjustment~~ may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

D. Variances may be issued for the repair or rehabilitation of Historic Structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

E. Functionally dependent facilities if determined to meet the definition as stated in Article I Section 151.06 of this ordinance, provided provisions of Article VI have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

F. Any other type of development, provided it meets the requirements of this section.

Section 28. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.66 of the Code of Ordinances, Miscellaneous Conditions, is hereby amended as follows:

151.66 Miscellaneous Conditions

A. In addition to consideration of the items in Section 151.63(A), if dryland access cannot be obtained, a variance to the requirement for dryland access may be granted by the Planning Board ~~of Adjustment~~ upon consideration of the following conditions:

1. A determination that all possible alternatives have been investigated in an attempt to provide the safest access from a proposed habitable building to a dry public street.

2. The existence of a site plan prepared by a licensed land surveyor or professional engineers indicating that the proposed access to habitable buildings on the property poses the least risk from flooding.

B. In addition to consideration of the items in Section 151.63(a), a variance may be issued by the Planning Board ~~of Adjustment~~ for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following criteria are met:

1. The use serves a critical need in the community.
2. No feasible location exists for the use outside the special flood hazard areas.
3. The reference level of any structure is elevated above the flood protection elevation or is designed and sealed by a Professional engineer or a registered architect to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
4. There will be no storage of materials or tanks which could flood within the special flood hazard area unless they are contained in a structure as defined in (3) above.
5. The use complies with all other applicable laws and regulations.
6. The Town of Huntersville has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

Section 29. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.68 of the Code of Ordinances, Appeal From Board Of Adjustment, is hereby amended as follows:

151.68 Appeal From Planning Board ~~Of Adjustment~~

A. Any person aggrieved by the final decision of the Planning Board ~~of Adjustment~~ to grant or deny a Floodplain Development Permit shall have 30 days to file an appeal to Mecklenburg County Superior Court, as provided in N.C.G.S. 143-215.57(c).

B. Any party aggrieved by the decision of the Planning Board ~~of Adjustment~~ related to any other order, decision, determination or interpretation of these regulations, including the granting or denial of a variance, shall have 30 days from the receipt of the Board's decision to file a petition for review in the nature of certiorari in Mecklenburg County Superior Court.

Section 30. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.80(A)(5) of the Code of Ordinances, Specific Standards, is hereby amended as follows:

5. Dryland access. Access to habitable buildings during a flood event is extremely hazardous. Dryland access must be provided to new or substantially improved habitable buildings according to the following criteria:

Dryland access is required if any portion of either the habitable building or vehicular access route, connecting the habitable building to a public street, is within the floodplain. If dryland access cannot be obtained, a variance to the requirement for dryland access may be granted by the Planning Board ~~of Adjustment~~. Plans and details for the dryland access must be submitted by a registered professional engineer or surveyor and approved by the Floodplain Administrator.

Section 31. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 151.81(A)(6) of the Code of Ordinances, Levees, is hereby amended as follows:

6. After the end of the 30-day comment period, but no more than 60 days from the end of the comment period, the Director shall approve or disapprove the application or request more information from the owner of the levee. If the Director determines that the additional information is sufficiently significant, the Director may offer an additional 30-day comment period to all parties involved. Consistent with Article VI, the Director's decision may be appealed to the ~~Zoning~~ Planning Board ~~of Adjustment~~.

Section 32. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 152.11 of the Code of Ordinances, Appeals, is hereby amended as follows:

152.11 Appeals
Appeals may be taken from any decision or order of the Inspector, or assigned agent, to the Planning Board ~~of Adjustment~~. Any person aggrieved by a decision or order of the Inspector shall have the remedies provided in G.S. § 160D-1208.

Section 33. This ordinance shall become effective upon adoption.

PLANNING BOARD: June 24, 2025
TOWN BOARD: July 15, 2025

Board of Adjustment Revisions

Subdivision Ordinance

2.100 DEFINITIONS

As used in this ordinance, the following terms will have the meanings indicated in this section:

~~*Board of Adjustment*. The Zoning Board of Adjustment of the Town of Huntersville.~~

Zoning Ordinance

2.3 Expansion/Redevelopment Of Existing Structures And Projects

1. Individual structures which become non-conforming as of the effective date of these regulations may be expanded upon a finding by the Planning Director that:
    1. the proposed expansion meets the requirements of these regulations to the extent practicable, given the shape and topography of the tract and the location of existing buildings and site improvements; and
    2. the proposed expansion does not cause the structure to exceed maximum building size for the district; and
    3. the development site taken as a whole, including parking, sidewalks, screening, landscaping and signage, will be brought into conformance with these regulations to the extent practicable.
2. Existing multi-building development projects, such as shopping centers, apartment complexes, and business parks, which become non-conforming as to building and site layout as of the effective date of these regulations, are eligible for partial redevelopment, which may include expansion, upon a finding by the Planning Director that:
    1. the redevelopment or expansion meets the requirements of these regulations to the extent possible, given the shape and topography of the tract and the location of existing buildings; and
    2. the development site taken as a whole, including parking, sidewalks, screening, landscaping and signage, will be brought into conformance with these regulations to the extent practicable.
3. Appeal of the Planning Director's decision regarding expansion or redevelopment according to subsections 2.3.1 or 2.3.2, above shall be to the Huntersville Planning Board following the procedures of Section 11.3.2.

3.3.2-A Critical Areas (CA-1, CA-2, CA-3, CA4)

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(c)Paired-Parcel Averaged-Density Development. Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.

1. A density averaging certificate shall be considered one development request.
2. Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.
3. The paired parcels may include or be developed for residential or non-residential purposes.
4. Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
5. The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.
6. A Density Averaging Certificate shall be obtained from the Watershed Review Board (Planning Board) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

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7. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.

8. The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.

9. Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by Charlotte-Mecklenburg Storm Water Services.

10. Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.

11. No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.

12. Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

3.3.2-B Protected Areas (PA-1, PA-2)

(h) **High Density Option Requirements in Protected Areas of the MIL Watershed**.

1. The High-Density Option allows for greater development density provided engineered controls (structural BMPs) are used to manage storm water runoff. Structural BMPs are required under the High-Density Option. The High-Density Option is permitted in the PA1 and PA2 subareas. In addition to meeting basic zoning and subdivision standards of the Town of Huntersville, high density development shall meet the requirements of this section, the Land Development Standards Manual, and other published standards of the Town Engineering Department.

2. High-Density Permit Application.

    1. A High-Density Development Permit shall be required for new development exceeding the requirements of the low-density option.

    2. Application for a High-Density Development Permit shall be submitted as follows:

        1. Development plans subject to the Huntersville Subdivision Ordinance and the Sediment and Erosion Control Ordinance will submit the High-Density Development Permit to the Town Engineering Department and the Huntersville Planning Director, or designee, as part of the subdivision review application process.

2. Development plans exempt from Subdivision Ordinance regulations will submit the High- Density Development Permit to the Town Engineer or their designee as part of the Sediment and Erosion Control requirements of the building permit application process.

3. Applications for the High-Density Option shall be made on the proper form and shall include the following information:

   • A completed High-Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.

   • Required number of development plans and specifications of the storm water control structure.

   • Submittal of a sediment and erosion control plan to the appropriate agency.

   • Permit application fees.

3. Structural BMPs.

   1. All structural BMPs shall be designed, and the plans sealed, by a North Carolina registered professional with qualifications appropriate for the type of system required as provided for in the North Carolina General Statutes.

   2. Structural BMPs shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual.

   3. Qualifying areas of the structural BMP may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.

   4. The design of the structural BMP shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

4. Posting of Financial Security Required.

   1. When Structural BMPs are required under the High-Density Option, the approval of the High- Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

5. Additional Requirements.

1. An Occupancy Permit shall not be issued for any building within the permitted development until the Town Engineering Department has approved the storm water control structure.

2. Appeals of any order, requirement, decision or determination shall be made to and decided by the Planning Board of the Town of Huntersville.

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(i) **Paired-Parcel Averaged-Density Development**. Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.

1. A density averaging certificate shall be considered one development request.

2. Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.

3. The paired parcels may include or be developed for residential or non-residential purposes.

4. Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.

5. The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.

6. A Density Averaging Certificate shall be obtained from the Watershed Review Board (Planning Board) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part

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of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

7. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.
8. The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.
9. Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by the Town of Huntersville.
10. Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.
11. No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.
12. Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

3.3.2-C Appeals And Variances In MIL-O District

1. The Planning Board is hereby designated the Watershed Review Board.
2. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator (herein designated the Watershed Administrator), shall comply with the procedures and standards of Section 11.3 of these regulations.
3. A petition for variance to the standards of the Mountain Island Lake Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.
    a. In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall

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include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

b. Major and Minor Variances are differentiated by definition.

Minor variances shall include a variance from the minimum statewide watershed protection rules that results in the relaxation of up to 10 percent of any vegetated setback, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five percent of any vegetated setback, density, or minimum lot size requirement applicable to high density development. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach within the vegetated setback divided by the total area of vegetated setback within the project.

Major variances means a variance that is not a "minor variance" as that term is defined in 15A NCAC 02B .0621 of the North Carolina Administrative Code.

c. Major and Minor Variances are differentiated as to procedures and standards.

Per 15A NCAC 02B.0623(5) of the North Carolina Administrative Code the Watershed Review Board shall make the below findings of fact for granting minor and major variance petitions: a) there are difficulties or hardships that prevent compliance with the ordinance; (b) the variance is in accordance with the general purpose and intent of the local watershed protection ordinance; and (c) granting the variance, the project will ensure equal or better protection of waters of the State than the requirements of Rules .0621-.0624 of 15A NCAC 02B.0623(5) of the North Carolina Administrative Code and that the stormwater controls will function in perpetuity.

Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Major variances shall comply with the procedures and standards of Section 11.3 except that:

A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Planning

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Board hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

3.3.3-A Critical Area (CA)

c. High-Density Option Requirements in the Critical Area of the LN Watershed.

1. The High-Density Option allows for greater development density provided engineered controls (structural BMPs) are used to manage storm water runoff. Structural BMPs are required under the High-Density Option. The High-Density Option is permitted in the CA subarea. In addition to meeting basic zoning and subdivision standards of the Town of Huntersville, high-density development shall meet the requirements of this section, the Land Development Standards Manual, other published standards of the Town Engineering Department.
2. **High Density Permit Application**.
    1. A High-Density Development Permit shall be required for new development exceeding the requirements of the low-density option.
    2. Application for a High-Density Development Permit shall be submitted as follows:
        1. Development plans subject to the Huntersville Subdivision Ordinance and the Sediment and Erosion Control Ordinance will submit the High-Density Development Permit to the Town Engineering Department and the Huntersville Planning Director, or designee, as part of the subdivision review application process.
        2. Development plans exempt from subdivision ordinance regulations will submit the High-Density Development Permit to the Town Engineer or their designee as part of the Sediment and Erosion Control requirements of the building permit application process.
        3. Applications for the High-Density Option shall be made on the proper form and shall include the following information:

            • A completed High-Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.

            • Required number of development plans and specifications of the storm water control structure.

            • Submittal of a sediment and erosion control plan to the appropriate agency.

- Permit application fees.

3. **Structural BMPs**.

    1. All structural BMPs shall be designed, and the plans sealed, by a North Carolina registered professional with qualifications appropriate for the type of system required as provided for in the North Carolina General Statues.

    2. Structural BMPs shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual.

    3. Qualifying areas of the structural BMP may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.

    4. The design of the structural BMP shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

4. **Posting of Financial Security Required**.

    1. When Structural BMPs are required under the High-Density Option, the approval of the High- Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

5. **Additional Requirements**.

    1. An Occupancy Permit shall not be issued for any building within the permitted development until the Town Engineering Department has approved the storm water control structure.

    2. Appeals of any order, requirement, decision or determination shall be made to and decided by the Planning Board of the Town of Huntersville.

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d. **Paired-Parcel Averaged-Density Development**. Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.

    1. A density averaging certificate shall be considered one development request.
    2. Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same

water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.

3. The paired parcels may include or be developed for residential or non-residential purposes.
4. Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
5. The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.
6. A Density Averaging Certificate shall be obtained from the Watershed Review Board (Planning Board) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.
7. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.
8. The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.

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9. Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by Charlotte-Mecklenburg Storm Water Services.

10. Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.

11. No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.

12. Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

3.3.3-B Appeals And Variances In LN-O District

1. The Planning Board is hereby designated the Watershed Review Board.

2. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator (herein designated the Watershed Administrator), shall comply with the procedures and standards of Section 11.3 of these regulations.

3. A petition for variance to the standards of the Lake Norman Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.

    1. In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

    2. Major and Minor Variances are differentiated by definition.

       Minor variances shall include a variance from the minimum statewide watershed protection rules that results in the relaxation of up to 10 percent of any vegetated setback, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five percent of any vegetated setback, density, or minimum lot size requirement applicable to high density development. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach within the vegetated setback divided by the total area of vegetated setback within the project.

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Major variances means a variance that is not a "minor variance" as that term is defined in 15A NCAC 02B .0621 of the North Carolina Administrative Code.

3. Major and Minor Variances are differentiated as to procedures and standards.

   Per 15A NCAC 02B.0623(5) of the North Carolina Administrative Code the Watershed Review Board shall make the below findings of fact for granting minor and major variance petitions: a) there are difficulties or hardships that prevent compliance with the ordinance; (b) the variance is in accordance with the general purpose and intent of the local watershed protection ordinance; and (c) granting the variance, the project will ensure equal or better protection of waters of the State than the requirements of Rules .0621-.0624 of 15A NCAC 02B.0623(5) of the North Carolina Administrative Code and that the stormwater controls will function in perpetuity.
   Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

   Major variances shall comply with the procedures and standards of Section 11.3 except that:

   A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

   A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Planning Board hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

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7.2 General Regulations

1. All trees and shrubs plantings required by this ordinance shall be selected from the approved Huntersville Tree and Shrub List. Other species and cultivars not on the list may be approved by the Planning Director on a case by case basis, but must be locally adapted to the area and meet the specifications for the measurement, quality, and installation of trees and shrubs in accordance with the American Standards for Nursery Stock, published by the American Horticulture Industry Association. Native species and related cultivars are encouraged.
2. Installation of trees and shrubs shall comply with the Land Development Standards Manual.
3. Landscaping, including berms where permitted, shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety upon any such street,

driveway, parking aisle, or street intersection. Required NCDOT sight distance triangles and sight triangles in Section 8.9 shall apply to street trees. Any sight obstruction determined by the town shall be corrected immediately.

4. Commercial parcels shall be landscaped while vacant to stabilize the site and maintain an attractive appearance. Landscaping shall consist of, at a minimum, turf grass or other vegetative ground cover to stabilize the soil. Shrubs, trees, or any other vegetative cover may be planted that will and create an attractive appearance.
5. All required plantings shall be installed in a manner that ensures the availability of sufficient soil and water for healthy growth and that is not intrusive to aboveground and underground utilities.
6. Small maturing trees are required to be substituted for large maturing trees whenever located within 25 feet of an overhead utility line.
7. Monoculture and over planting shall be avoided except that a single species of tree may be planted in formal parks or in conjunction with a streetscape plan.
8. The Zoning Administrator may approve revisions to a landscaping plan approved by the Town Board in order to accommodate seasonal planting problems or a lack of plant availability as long as:
    1. There is no reduction in the quantity of plant material.
    2. There is no significant change in the size or location of plant materials.
    3. The new plants are of the same general category and have the same general design characteristics as the materials being replaced.
9. Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements of sections 7.5 and 7.6 of this Article as long as such are: 1) free from disease or growth problems, 2) clearly shown on the site plan, 3) approved by the zoning administrator prior to development as meeting the intent of the landscaping requirements, 4) are not considered nuisance or noxious plants, and 5) are adequately protected during grading and development of the site.
10. In addition to the Tree Save Area required in this Article, every reasonable effort shall be made to protect and retain existing trees and shrubs not actually lying in planned roadways, drainageways, building foundation sites and construction activity areas. Except when necessary to provide access to a site or to ensure the safety and security of people and property, any existing healthy trees that are eight inches or greater in caliper, located within a public right-of-way or undeveloped required yard shall be retained unless approved for removal by staff during site plan review.
11. Berms are not permitted anywhere within the town's jurisdiction except in conformity with this Article.
12. All trees shall be a minimum of 2 inches in caliper and 8 feet in height at the time of planting, unless otherwise specified.

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13. All shrubs shall be a minimum of 3 feet in height at the time of planting with an expected minimum height of at least 6 feet at maturity, unless otherwise specified.

7.4 Tree Preservation, Protection, And Removal

1. **Purpose**. Wooded sites provide distinct aesthetic, economic, and environmental significance and value as a natural resource of the Town. Existing vegetation plays a critical role in maintaining aesthetics, water quality, minimizing erosion and downstream flooding, and increasing quality of life.

2. **Tree Preservation**.

    a. **Applicability**. Significant forest stands, specimen trees, and heritage trees, as defined in this ordinance, shall be preserved. Forested areas and vegetated areas and areas whose physical site conditions render them unsuitable for development shall be set aside as conservation areas or as open space. Wooded sites shall be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, careful consideration shall be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees, specimen trees and heritage trees shall be protected as a valuable asset of the property.

    b. **Site Analysis/Existing Features Plan**. For the purposes of identification and preservation, a site analysis by a North Carolina Landscape Architect, Engineer, or other professional approved by staff is required for all development. The site analysis shall be submitted to planning staff prior to sketch plan review and prior to any clearing. The developer and/or the design firm shall review plans with staff to determine the best areas for potential tree save. Refer to Section 6.0 of the Subdivision Ordinance for all site analysis requirements.

    c. **Method for Calculating Existing Tree Save and Proposed Tree Save Areas**. Existing tree save area shall be considered the area in which the drip line of the existing tree or trees is located on the property plus an additional 5 feet around the perimeter, prior to development. Proposed tree save area shall be considered the area in which the drip line of the remaining tree or trees is located on the property plus an additional 5 feet around the perimeter after development. If root disturbance or construction activities occur within the drip line of any trees designated as tree save, only the area actually being protected will be included in the proposed Tree Save Area.

    Additional credits shall be given to preserve Heritage Trees at a rate of 2 times the actual tree save area and Specimen Trees at a rate of 1 1/2 times the actual tree save area. Staff may adjust applicable land development standards to protect and preserve Heritage or Specimen Trees.

    d. **Tree Selection Criteria**. The development manager, working with staff will determine the trees of greatest priority to designate as tree save areas. The following characteristics shall be considered when selecting trees to be protected and saved:

1. Tree vigor. Healthy trees shall be preserved. A tree of low vigor is susceptible to damage by environmental changes that occur during site development. Healthy trees are less susceptible to insects and disease. Indications of poor vigor include dead tips of branches, small annual twig growth, stunted leaf size, sparse foliage, and pale foliage color. Hollow or rotten trees; cracked, split, or leaning trees; or trees with broken tips also have less chance of survival.
2. Tree age. Old, picturesque trees may be more aesthetically valuable than smaller, younger trees, but they may require more extensive protection.
3. Tree species. Preserve those species that are most suitable for site conditions and landscape design. Tree species that are short lived or brittle or are susceptible to attack by insects and disease are poor choices for preservation.
4. Tree aesthetics. Choose trees that are aesthetically pleasing, shapely, large, or colorful. Avoid trees that are leaning or in danger of falling. Occasionally, an odd shaped tree or one of unusual form may add interest to the landscape if strategically located; however, be certain that the tree is healthy.
5. Wildlife benefits. Choose trees that are preferred by wildlife for food, cover, or nesting. A mixture of evergreens and hardwoods may be beneficial. Evergreen trees are important for cover during the winter months, whereas hardwoods are more valuable for food.
6. Environmental benefits. Choose trees that help to reduce runoff and erosion, disconnect impervious areas, serve as stormwater filters, and/or buffer onsite perennial streams.

e. **Tree Save Delineation**. All trees save areas must be specified on the recorded plat, individual recorded deeds, and all property association documents for land held in common.

f. **Tree Preservation Requirements**. Tree preservation areas (tree save) shall be determined once a site analysis plan has been completed demonstrating the amount of existing tree canopy on a site and identifying specific locations of all heritage and specimen trees. The percentages listed below are based on existing trees as established above under Method for Calculating Existing and Proposed Tree Save Area (7.4.2 C). The following is the minimum tree preservation required per district:

Zoning District	**Minimum Tree Preservation Required**		
	Existing canopy ³ 10% of total site area	**Existing canopy < 10% of total site area**	**Heritage Trees**
R	50% of existing trees [2, 3, 4]	10% of total site area (existing and planted) [1, 2, 3, 4]	100%[2]

TR	35% of existing trees [2, 3]	10% of total site area (existing and planted) [1, 2, 3]	100%[2]
GR and NR Districts	10% of total site area (existing and planted) [2, 3]	10% of total site area (existing and planted) [1, 2, 3]	100%[2]
TC, CI, TND, NC, TOD, HC, SP, CB, VS Districts	0%	0%	100%[2]

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

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

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

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

Saved Number of Trees	**Canopy Area of Saved Trees**	**Calculated Tree Save Area**
4 Specimen trees	3900 sq. ft.	5850 sq. ft.

2 Heritage trees	2000 sq. ft.	4000 sq. ft.

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

g. **Residential Development along Thoroughfares**. All residential development fronting a major or minor thoroughfare shall provide a 20-foot landscape easement located within common area between the future right-of-way and any proposed lots or public streets. The easement shall be placed on a map of record and a note on the record plat shall state

"The homeowners association shall be responsible for the continued preservation and maintenance of this area."

All existing vegetation shall remain unless it is determined by the Planning Director that the vegetation is not worthy of preservation and an alternative plan is acceptable. These areas must meet or exceed the opaque screening standards as established in this Article through the use of existing vegetation and supplemental plantings.

Along thoroughfares, berms may be installed in a landscape easement adjacent to residential development only in areas devoid of existing vegetation or vegetation not worthy of preservation and only with the approval of the Planning Director. Installation of berms shall not exempt development from the opaque planting requirement as listed above. If included in the landscape design, berms shall:

1. Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
2. Be designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
3. Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch, or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
4. Be fully installed, planted and stabilized prior to certification of zoning compliance.
5. Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

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6. Free of structures, including fences, unless approved by the Town as part of the landscaping requirements for a development site.

7. Not be used as part of any outdoor living space by adjacent property owners within the development.

3. **Tree Protection**.

    a. **Applicability**. A Tree and Root Preservation Plan delineating areas of tree save shall be incorporated as part of the Landscaping, Grading, and Erosion Control Plans. The following measures shall be followed to protect existing trees on a developing site.

        1. Prior to demolition, clearing, construction, grading, and installation of erosion control measures, tree protective barriers must be installed around all tree save areas by the developer and approved by the Town.

        2. The tree protection barrier shall be located along the perimeter of the tree save area (drip line plus 5 feet). Tree protection barrier for a forest canopy stand area is to be located along the perimeter of the tree save area around the forest edge. Tree protection barriers shall consist of orange safety fencing or a combination of orange safety fencing with silt fencing at a minimum of 4 feet in height on metal or wood posts.

        3. All tree protection areas must be designated as such with prominent "tree save area signs" posted in addition to the required protective fencing. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.

        4. No soil disturbance or compaction, stock piling of soil or other construction material, vehicular traffic, or storage of equipment and materials are allowed within the tree save area.

        5. No ropes, signs, wires, unprotected electrical installation or other device or material shall be secured or fastened around or through a tree or shrub in a tree save area.

        6. All appropriate protective measures shall be maintained throughout the land disturbing and construction process and shall not be removed until final landscaping is installed.

    b. **Encroachment**. If encroachment into a required Tree Save/Preservation Area occurs which causes irreparable damage to trees, the Tree Preservation and/or Replacement Plan shall be revised to compensate for the loss. Encroachments shall be subject to the penalties listed in Article 7.9. Encroachments, damage, and removal of vegetation in a tree save/preservation area shall result in replanting in accordance with Article 7.4.5.

4. **Tree Removal**. A Land Disturbing Permit is required. Land disturbing activities shall not commence until such activities have been authorized by issuance of a valid Land Disturbing

Permit as specified under the provisions of the Land Development Standards Manual and Erosion and Sedimentation Control Manual.

5. **Mitigation**. If a required tree save/preservation area or required undisturbed buffer yard is disturbed for any reason, it shall be restored at a rate of 5 trees per 1,000 square feet. Trees to be planted shall have a minimum caliper of 2 inches, shall be 8-10 feet in height at installation, and shall be at least 75% large maturing hardwood varieties. Where a disturbed area also functioned to buffer adjacent properties or public street(s), at least 50% of the trees shall be evergreen varieties. Trees shall be distributed throughout the disturbed area in such a way as to effectively replace the vegetation disturbed. Where under story vegetation is removed or disturbed it shall be replaced at a rate of 20 shrubs per 1,000 square feet. Shrubs shall be evergreen and 3 feet in height when installed and are expected to reach a minimum height of 6 feet at maturity. When a tree is destroyed due to an act of God, it shall be replaced with the same species or comparable species, 2 inch in caliper in size. A planting plan is required for staff review and approval prior to planting.

7.11 Urban, Agricultural, Common, Natural And Recreational Open Space

1. **Urban Open Space**.

    a. Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements.

    b. Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.

    c. In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within ¼ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large-lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space is located within 1/2 mile of all building lots, as measured along the rights-of-way of streets providing access between the two.

    d. Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.

e. No more than twenty-five (25) percent of each above ground water quality/quantity treatment system (BMP) within an urban open space area can be used. Any above ground BMPs located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to BMP. To exceed the twenty-five (25) percent limitation, a design may be submitted to the Planning Board for review and approval. Such BMP design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds with fountains, and landscape material. Underground BMPs are not limited.

f. Urban Open Space types include Community Garden, Forecourt, Green, Greenbelt, Greenway, Park, Parkway, Pedestrian Passage, Plaza, Promenade, Square, and Woonerf, and are characterized as described below or to a minor variation of same.

8.15 Special Requirements For Lots Along Thoroughfares

1. **Authorization**. Pursuant to North Carolina General Statutes 160A-306 and 153A-326 (which state that cities and counties shall have authority to (1) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic load, and other characteristics relevant to the achievement of the purposes of this section, and (2) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be set back from the right-of-way line or the center line of an existing or proposed street) the following requirements shall apply.

2. **Minimum Setbacks Along Thoroughfares**. The build-to or set back line for any lot which abuts a thoroughfare classified on the Comprehensive Thoroughfare Plan shall be measured from the proposed right-of-way line, if existing right-of-way is of lesser width. The Proposed Right-Of-Way Line established for each classification of thoroughfare is as follows:

Thoroughfare Classification	**Feet**
Freeway or Expressway	250-350
Boulevard	100-200
Other Major Thoroughfare	100-120
Minor Thoroughfare	70-100
Town Streets (Collector, Local, Alley)	Varies according to the standards of Article 5 of the Huntersville Zoning Ordinance and the Town's Engineering Standards and Procedures Manual

3. **Transitional Setback for Lots Along Thoroughfares**. A transitional setback or yard shall be established for each lot which abuts a thoroughfare that has an existing right-of-way which is not as wide as the ultimate right-of-way established for that thoroughfare. The transitional setback

or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for those permanent uses which are prohibited in the established setbacks or yards. The area between the existing right-of-way and the Proposed Right-of-Way Line may not be used to satisfy any minimum open space requirement, any minimum lot size requirement, or any other minimum requirements imposed by this ordinance. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.

4. **Exceptions**. The standards herein prescribing setback from the proposed right-of-way line will not apply to any development for which a preliminary subdivision plan or a conditional district site plan has been approved prior to the effective date of regulations requiring setback from proposed right-of-way lines along thoroughfares. Nor shall they apply to structures in the Town Center District.

5. **Right To Appeal**. An affected property owner shall have the right to appeal transitional yard or setback requirements to the Planning Board for variance or modification as they apply to a particular piece of property. The Planning Board may vary or modify these requirements upon a showing that:

    1. The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirements, and
    2. The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted, and
    3. Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.
    4. In granting relief, the Planning Board may impose reasonable and appropriate conditions and safeguards to protect the interests of neighboring properties. The Planning Board's decision shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with N.C.G.S. 160D-1402.

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8.25 SWIM (Surface Water Improvement And Management) Stream Buffers

11. Appeals and Variances.

a. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of Section 11.3 of these ordinances.

b. **Special Variance Provisions/Mitigation Techniques**.

• When “unnecessary hardships”, as defined in Section 11.3.2 e, would result from strict adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the Huntersville Planning Board in compliance with the procedures

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and standards of Section 11.3.

• Site specific mitigation plans using the mitigation techniques set out below and approved by the designated agency shall be construed by the Planning Board to be evidence responsive to Section 11.3.2 e),– 4 consistency with adopted plans and protection of public safety and welfare. Specifications for these mitigation techniques are provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines (for Structural BMPs). The techniques below are not construed to offset the requirement of Section 8.25.6 for diffuse flow.

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11.2 Enforcement

1. **Administration and Enforcement Procedures**. If an application for a building permit, certificate of occupancy, or any other development approval subject to an administrative determination is denied because of non-compliance with these regulations, the Zoning Administrator shall provide written notification of the denial and of the reasons for the denial. The term "administrative determination" may be used interchangeably with the term "administrative decision."

   Planning staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and according to the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

   When any work or activity has been undertaken in violation of this ordinance, any State law delegated to the local government for enforcement, or the terms of a development approval, the Zoning Administrator may cause a written Notice of Violation to be issued. The Notice of Violation shall be delivered to the holder of the development approval and the landowner of the property involved (if the landowner is not the holder of the development approval). Delivery shall be accomplished by personal delivery, electronic delivery, or first-class mail.

   The Zoning Administrator may also issue a Stop Work Order and/or revoke any permit issued by the Zoning Administrator pursuant to Section 11.2.3.

2. **Right to Appeal Administrative Decisions**. Any person who has standing or the local government (used interchangeably with the "Town") may appeal an administrative decision to the Huntersville Planning Board (the "Planning Board") as provided in Section 11.3.2. Appeals of administrative decisions made to the Planning Board must be filed within 30 days from receipt of the written notice of the determination. In the absence of evidence to the contrary, written notice of the determination sent by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

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3. **Enforcement Remedies and Penalties for Violation**. The Zoning Administrator or other enforcement agent(s) designated by the Board of Commissioners may enforce any development regulation set forth by this ordinance using any one, all, or a combination of the following enforcement remedies:

    a. **Criminal**. Any person, firm, or corporation convicted of violating the provisions of this ordinance related to unsafe buildings, Section 11.2.3(f), or shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars ($500) and/or imprisoned for a period not to exceed twenty (20) days. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after notice of said violation is given.

    b. **Equitable Remedy**. The Zoning Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Zoning Administrator's application for equitable relief that there are other remedies provided under general law or this ordinance.

    c. **Injunction**. Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

    d. **Order of Abatement**. In addition to an injunction, the Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

    • Buildings or other structures on the property be closed, demolished, or removed;
    • Fixtures, furniture or other moveable property be moved or removed entirely;
    • Improvements, alterations, modifications, or repairs be made; or
    • Any other action be taken that is necessary to bring the property into compliance with this ordinance.

    e. **Execution of Court Decisions**. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic or materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

    f. **Stop Work Order Issuance and Revocation of Development Approvals**.

1. **Stop Work Order**. Whenever any work or activity subject to regulation pursuant to this ordinance or any State law delegated to the Town for enforcement purposes, is undertaken in substantial violation any state or local law or in a manner that endangers life or property, the Zoning Administrator may order the specific part of the work that is in violation (or would be when the work is completed) or that presents such a hazard to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the specific reasons for cessation, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. Violation of a stop work order shall constitute a Class 1 misdemeanor.

2. **Revocation of Development Approvals**. The Zoning Administrator may revoke any development approval (e.g., building permit, certificate of occupancy, etc.) by providing written notification to the holder stating the reason(s) for the revocation. Development approvals issued by the governing board may be revoked in the same manner in which they were approved, including any notice and hearing. Development approvals may be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of this ordinance or any State law delegated to the local government for enforcement purposes; or for false statements or representations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked.

g. **Civil Penalty**. In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to NC General Statute 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator.

Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a warning citation) after it has been issued unless the offender has sought an appeal to the decision of the Zoning Administrator through the Planning Board. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

11.3 Appeals And Variances

1. **Reserved.**
2. **Appeals and Variances**.

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a. Petition to Planning Board for Appeal or Variance.

a. An appeal of an administrative decision may be initiated by any person with standing or by the local government.

b. A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

b. Appeals. The Planning Board shall hear and decide appeals of administrative decisions of administrative officials charged with enforcement of the zoning and subdivision ordinances and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

1. Any person who has standing under G.S. 160D-1402(c), or the Town may appeal a decision to the Planning Board. An appeal is taken by filing a Notice of Appeal with the Clerk to the Planning Board. The Notice of Appeal shall state the grounds for the appeal.

2. The official who made the decision shall give written notice of the determination to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

3. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

4. The official who made the decision shall transmit to the Planning Board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. The record may be provided in written or electronic form.

5. Timely appeals of a notice of violation or other administrative decision shall stay enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Planning Board and any subsequent appeal in accordance with N.C.G.S. § 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom. After notice of the appeal has been filed, if the official who made the decision certifies to the Planning Board that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance, the enforcement proceedings shall not be stayed except by a restraining order granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Planning Board shall meet to hear the appeal within 15 days after such a

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request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for development approvals to use the property; in these situations, the appellant or local government may request and the Planning Board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

6. Subject to the provisions of subdivision (6) of this subsection, the Planning Board shall hear and decide the appeal within a reasonable time.

7. The applicant, the local government, and any person with standing to appeal shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Planning Board. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Planning Board shall continue the hearing.

8. The Planning Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

9. When hearing an appeal pursuant to N.C.G.S. § 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in N.C.G.S. § 160D-1402(j).

c. **Standards for Granting an Appeal**.

1. The Planning Board shall reverse or modify the order, decision, determination, or interpretation under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

2. In modifying the order, decision, determination, or interpretation, the Planning Board shall have all the powers of the official from whom the appeal is taken.

d. **Filing a Variance Petition**. A petition for variance, in the form prescribed by the Planning Board, shall be filed with the Clerk to the Planning Board or designated administrator, accompanied by a non-refundable filing fee as established by the Town Board and a list of adjoining properties including tax parcel numbers and the name and address of each owner.

e. **Standards for Granting a Variance**. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Planning Board shall vary any of the provisions of the ordinance upon a showing of all of the following:

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1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

f. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

g. Notice and Hearing.

1. The Planning Board shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition which comes before it.

2. Notice of Hearing. – Notice of Hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or subdivision ordinance. In the absence of evidence to the contrary, the Town may rely on the County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a Notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The Planning Board may continue an evidentiary hearing that has been convened without further advertisement.

h. Action by the Planning Board.

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1. The concurring vote of four-fifths (4/5ths) of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

2. A member of the Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

3. Quasi-Judicial Decisions. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair, or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board, or such other office or official as the ordinance specifies. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

4. Oaths. The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Planning Board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

5. Subpoenas. The Planning Board through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request the issuance of a subpoena, the applicant, local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses

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or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Planning Board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Planning Board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

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i. **Effect of Grant of Variance or Reversal or Modification of Administrative Decision**. After the Planning Board approves a variance, or reverses or modifies an order, decision, determination, or interpretation of an administrative official, the appellant or petitioner shall be responsible for obtaining a building permit and/or certificate of occupancy, as applicable, in order to proceed with the development of the subject property. All orders, decisions, determinations, and interpretations made by administrative officials under those procedures shall be consistent with the variance, reversal, or modification granted to the appellant or petitioner by the Planning Board.

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j. **Rehearing**. The Planning Board shall refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

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k. **Appeal from Planning Board**. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subsection 11.3.2(h)(3). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

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3. **Standards for Granting an Administrative Waiver**.
   a. **Purpose and Intent**. Unless otherwise provided in the Zoning Ordinance, the Zoning Administrator (which term shall include an administrative official designated by the Town Manager to perform these functions) is authorized to grant an administrative waiver of minor deviations from measurable and quantifiable standards of this ordinance subject to the following limitations:
      1. The standard for which the waiver can be granted must be a quantifiable and/or measurable standard set forth in the ordinance. Such standards may include, but are not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, signage requirements and other similar measurable and quantifiable standards.

2. The Zoning Administrator shall grant such waiver only after the requesting party has demonstrated that such minor deviation was a result of an unintended error or unique conditions of the property, does not and will not violated the spirit and harmony of the ordinance, and does not and will not adversely affect the rights of other property owners in any material manner.

3. The minor administrative waiver may not deviate by more than three percent (3%) any of the standards for which the waiver is given.

b. **Construction**. The authority given to the Zoning Administrator to grant such waivers shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to make such waiver, and instead, require that the applicant seek a variance from the Planning Board. The Zoning Administrator may not grant any waiver affecting the use or zoning classification; however, this shall not be construed as limiting the zoning Administrator's duties and rights under the ordinance, and whose decisions are appealable to the Planning Board.

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11.4 Amendment Process

1. **Purpose and Authority**.

    1. The purpose of this article is to provide a means for amending the text of these regulations and the classification of any parcel of land identified on the Official Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in response to changed conditions or changes in public policy.

    2. Upon compliance with the provisions of this article, the Town Board shall have the authority to amend or repeal the text of these regulations or the classification of any parcel of land indicated on the Official Zoning Map.

2. **Planning Board**.

    1. **Establishment**. The Planning Board of the Town of Huntersville shall consist of nine (9) members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, plus extraterritorial members determined as follows: the number of members appointed who reside in the extraterritorial zoning jurisdiction shall at a minimum meet the requirements of N.C.G.S. § 160D-307 for proportional representation, but shall in no instance be less than one (1).

    2. **Membership**.

        1. Members from Within the Town Limits. Each member shall be appointed by the Town Board for a term of three years. The terms of membership shall be staggered; therefore, in appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town

Board may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

2. Extraterritorial Members. In addition to the members hereinabove provided for, members of the Planning Board shall be appointed from the area within the extraterritorial jurisdiction of the Town of Huntersville, pursuant to the appointment process prescribed in N.C.G.S. 160D-307. Members so appointed shall have all of the obligations and duties of the other members of the Planning Board, including rights to vote on all matters coming before the Board. Each extraterritorial member shall be appointed for a period of three years. Eligibility for reappointment shall be determined by the procedures and policies established by the appointing body.

3. Term Limits and Service Limits. Members shall be limited to serving two (2) consecutive terms, however a member may be reappointed to the Planning Board after remaining off of the Board for at least one (1) year. Appointment to a vacant position to fill an unexpired term shall not be counted in determining eligibility for appointment or reappointment. No person shall be eligible for appointment as a member if such person is serving on any other board or commission appointed by the Board of Commissioners unless such other service is in an ex officio capacity. These terms limits and service limits shall apply to members residing in the corporate limits and to those residing within the extraterritorial jurisdiction of the Town of Huntersville. Notwithstanding the foregoing, the Board of Commissioners shall have the discretion to waive these term limits and service limits for a particular position on the Planning Board when there are no other members of the public willing to serve in the position, or in other appropriate circumstances as determined by the Board of Commissioners.

3. **Meetings**. Meetings shall be held on a monthly basis unless otherwise determined by the Board. The Chairman of the Board, or in his absence the vice chairman, may call a special meeting of the Board at any time by giving each member 24 hours' notice. Special meetings shall also be scheduled upon request by a simple majority of board members. A quorum of the Board shall consist of a simple majority or, for variance actions (which require the concurring vote of 4/5ths of the Board), 4/5ths of the membership of the appointed members, and a quorum shall be in attendance before any action of an official nature can be taken.

4. **Powers and Duties**.

    1. The Planning Board shall serve as the advisory board on all requests for changes in the zoning regulations and ordinances of the Town of Huntersville (the "Town"). As such, and pursuant to any authorities set forth in the Zoning Ordinance, the Planning Board shall hear all requests for zoning changes or other zoning action and shall, upon such hearings, make a recommendation to the Town Board as to any requested changes or action regarding this ordinance. Hearings on zoning petitions may, by joint decision of the Town Board and the

Deleted: The expiration date for each term shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July. If the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment, it being the intent of this proviso that original members shall serve terms of one, two, or three years plus a period of time between their initial appointments and June 30th of the year of their initial appointments. For purposes of this section, original appointments refer to members appointed upon first establishment of the Planning Board and also to members appointed to newly created seats upon any expansion of the Planning Board….

Deleted: Expiration dates for each term, initially and thereafter, shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July; provided further that if the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment. …

Planning Board, be held at joint meetings, or may be held separately. The Planning Board is hereby empowered to set procedures for the filing of zoning petitions so long as said procedures do not conflict with or are not in derogation of the then existing regulations and ordinances of the Town.

2. The Planning Board is empowered to make recommendations to the Town Board or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the Town and its environs.

3. Administrative Review. To hear and decide appeals according to the procedures of section 11.3, where it is alleged there is an error in any order, decision, determination, or interpretation made by the Zoning Administrator or designated administrative official in the enforcement of this ordinance.

4. Variances. To hear and decide applications for variances from the terms of this ordinance according to the standards and procedures herein so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed by the Board.

5. Density Averaging Certificates. To hear and decide applications for density averaging certificates for paired-parcel averaged-density development, acting as the Watershed Review Board, to ensure both parcels considered together meet the standards of the ordinance and that potential owners have notice of how the watershed regulations were applied to the parcel pair.

12.2.1 General Definitions

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12.2.3 Watershed Definitions

Density Averaging Certificate. Approval for density averaging granted by the Planning Board acting as the Watershed Review Board at a Planning Board meeting after it is proven by the applicant that the request meets all the requirements of Section 3.3.2-A: h) or 3.3.3-A: i) of the Huntersville Zoning Ordinance.

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Watershed Administrator. The individual appointed and duly sworn by the Board of Commissioners of the Town of Huntersville to administer and enforce the provisions of this section as follows:

1. The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits according to the provisions of this section. A record of all permits issued shall be kept on file in the office of the Watershed Administrator.

2. The Watershed Administrator or designee shall serve as staff to the Planning Board when it is serving in its capacity as the Watershed Review Board.

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14.7 Appeals And Variances

An applicant may seek a variance from the terms of this Article or appeal a determination by the Zoning Administrator or other administrative official, made pursuant to the terms of this Article, to the Planning Board, as provided in Article 11.3 of the Zoning Ordinance.

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Code of Ordinances

150.16 Administrative Procedure

D. *Appeals from orders of Inspector*.

1. An appeal from any decision or order of the Inspector is a quasi-judicial matter and may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the town's Planning Board, hereinafter referred to as "Board", a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the paper constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one-days written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § 160D-1208 and division (E) of this section.

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150.24 Planning Board

The town's Planning Board shall perform the duties prescribed by Section 150.16(D) and shall keep an accurate record of all its proceedings.

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151.48 Corrective Procedures

A. *Violations to be corrected*. When the Floodplain Administrator finds violations of applicable state and local laws and notifies the property owner or building occupant of the violation, the owner or occupant shall immediately remedy each violation of law cited in the notice.

B. *Actions in event of failure to take corrective action*. If the owner or occupant of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give

written notice, by certified or registered mail to the last known address or by personal service that:

1. The building or property is in violation of the Floodplain Regulations;
2. A hearing will be held before the Floodplain Administrator at a designated place and time, not later than 20 calendar days after the date of the notice; at which time the owner or occupant shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
3. Following the hearing, the Floodplain Administrator may issue such order to alter, vacate or demolish the building, or to remove fill or other unauthorized encroachment, as appears appropriate.

C. *Order to take corrective action*. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the floodplain regulations, he shall issue an order in writing to the owner or occupant, requiring the owner or occupant to remedy the violation within such period, not less than 60 calendar days, as the Floodplain Administrator may prescribe; provided that, where the Floodplain Administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

D. *Appeal*. Any owner or occupant who has received an order to take corrective action may appeal the order to the Huntersville Planning Board (hereinafter referred to as the "Planning Board" or "Board") as provided in Article IV, Section 151.60. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Planning Board shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order.

E. *Failure to comply with order*. If the owner or occupant of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Planning Board following an appeal, he/she shall be subject to civil enforcement as described in Article II, Section 151.34.

151.59 Authority Of Planning Board

A. The Planning Board of Huntersville shall hear and decide appeals from any order, decision, determination or interpretation made by the Floodplain Administrator pursuant to or regarding these regulations.

B. The Planning Board shall hear and decide petitions for Variances from the requirements of this ordinance.

151.60 Initiation And Filing Of Appeal

A. An appeal of an order, decision, determination or interpretation made by the Floodplain Administrator may be initiated by any person aggrieved by any officer, department, board or bureau of the town.

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B. A notice of appeal in the form prescribed by the Planning Board must be filed with the Board's Clerk, with a copy to the Floodplain Administrator, within 20 days of the order, decision, determination or interpretation and must be accompanied by a nonrefundable filing fee as established by the town council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section and the Planning Board shall have no jurisdiction to hear the appeal.

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151.61 Standards And Hearing Procedure

A. The Planning Board will conduct the hearing on an appeal of an order, decision, determination or interpretation of these regulations in accordance with its normal hearing procedures as set out in the Town of Huntersville Zoning Code.

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B. At the conclusion of the hearing, the Planning Board may reverse or modify the order, decision, determination or interpretation under appeal upon finding an error in the application of these regulations on the part of the Floodplain Administrator who rendered the decision, determination or interpretation. In modifying the decision, determination or interpretation, the Board will have all the powers of the officer from whom the appeal is taken.

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151.62 Initiation And Filing Of Variance Petition

A. A petition for variance may be initiated only by the owner of the affected property, or an agent authorized in writing to act on the owner's behalf.

B. A petition for a variance from these regulations in the form prescribed by the Planning Board must be filed with the Board's Clerk, with a copy to the Floodplain Administrator, and be accompanied by a nonrefundable filing fee as established by the town council.

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151.63 Factors For Consideration And Determination Of Completeness

A. In passing upon variances, the Planning Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

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1. Danger that materials allowed to be placed in the floodway as a result of the variance may be swept onto other lands to the injury of others during a community base flood;
2. Danger to life and property due to flooding or erosion damage from a community base flood;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage during the community base flood;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flooding or erosion damage during a community base flood, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the Mecklenburg County Floodplain Management Guidance Document, Mecklenburg County Flood Hazard Mitigation Plans, the Mecklenburg County Greenway Plan, and any other adopted land use plans for that area;

9. Safety of access to the property in times of a community base flood for ordinary and emergency vehicles.

10. Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters during a community base flood expected at the site; and

11. Costs of providing governmental services during and after flood events, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.

B. A written report addressing each of the above factors shall be submitted with the application for a variance.

C. Upon consideration of the factors listed above and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

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D. Variances may be issued for the repair or rehabilitation of Historic Structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

E. Functionally dependent facilities if determined to meet the definition as stated in Article I Section 151.06 of this ordinance, provided provisions of Article VI have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

F. Any other type of development, provided it meets the requirements of this section.

151.66 Miscellaneous Conditions

A. In addition to consideration of the items in Section 151.63(A), if dryland access cannot be obtained, a variance to the requirement for dryland access may be granted by the Planning Board upon consideration of the following conditions:

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1. A determination that all possible alternatives have been investigated in an attempt to provide the safest access from a proposed habitable building to a dry public street.

2. The existence of a site plan prepared by a licensed land surveyor or professional engineers indicating that the proposed access to habitable buildings on the property poses the least risk from flooding.

B. In addition to consideration of the items in Section 151.63(a), a variance may be issued by the Planning Board for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following criteria are met:

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1. The use serves a critical need in the community.
2. No feasible location exists for the use outside the special flood hazard areas.
3. The reference level of any structure is elevated above the flood protection elevation or is designed and sealed by a Professional engineer or a registered architect to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
4. There will be no storage of materials or tanks which could flood within the special flood hazard area unless they are contained in a structure as defined in (3) above.
5. The use complies with all other applicable laws and regulations.
6. The Town of Huntersville has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

151.68 Appeal From Planning Board

A. Any person aggrieved by the final decision of the Planning Board to grant or deny a Floodplain Development Permit shall have 30 days to file an appeal to Mecklenburg County Superior Court, as provided in N.C.G.S. 143-215.57(c).

B. Any party aggrieved by the decision of the Planning Board related to any other order, decision, determination or interpretation of these regulations, including the granting or denial of a variance, shall have 30 days from the receipt of the Board's decision to file a petition for review in the nature of certiorari in Mecklenburg County Superior Court.

151.80 Specific Standards

A. Review and implementation of SWIM buffer regulations shall be concurrent and coordinated with the provisions of this chapter, so that both are satisfied. In all community and FEMA Special Flood Hazard Areas where community and FEMA Base Flood Elevation data have been provided, the following provisions are required:

1. *Residential construction*.

    a. New construction or substantial improvement of any residential structure shall have the reference level, elevated to the flood protection elevation.

        1. Nonsubstantial improvements notice. Renovations, rehabilitations, repair, reconstruction, or improvement costing between ten percent and 50 percent of the market value of the existing building and said building having the reference level below the flood protection elevation, will require the property owner to record a notice of floodplain improvements (provided in the Technical Guidance Document) with the Mecklenburg County Register of Deeds Office prior to the issuance of a building permit.

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2. Community base flood elevation exemption. Substantial improvement to existing buildings having the lowest floor located at least one foot above the FEMA Base Flood Elevation, but less than the flood protection elevation, are exempt from the requirement to elevate the lowest floor to or above the flood protection elevation. However, the property owner must record an affidavit of floodplain construction below community base flood elevation ("affidavit") with the Mecklenburg County Register of Deeds Office prior to the issuance of a building permit. The affidavit (provided in the Floodplain Regulations Technical Guidance Document) will acknowledge that the property owner elected to proceed with the renovations/rehabilitations, and was made aware of the community base flood elevations and that in the future there will be:

    1. Potential for flood losses,
    2. Potential for mandatory purchase of flood insurance,
    3. Potential for FEMA substantial improvement rules to apply, and
    4. No local funds available for flood mitigation assistance (buyouts, elevations, etc.).

2. *Nonresidential construction*. New construction or substantial improvement of any commercial, industrial or nonresidential structure shall meet the requirements for residential construction in Section 151.80(A)(1) above, or the structure may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 151.46(B)(3).

3. *New buildings removed from the FEMA Special Flood Hazard area by fill*. When new buildings have been constructed on land that has been removed from the FEMA Special Flood Hazard Area by the placement of fill, they must have the reference level (including basement) elevated at least one foot (two feet on the Catawba River including Lake Norman) above the community base flood elevation.

4. *Elevated buildings*. New construction or substantial improvement of elevated buildings, that include fully enclosed areas formed by foundation and other exterior walls below the community base flood elevation shall meet the requirements of Section 151.80(A), and shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

    a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

        1. Provide a minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above adjacent grade at the opening;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;

4. Openings must be on different sides of the enclosed area if possible; and

5. If the building has more than one enclosed area, each must have openings.

b. Foundation enclosures:

1. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore, such skirting does not require hydrostatic openings as outlined above.

2. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises, (standard exterior door) or entry to the living area (stairway or elevator).

d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

e. The enclosed area shall be constructed entirely of flood resistant materials at least to the flood protection elevation.

f. The enclosed area shall not be temperature controlled.

5. *Dryland access*. Access to habitable buildings during a flood event is extremely hazardous. Dryland access must be provided to new or substantially improved habitable buildings according to the following criteria:

Dryland access is required if any portion of either the habitable building or vehicular access route, connecting the habitable building to a public street, is within the floodplain. If dryland access cannot be obtained, a variance to the requirement for dryland access may be granted by the Planning Board. Plans and details for the dryland access must be submitted by a registered professional engineer or surveyor and approved by the Floodplain Administrator.

Deleted:

Deleted: Board of Adjustment

151.81 Levees

In all community and FEMA Special Flood Hazard Areas where community and FEMA Base Flood Elevation data have been provided, the following provisions for levees are required as set forth in Section 151.08.

A. *General levee requirements*.

1. Levees will be treated as development in the floodplain and are subject to all applicable sections of this ordinance.
2. The primary purpose of a levee must be to protect habitable buildings from flooding above the lowest floor from a community base flood event. However, the protection of buildings that are not habitable buildings or habitable buildings that flood in less than the community base flood event are permissible incidental results of the location of the levee.
3. With the exception of a levee that protects a building or feature that must be located in the vicinity of a stream to be functional such as a stream monitor, water/sewer facility or other uses approved by the Floodplain Administrator, levees require the approval of the Director of Mecklenburg County Storm Water Services, or his designee, regardless of their location within the community special flood hazard area (entire floodplain).
4. With the exception of a levee that protects a building or feature that must be located in the vicinity of a stream to be functional such as a stream monitor, water/sewer facility or other uses approved by the Floodplain Administrator, the owner of the levee and the Director of Mecklenburg County Storm Water Services, or his designee, shall conduct an open house forum prior to consideration of approval. The open house forum initiates a 30-day comment period for the Director or his designee to receive comments from the public.
5. Owners of land adjacent to a proposed levee shall be notified of the open house forum and be provided an opportunity to submit written comments during the 30-day comment period. Notification is to occur through regular mail, as well as a sign being placed at a conspicuous place at the creek and along the public and private road(s) of the properties that would be protected by the proposed Levee.
6. After the end of the 30-day comment period, but no more than 60 days from the end of the comment period, the Director shall approve or disapprove the application or request more information from the owner of the levee. If the Director determines that the additional information is sufficiently significant, the Director may offer an additional 30-day comment period to all parties involved. Consistent with Article VI, the Director's decision may be appealed to the Zoning Planning Board.
7. Regardless of whether the proposed levee would meet FEMA certification requirements, floodplain lines and flood elevations will not be modified based on the location, performance or any other aspects of the levee.

Deleted: Board of Adjustment

152.11 Appeals

Appeals may be taken from any decision or order of the Inspector, or assigned agent, to the Planning Board. Any person aggrieved by a decision or order of the Inspector shall have the remedies provided in G.S. § 160D-1208.

Deleted: Board of Adjustment

Request for Board Action

June 24, 2025

To: Board Members

From: Becca Prichard, Planner II

Date: June 24, 2025

Subject: Consider making a recommendation on text amendment TA25-05 to align the Town's Code of Ordinances with state law

---

EXPLAIN REQUEST:
Consider making a recommendation on text amendment TA25-05 to align the Town's Code of Ordinances with state law

ACTION RECOMMENDED:
Staff recommends approval as it aligns the Town's Code of Ordinances with state law.

FINANCIAL IMPLICATIONS:
N/A

ATTACHMENTS:
1. TA25-05 Staff Report PB
2. Signed Application TA25-05_Fire Prevention Only
3. Fire Prevention Code Ordinance
4. SB 166

TA25-05 NC Senate Bill 166 Compliance

PART 1: DESCRIPTION

TA25-05 is a text amendment request by the Town of Huntersville Planning Department to amend Article Articles 150.05 and 150.14 of the Code of Ordinances to ensure compliance with NC Senate Bill 166.

PART 2: BACKGROUND

NC Senate Bill 166 amends various development regulations. The applicable changes amend the title "State Fire Prevention Code" in the Code of Ordinances.

PART 3: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA25-05 as it aligns the Town's Code of Ordinances with state law.

PART 4: PUBLIC HEARING

The Public Hearing was held June 3rd, 2025. There was no public comment.

PART 5: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for June 24th, 2025.

PART 6: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance
3. Senate Bill 166

PART 7: STATEMENT OF CONSISTENCY – TA25-05

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA25-05, Planning Staff recommends approval as it aligns the Town's Code of Ordinances with state law.	**APPROVAL:** In considering the proposed amendment TA25-05, the Planning Board recommends approval based on the amendment being consistent with… **(insert applicable statement)**	**APPROVAL:** In considering the proposed amendment TA25-05, the Town Board recommends approval based on the amendment being consistent with… **(insert applicable statement)**
DECISION:	**DECISION:**	**DECISION:**

Town of Huntersville
NORTH CAROLINA

Text Amendment **Application**

Date of Application 5/13/2025

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

__X___ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Huntersville Code of Ordinances, Article(s): 150, Section(s): 5 & 14[redacted]

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 X Other: _Municipality_____

Signature _____ Date 5/14/25

Title_Planning Director_____ Email__brichards@huntersville.org_____

Address of Applicant _105 Gilead Road, Huntersville, NC 28078_____

Property Owner (if different than applicant)

* Printed Name_____

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

Signature _____ Date_____

Title_____ Email_____

Address of Property Owner _____

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: https://www.huntersville.org/228/Planning-Department

Date Received By Planning Department: _____

Staff Initials: _____

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE

CODE OF ORDINANCES

Section 1. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 150.05(B)(3) in Chapter 150 of the Code of Ordinances, Minimum Housing Standards, is hereby amended as follows:

> 3. Liquid fuels stored on the premises shall be stored in accordance with the provisions of the ~~Fire Prevention Code~~ North Carolina Fire Code.

Section 2. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 150.14(A) in Chapter 150 of the Code of Ordinances, Minimum Housing Standards, is hereby amended as follows:

A. The Inspector may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period, (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected, (iii) the inspection department has actual knowledge of an unsafe condition within the building, or (iv) violations of the local ordinances or codes are visible from the outside of the property. Nothing in this section shall be construed to prohibit periodic inspections in accordance with the ~~State Fire Prevention Code~~ North Carolina Fire Code or as otherwise required by State law.

Section 3. Effective Date.

This ordinance shall become effective upon the date of adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2024-49
SENATE BILL 166

AN ACT TO AMEND VARIOUS DEVELOPMENT REGULATIONS; TO AMEND VARIOUS NORTH CAROLINA STATE BUILDING CODES; TO AMEND VARIOUS CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS REGULATIONS; TO AMEND VARIOUS ENVIRONMENT AND ENVIRONMENTAL HEALTH REGULATIONS; AND TO REORGANIZE THE BUILDING CODE COUNCIL.

The General Assembly of North Carolina enacts:

PART I. DEVELOPMENT REGULATIONS

PROHIBIT CERTAIN BACKFLOW PREVENTER REQUIREMENTS BY PUBLIC WATER SYSTEMS

SECTION 1.1.(a) Article 10 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"**§ 130A-330. Local authority to require backflow preventers; testing.**

(a) No public water system owned or operated by a local government unit, as that term is defined in G.S. 159G-20(13), shall require a customer to install a backflow preventer on an existing nonresidential or residential connection, including multifamily dwellings, not otherwise required by State or federal law except where the degree of hazard from the customer's connection is determined to be high by the Department.

(b) The limitation established in subsection (a) of this section shall not be construed to prohibit requirements for installation of backflow preventers pursuant to the North Carolina Plumbing Code or the North Carolina Fire Code due to retrofit or upfit/fit-up to the customer's plumbing, facility addition on the customer's property, or change in use of the property served by the connection. The single act of a retrofit or upfit/fit-up to the customer's plumbing limited to the service line between the home or building and the meter, and without a change in use or facility addition, does not necessitate a backflow preventer. An increase in the flow of water to the home or building, without a change in use or facility addition, does not necessitate a backflow preventer.

(c) A public water system owned or operated by a local government unit, and its employees, including the Cross Connection Control Operator in Responsible Charge, is immune from civil liability in tort from any loss, damage, or injury arising out of or relating to the backflow of water into potable water supply systems where a backflow preventer is not required by State or federal law, or where the degree of hazard from the customer's connection is not determined to be high by the Department.

(d) The Department shall determine whether the degree of hazard for a service connection is high when the installation of a backflow preventer is not otherwise required by State or federal law. The Department shall provide notice of such determinations on its website.

(e) Nothing in this section shall prohibit a public water system owned or operated by a local government unit from requiring the installation of a backflow preventer if the system pays all costs associated with the backflow preventer, including the device, installation, and appropriate landscaping.

(f) No public water system owned or operated by a local government unit shall require periodic testing more frequently than once every three years for backflow preventers on residential irrigation systems that do not apply or dispose chemical feeds.

(g) A public water system owned or operated by a local government, and its employees, including the Cross Connection Control Operator in Responsible Charge, is immune from civil liability in tort from any loss, damage, or injury resulting from compliance with the limitations on periodic testing provided in subsection (f) of this section.

(h) A public water system owned or operated by a local government unit may accept the results of backflow preventer testing conducted by a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes or a certified backflow prevention assembly tester approved by the public water system.

(i) For purposes of this section, the following definitions apply:

(1) "Backflow preventer" means an assembly, device, or method that prohibits the backflow of water into potable water supply systems.

(2) "Certified backflow prevention assembly tester" means a person who holds a certificate of completion from a training program in the testing and repair of backflow preventers.

(3) "High hazard" means a cross-connection or potential cross-connection involving any substance that could, if introduced into the potable water supply, cause illness or death, spread disease, or have a high probability of causing such effects."

SECTION 1.1.(b) G.S. 150B-2 reads as rewritten:

"**§ 150B-2. Definitions.**

As used in this Chapter, the following definitions apply:

…

(8a) Rule. – Any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. The term does not include the following:

…

m. Determinations by the Department of Environmental Quality of high hazards pursuant to G.S. 130A-330.

…."

SECTION 1.1.(c) This section is effective when it becomes law and applies to requirements for installation or testing of backflow preventers made by a public water supply on or after that date.

PROHIBIT DUPLICATIVE WATER SERVICE SHUT-OFF VALVE REQUIREMENTS IN CERTAIN RESIDENTIAL DWELLINGS

SECTION 1.2.(a) Article 10 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"**§ 130A-331. Prohibit duplicative water service shut-off valves.**

All persons and units of local government locating, constructing, altering, or operating, or intending to locate, construct, alter, or operate, a public water system, as defined in G.S. 130A-313, are prohibited from requiring the installation of a redundant inline water service shutoff or cutoff valve between a water service meter and a customer receiving water service within a dwelling subject to the North Carolina Residential Code. This section does not apply to (i) integrated valves attached or located within a water meter box for the purpose of water meter

installation, repair, or replacement or (ii) valves installed as an accessible main shutoff valve near the entrance of water service as required by the North Carolina Residential Code."

SECTION 1.2.(b) This section becomes effective January 1, 2025.

BUILDING PERMIT FEES FOR INSPECTION DEPARTMENT CLARIFICATION

SECTION 1.3.(a) G.S. 160D-402 reads as rewritten:

"**§ 160D-402. Administrative staff.**

(a) Authorization. – Local governments may appoint administrators, inspectors, enforcement officers, planners, technicians, and other staff to develop, administer, and enforce development regulations authorized by this Chapter.

(b) Duties. – Duties assigned to staff may include, but are not limited to, drafting and implementing plans and development regulations to be adopted pursuant to this Chapter; determining whether applications for development approvals are complete; receiving and processing applications for development approvals; providing notices of applications and hearings; making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by law and local ordinance; conducting inspections; issuing or denying certificates of compliance or occupancy; enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records; and any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction. A development regulation may require that designated staff members take an oath of office. The local government shall have the authority to enact ordinances, procedures, and fee schedules relating to the administration and the enforcement of this Chapter. The administrative and enforcement provisions related to building permits set forth in Article 11 of this Chapter shall be followed for those permits.

(c) Alternative Staff Arrangements. – A local government may enter into contracts with another city, county, or combination thereof under which the parties agree to create a joint staff for the enforcement of State and local laws specified in the agreement. The governing boards of the contracting parties may make any necessary appropriations for this purpose.

In lieu of joint staff, a governing board may designate staff from any other city or county to serve as a member of its staff with the approval of the governing board of the other city or county. A staff member, if designated from another city or county under this section, shall, while exercising the duties of the position, be considered an agent of the local government exercising those duties. The governing board of one local government may request the governing board of a second local government to direct one or more of the second local government's staff members to exercise their powers within part or all of the first local government's jurisdiction, and they shall thereupon be empowered to do so until the first local government officially withdraws its request in the manner provided in G.S. 160D-202.

A local government may contract with an individual, company, council of governments, regional planning agency, metropolitan planning organization, or rural planning agency to designate an individual who is not a city or county employee to work under the supervision of the local government to exercise the functions authorized by this section. The local government shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the local government as it does for an individual who is an employee of the local government. The company or individual with whom the local government contracts shall have errors and omissions and other insurance coverage acceptable to the local government.

(d) Financial Support. – The local government may appropriate for the support of the staff any funds that it deems necessary. It shall have power to fix reasonable fees for support, administration, and implementation of programs authorized by this ~~Chapter, and all such~~ Chapter. All fees collected by a building inspection department for the administration and enforcement of

provisions set forth in Article 11 of this Chapter shall be used ~~for~~ to support the administration and operations of the building inspection department and for no other purposes. When an inspection, for which the permit holder has paid a fee to the local government, is performed by a marketplace pool Code-enforcement official upon request of the State Fire Marshal under G.S. 143-151.12(9)a., the local government shall promptly return to the permit holder the fee collected by the local government for such inspection. This subsection applies to the following types of inspection: plumbing, electrical systems, general building restrictions and regulations, heating and air-conditioning, and the general construction of buildings."

SECTION 1.3.(b) This section becomes effective July 1, 2024.

RESIDENTIAL PLAN REVIEW FEE REIMBURSEMENT

SECTION 1.4.(a) G.S. 160D-1110(b) reads as rewritten:

"(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, so long as 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, all initial reviews for the building permit shall be performed within 15 business days of submission of the plans. A local government that reviews residential building plans for the purpose of building permit issuance shall perform its initial review concurrently with processes for project development approvals required from other State, federal, and local agencies. If a local government does not perform its initial review within 20 business days of submission of the plans, the local government shall refund to the building permit applicant a portion of their total permit application fee. That portion shall equal ten percent (10%) of the total permit application fee, for each business day in which the local government does not perform its initial review, for a period not to exceed 10 business days. 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 their author. If the General Statutes 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 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 a licensed contractor."

SECTION 1.4.(b) This section becomes effective July 1, 2024, and applies to permit applications submitted on or after that date.

CLARIFY PUBLIC SAFETY ISSUES FOR WITHHOLDING BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY

SECTION 1.5. G.S. 160D-1110(h) reads as rewritten:

"(h) No local government shall withhold a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land-use regulations under this Chapter unless otherwise authorized by law or unless the local government reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy. For the purposes of this subsection, a "public safety issue" shall not include improvement, installation, placement, repair, or replacement of any of the following:

(1) Landscaping around dwellings subject to the North Carolina Residential Code within individual lots.
(2) Landscaping within common areas within a subdivision development.
(3) Street lighting fixtures within common areas of a subdivision development.

If a developer has not, at the time of issuance of a certificate of occupancy, completed all required site improvements as set forth in subdivisions (1) through (3) of this subsection, the developer shall submit to the local government a signed affidavit detailing the reasons why the required site improvements are not complete, the expected date of completion and compliance, and a statement promising to complete the required site improvements."

PROHIBIT UNRESTRICTED RIGHT OF ENTRY AS A CONDITION TO DEVELOPMENT APPROVALS

SECTION 1.6.(a) G.S. 160D-403(e) reads as rewritten:

"(e) Inspections. – Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and the terms of the approval. In exercising this power, staff may enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials, so long as the appropriate consent has been given for inspection of areas not open to the public or an appropriate inspection warrant has been secured. Administrative staff are prohibited from requiring unrestricted written consent from a permit applicant to enter any premises or areas not open to the public as a condition to accepting an application for, or the issuance of, development approvals."

SECTION 1.6.(b) Local governments and administrative staff are prohibited from acting upon unrestricted written consent from a permit applicant to enter any premises or areas not open to the public as a condition to accepting an application for, or the issuance of, development approvals, obtained prior to the effective date of this subsection (a) of this section. This subsection shall not be construed to invalidate a validly issued administrative warrant, administrative inspection warrant, administrative search warrant, or inspection warrant which has been secured by local government or administrative staff pursuant to G.S. 160D-403(e) or G.S. 15-27.2, or construed to prohibit periodic inspections authorized by G.S. 160D-1117 or G.S. 160D-1207.

PROHIBIT TECHNICAL CODE COMPLIANCE AFFIDAVITS

SECTION 1.7. G.S. 160D-1104(c) reads as rewritten:

"(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 State Building Code. An inspector is prohibited from requiring affidavits attesting that work is in compliance with the North Carolina Residential Code in lieu of conducting inspections required for work subject to the North Carolina Residential Code."

LOCAL GOVERNMENT CURB AND GUTTER DESIGN STANDARDS

SECTION 1.8.(a) G.S. 160D-804 is amended by adding a new subsection to read:

"(k) Curb and Gutter Design Standards. – Notwithstanding G.S. 160A-307 and G.S. 160D-916, the regulation shall not limit, or prohibit the use of, curb and gutter design standards adopted by the North Carolina Department of Transportation for subdivision roads adjacent to, and serving, dwellings subject to the North Carolina Residential Code."

SECTION 1.8.(b) This section becomes effective January 1, 2025, and applies to permit applications submitted on or after that date.

MUNICIPAL PEDESTRIAN FACILITY REQUIREMENTS WITHIN ETJ FOR SUBDIVISION STREETS DESIGNATED AS PUBLIC

SECTION 1.9.(a) G.S. 160D-804(c) is amended by adding a new subdivision to read:

"(5) A regulation adopted by a city shall not require a developer to design and construct pedestrian facilities, including sidewalks, within rights-of-way for new streets designated as public and to be submitted to the North Carolina Department of Transportation for review pursuant to G.S. 136-102.6, for small residential subdivisions located in areas subject to municipal planning and development regulation in an extraterritorial jurisdiction established pursuant to G.S. 160D-202, unless the city accepts long-term maintenance responsibilities by written agreement with the North Carolina Department of Transportation prior to construction of pedestrian facilities. For the purposes of this subdivision, "small residential subdivision" means a subdivision development that contains 20 individual lots or less."

SECTION 1.9.(b) A city that required a developer to design and construct pedestrian facilities on or after January 1, 2020, as described in G.S. 160D-804(c)(5) enacted by subsection (a) of this section, shall coordinate with the North Carolina Department of Transportation to accept long-term maintenance responsibilities by written agreement for those pedestrian facilities as required by G.S. 160D-804(c)(5). Nothing in this section shall be construed to affect any long-term maintenance agreements between a municipality and the North Carolina Department of Transportation for pedestrian facilities described in G.S. 160D-804(c)(5) in effect on the effective date of this section.

G.S. 160D-804 TECHNICAL CORRECTION

SECTION 1.10. G.S. 160D-804(j) reads as rewritten:

"(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~~ subsection 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."

CLARIFY REQUIREMENTS FOR MODEL HOMES

SECTION 1.11.(a) Chapter 160D of the General Statutes is amended by adding a new Article to read:

"Article 15.

"Miscellaneous Provisions.

"**§ 160D-1501. Model homes within subdivision developments.**

(a) Definition. – For the purposes of this section, a "model home" means a residential dwelling built within a subdivision development constructed in compliance with the North Carolina Residential Code which will be temporarily utilized to display the dwellings and products offered, within the same subdivision development, to prospective purchasers.

(b) Temporary Mixed Occupancy; Temporary Certificate of Occupancy Issuance. – A model home may include an area designated as a Business Group B occupancy, including for use as a sales office and conducting development-related business with prospective purchasers. Upon completing the construction of a model home, a local government may issue a temporary certificate of occupancy pursuant to G.S. 160D-1116 if the permit holder, in their request for the temporary certificate of occupancy, designates certain areas within the model home as a Business Group B occupancy.

(c) Accessibility Requirements. – An area designated as, or leading to, Business Group B occupancies within the model home must meet accessibility requirements as required by State and federal law. Any other areas shall only be utilized for display purposes for prospective buyers to view the developer's product and for no other purpose.

(d) Display Area Signage. – A permit holder receiving a temporary certificate of occupancy for a model home pursuant to subsection (b) of this section must conspicuously post and maintain signage at entrances to model home display areas specifying that the display area is only for prospective buyers to view the developer's product and for no other purpose.

(e) Utility Connections to Model Homes. – All persons and units of local government authorizing the connection of electrical, water, sewer, and any related utility services to a model home must connect services requested by a permit holder upon issuance of a temporary certificate of occupancy to a model home pursuant to subsection (b) of this section.

(f) Permit Holder to Disconnect Bathroom Facilities. – A permit holder receiving a temporary certificate of occupancy for a model home pursuant to this section shall shut off all water to bathroom facilities within a model home. Equitable bathroom facilities for accessibility shall be provided on the premises."

SECTION 1.11.(b) The section becomes effective January 1, 2025, and applies to applications for temporary certificates of occupancy submitted on or after that date.

PERFORMANCE GUARANTEES FOR SUBDIVISIONS

SECTION 1.12.(a) G.S. 160D-804.1 reads as rewritten:

"**§ 160D-804.1. Performance guarantees.**

To assure compliance with G.S. 160D-804 and other development regulation requirements, a subdivision regulation may provide for performance guarantees to assure successful completion of required improvements.

For purposes of this section, all of the following apply with respect to performance guarantees:

(1) Type. – The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following forms of guarantee:

a. Surety bond issued by any company authorized to do business in this State.

b. Letter of credit issued by any financial institution licensed to do business in this State.

c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

(1a) Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

(1b) Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.

(1c) Inspection. – A local government shall conduct an inspection of the improvements subject to a performance guarantee within 30 days of a request received from a developer and advise the developer whether the improvements are completed to the required specifications. In the event a local government and developer disagree whether a required improvement is completed to the specifications of a local government, a developer may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the specifications of the local government.

(2) Release. – The performance guarantee shall be returned or released, as appropriate, ~~in a timely manner~~ within 30 days upon the acknowledgement by the local government that the improvements for which the performance guarantee is being required are ~~complete.~~ complete or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the local government. The local government shall return letters of credit or escrowed funds within 30 days upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the local government, or are accepted by the local government, if subject to its acceptance, upon request by the developer, the local government shall timely provide written acknowledgement that the required improvements have been completed.

(3) Amount. – The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five

percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

(3a) Timing. – A local government, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.

(4) Coverage. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion. No performance guarantee may be required for maintenance of any improvement once the improvement is completed to the specification of a local government or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the local government.

(5) Legal responsibilities. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:

a. The local government to whom the performance guarantee is provided.

b. The developer at whose request or for whose benefit the performance guarantee is given.

c. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

(6) Multiple guarantees. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

(7) Exclusion. – Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section."

SECTION 1.12.(b) This section becomes effective January 1, 2025, and applies to permit applications submitted on or after that date.

PART II. NORTH CAROLINA STATE BUILDING CODE

LOCAL FIRE PREVENTION CODE UNIFORMITY WITHIN DWELLINGS SUBJECT TO THE NORTH CAROLINA RESIDENTIAL CODE

SECTION 2.1. G.S. 143-138(e) reads as rewritten:

"(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. Provided a political subdivision shall not adopt local fire prevention code provisions which apply to dwellings subject to the North Carolina Residential Code which are not prescriptively required by the North Carolina Residential Code. 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 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 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."

FIRE-RESISTANCE REQUIREMENTS FOR TOWNHOUSE END UNITS

SECTION 2.2.(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. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

SECTION 2.2.(b) Fire Resistance for Exterior Wall Rule. – 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 Section R302 and Table R302.1 within the North Carolina Residential Code.

SECTION 2.2.(c) Implementation. – Notwithstanding Section R302 and Table R302.1 within the North Carolina Residential Code, a fire separation distance between the exterior end wall of a townhouse building having a fire-resistance rating of 0 hours and the closest interior lot line may be less than 3 feet when any exterior elements of an adjacent townhouse or building are located at a distance equal to or greater than 6 feet. Any separation of an exterior end wall of a townhouse building less than 6 feet shall provide a minimum cumulative fire-resistance rating of 2 hours.

SECTION 2.2.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend Section R302 and Table R302.1 to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule 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 2.2.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

GROUND FAULT CIRCUIT-INTERRUPTER (GFCI) PROTECTION FOR SUMP PUMPS LOCATED IN CRAWLSPACES AND BASEMENTS

SECTION 2.3.(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. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

SECTION 2.3.(b) GFCI Rule. – 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 Section 210.8 of the North Carolina Electrical Code.

SECTION 2.3.(c) Implementation. – For single-phase 15- and 20- ampere receptacles supplied by a branch circuit dedicated to electric sump pumps to prevent flooding installed in locations specified in Sections 210.8(A)(4) and 210.8(A)(5) that are required to have ground-fault circuit interrupter protection for personnel, the ground-fault circuit interrupter protection reset for those receptacles must be installed at a readily accessible location within the dwelling unit, and with an indicator light, and clear descriptive labeling to indicate that the receptacles are de-energized due to ground-fault protection application rendering the sump pumps inoperable.

SECTION 2.3.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend Section 210.8 of the North Carolina Electrical Code to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule 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 2.3.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

STAIRWAY ADJACENT GLAZING REQUIREMENTS

SECTION 2.4.(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. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

SECTION 2.4.(b) Stairway Glazing Rule. – 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 Section R308.4 within the North Carolina Residential Code.

SECTION 2.4.(c) Implementation. – Notwithstanding Section R308.4, glazing adjacent to a landing at the top of a stairway or ramp that is located more than 18 inches above the landing shall not be considered to be a hazardous location.

SECTION 2.4.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend Section R308.4 of the North Carolina Residential Code to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule 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 2.4.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

ELECTRIC WATER HEATER ELEVATION REQUIREMENTS

SECTION 2.5.(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. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

SECTION 2.5.(b) Water Heater Rule. – 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 Section P2801.7 within the North Carolina Residential Code.

SECTION 2.5.(c) Implementation. – Notwithstanding Section P2801.7, elevation of the ignition source is not required for electric water heaters.

SECTION 2.5.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend Section P2801.7 of the North Carolina Residential Code to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule 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 2.5.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

IMPLEMENTATION OF CODE CHANGES FOR USE OF CERTAIN INSULATION IN UNVENTED ATTIC AND ENCLOSED RAFTER ASSEMBLIES

SECTION 2.6. Section 6 of S.L. 2023-108 reads as rewritten:

"**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 Building Code Council and 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 areas with unvented attic and unvented enclosed rafter assemblies. 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 R402 rules within the North Energy Conservation Code.

"**SECTION 6.(c)** Implementation. – ~~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~~ 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:~~ requirement in areas with unvented attic or unvented enclosed rafter assemblies: (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 with areas with unvented attic or unvented enclosed rafter assemblies and 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.(d)** Additional Rulemaking Authority. – The Council shall adopt rules to amend the R402 Rules to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule 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 6.(c)**~~ **SECTION 6.(e)** Sunset. – This section expires when permanent rules adopted as required by ~~subsection (b)~~ subsection (d) of this section become effective."

IMPLEMENTATION OF CODE REQUIREMENTS DURING INCORPORATION OF 3- AND 4- FAMILY DWELLINGS INTO THE RESIDENTIAL CODE

SECTION 2.7. Section 9 of S.L. 2023-108 reads as rewritten:

"**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. As used in this section, a "three- and four-family dwelling" means a single building constructed with three- or four-dwelling units within the building that is two or less stories above grade plane, located solely on an individual lot.

"**SECTION 9.(b)** The Council shall adopt rules to amend the North Carolina Residential Code to include ~~three-family (triplex) and four-family (quadplex)~~ three- and four-family 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,~~ section, the Council shall not require greater than a 2-hour fire resistance rating for ~~triplex and quadplex~~ three- and four-family dwelling common wall, floor, and ceiling separation assemblies or require automatic fire sprinkler systems within the North Carolina Residential Code. 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 this section and subsection (c) of this section as it relates to the construction of three- and four- family dwellings.

"**SECTION 9.(c)** Implementation. – Three- and four-family dwellings shall be constructed in conformance with the North Carolina Residential Code, and in cases where the North Carolina Residential Code does not address materials, design, or methods of construction unique to three- and four-family dwellings, reasonable materials, design, or methods of construction shall be utilized and approved when in compliance with the intent and provisions of this section, and with reasonable extension of the provisions of the North Carolina Residential Code. Three- and four-family dwellings shall: (i) be required to have a 2-hour fire resistance rating for three- and four-family dwelling common wall, floor, and ceiling separation assemblies; (ii) shall not be required to have automatic fire sprinkler systems installed; and (iii) shall have exits located on an exterior wall or through a common 2-hour fire resistant rated corridor.

"**SECTION 9.(d)** Additional Rulemaking Authority. – The Council shall adopt rules to amend the Code to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule 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 9.(e)** Residential Contractor Classification Temporary Expansion. – Notwithstanding G.S. 87-10(b)(1a), 21 NCAC 12A .0202, and G.S. 87-13, a person in the State of North Carolina utilizing a residential contractor general contractor license classification may engage in all construction and demolition activity pertaining to the construction of three- and four-family dwellings, and the State Licensing Board for General Contractors shall not take disciplinary action against a licensee for the unauthorized practice of contracting solely on the basis of exceeding a residential contractor license classification pending the transition of the three- and four-family dwellings to the North Carolina Residential Code pursuant to this section.

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

"~~**SECTION 9.(d)**~~ **SECTION 9.(g)** This section is effective when it becomes law."

GROUND FAULT CIRCUIT INTERRUPTER (GFCI) PROTECTION FOR RECREATIONAL VEHICLE SITE EQUIPMENT

SECTION 2.8.(a) Definitions. – As used in this section, "Council" means the North Carolina Building Code Council, and "Code" means the current North Carolina Building Code collection, and amendments to the Code, as adopted by the Council.

SECTION 2.8.(b) Recreational Vehicle Site Equipment GFCI Rule. – 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 Section 551.71(F)(2) of the 2023 North Carolina Electrical Code.

SECTION 2.8.(c) Implementation. – Notwithstanding Section 551.71(F)(2) of the 2023 North Carolina Electrical Code or any provision of the Code or law to the contrary, for receptacles installed in recreational vehicle site equipment, ground-fault circuit-interrupter protection shall only be required for 125-volt, single-phase, 15- and 20-ampere receptacles.

SECTION 2.8.(d) Additional Rulemaking Authority. – The Council shall adopt a rule to amend Section 551.71(F)(2) of the 2023 North Carolina Electrical Code consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection 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 2.8.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

EXCLUDE ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) LOAD FROM FEEDER AND SERVICE LOAD CALCULATIONS FOR DWELLINGS SUBJECT TO THE NORTH CAROLINA RESIDENTIAL CODE

SECTION 2.9.(a) Definitions. – As used in this section, "Council" means the North Carolina Building Code Council, and "Code" means the current North Carolina Building Code collection, and amendments to the Code, as adopted by the Council.

SECTION 2.9.(b) Electric Vehicle Supply Equipment Rule. – 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 Article 220, Branch-Circuit Feeder, and Service Local Calculations, and Section 220.57, Electric Vehicle Supply Equipment (EVSE) Load, of the 2023 North Carolina Electrical Code.

SECTION 2.9.(c) Implementation. – Notwithstanding Article 220, Branch-Circuit Feeder, and Service Local Calculations, and Section 220.57, Electric Vehicle Supply Equipment (EVSE) Load, of the 2023 North Carolina Electrical Code, electric vehicle supply equipment (EVSE) loads shall not be required for the purpose of calculating loads for electrical feeder or service to dwellings subject to the North Carolina Residential Code.

SECTION 2.9.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend Article 220, Branch-Circuit Feeder, and Service Local Calculations, and Section 220.57, Electric Vehicle Supply Equipment (EVSE) Load, of the 2023 North Carolina Electrical Code, consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection 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 2.9.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

AMEND EMERGENCY RESPONDER COMMUNICATION COVERAGE EXCEPTION

SECTION 2.10.(a) Definitions. – As used in this section, "Council" means the North Carolina Building Code Council, and "Code" means the current North Carolina Building Code collection, and amendments to the Code, as adopted by the Council.

SECTION 2.10.(b) Emergency Responder Communication Coverage Rule. – 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 Exception 4. of Section 510.1, Emergency Responder Communication Coverage in New Buildings, of the North Carolina Fire Code.

SECTION 2.10.(c) Implementation. – Notwithstanding Exception 4. of Section 510.1, Emergency Responder Communication Coverage in New Buildings, of the North Carolina Fire Code, one-story buildings not exceeding 12,000 square feet with no below-ground areas are excepted from the requirements of Section 510.1.

SECTION 2.10.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend Exception 4. of Section 510.1, Emergency Responder Communication Coverage in New Buildings, of the North Carolina Fire Code, consistent with subsection (c) of this section.

Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection 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 2.10.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

PART III. CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS

COURT AWARDS FOR CONTRACTOR VIOLATIONS

SECTION 3.1.(a) G.S. 87-25.1 reads as rewritten:

"**§ 87-25.1. Board may seek injunctive relief.**

(a) Whenever it appears to the Board that any person, firm or corporation is violating any of the provisions of this Article or of the rules and regulations of the Board promulgated under this Article, the Board may apply to the superior court for a restraining order and injunction to restrain the ~~violation; and the~~ violation. The superior courts have jurisdiction to grant the requested relief, irrespective of whether or not criminal prosecution has been instituted or administrative sanctions imposed by reason of the violation. ~~The court may award the Board its reasonable costs associated with the investigation and prosecution of the violation.~~

(b) When the Board prevails in actions brought under this section, the court shall award the Board its reasonable attorney's fee not to exceed five thousand dollars ($5,000) plus the costs associated with obtaining the relief and the investigation and prosecution of the violation.

(c) Examination applicants who have failed to pay a court award pursuant to subsection (b) of this section shall not be allowed to take any examination offered by the Board until the award has been satisfied."

SECTION 3.1.(b) G.S. 87-48 reads as rewritten:

"**§ 87-48. Penalty for violation of Article; powers of Board to enjoin violation.**

(a) Any person, partnership, firm, or corporation that violates any of the provisions of this Article or that engages or offers to engage in the business of installing, maintaining, altering, or repairing within North Carolina any electric wiring, devices, appliances, or equipment without first having obtained a license under the provisions of this Article is guilty of a Class 2 misdemeanor.

(b) Whenever it shall appear to the State Board of Examiners of Electrical Contractors that any person, partnership, firm or corporation has violated, is violating, or threatens to violate any provisions of this Article, the Board may apply to the courts of the State for a restraining order and injunction to restrain such practices. If upon such application the court finds that any provision of this Article is being violated, or a violation thereof is threatened, the court shall issue an order restraining and enjoining such violations, and such relief may be granted regardless of whether criminal prosecution is instituted under the provisions of this Article. The venue for actions brought under this subsection shall be the superior court of any county in which such acts are alleged to have been committed or in the county where the defendants in such action reside.

(c) When the Board prevails in actions brought under this section, the court shall award the Board its reasonable attorney's fee not to exceed five thousand dollars ($5,000) plus the costs associated with obtaining the relief and the investigation and prosecution of the violation.

(d) Examination applicants who have failed to pay a court award pursuant to subsection (c) of this section shall not be allowed to take any examination offered by the Board until the award has been satisfied."

SECTION 3.1.(c) This section is effective when it becomes law and applies to actions filed or commenced on or after that date.

AMEND ELECTRICAL CONTRACTOR LICENSURE REQUIREMENTS

SECTION 3.2.(a) G.S. 87-43.3(a)(1) reads as rewritten:

"(1) Limited, under which a licensee shall be permitted to engage in a single electrical contracting project of a value, as established by the Board, not in excess of one hundred thousand dollars ($100,000) and on which the equipment or installation in the contract is rated at not more than ~~600~~ 1,000 volts. The limited classification and any special restricted classifications shall require no more than 3,000 hours of experience, of which, no less than 2,000 hours shall consist of primary experience gained by direct installation of electrical wiring and equipment governed by the National Electric Code."

SECTION 3.2.(b) This section becomes effective January 1, 2025.

FUEL GAS CODE REFERENCE FOR ELECTRICAL CONTRACTOR EXEMPTION

SECTION 3.3. G.S. 87-43.1(8) reads as rewritten:

"(8) To the bonding of corrugated stainless steel tubing (CSST) gas piping systems as required under Section 310.1.1 of the ~~2012 N.C.~~ North Carolina Fuel Gas Code."

CREATE A BUILDING CODE PERMIT TECHNICIAN CERTIFICATION

SECTION 3.4.(a) G.S. 143-151.12 reads as rewritten:

"**§ 143-151.12. Powers.**

In addition to powers conferred upon the Board elsewhere in this Article, the Board has the power to do the following:

…

(3a) Certify persons as being qualified under the provisions of this Article to be North Carolina State Building Code Permit Technicians.

…."

SECTION 3.4.(b) Article 9C of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-151.22. North Carolina State Building Code Permit Technician; certification program; professional development requirements; renewal of certificates; fees; exam waivers.**

(a) State Building Code Permit Technician Certification Program. – The Board shall develop a North Carolina State Building Code Permit Technician certification program and North Carolina State Building Code Permit Technician Certificate. To obtain a certificate, a person must pass an examination, as prescribed by the Board, that is based on the North Carolina State Building Code, administrative procedures applicable to permit administration, and relevant topics in support of Code-enforcement officials and local inspection departments. The Board may issue a certificate to each person who successfully completes the examination. The certificate shall bear the signatures of the chairman and secretary of the Board.

(b) Professional Development Standards for Renewal. – The Board may establish professional development requirements for North Carolina State Building Code Permit Technicians as a condition of the renewal of their certificates. The purpose of these professional development requirements is to assist in maintaining professional competence. A certificate holder subject to this section shall present evidence to the Board at each certificate renewal after initial certification that during the 12 months before the certificate expiration date, the certificate holder has completed the required number of credit hours in courses approved by the Board. Annual continuing education hour requirements shall be determined by the Board. The Board may, for good cause shown, grant extensions of time to certificate holders to comply with these requirements.

(c) Renewal Application. – A North Carolina State Building Code Permit Technician Certificate must be renewed annually on or before the first day of July.

(d) Fee Authorization. – The Board shall establish a schedule of fees to be paid by each applicant for initial certification and renewal certification as a North Carolina State Building Code Permit Technician. A fee of not more than twenty dollars ($20.00), as determined by the Board, must be paid by any applicant to the Board for the issuance of an initial certification. A fee of not more than ten dollars ($10.00), as determined by the Board, must be paid by any applicant to the Board for the issuance of a renewal certification. The Board is authorized to charge an extra four dollar ($4.00) late renewal fee for renewal applications made after the first day of July each year.

(e) Qualified Code-Enforcement Official Exam Waiver. – The Board shall, without requiring an examination, grant a certificate pursuant to this section to any person who, at the time of application, possesses a Building Inspector standard certificate issued by the Board and who is in good standing. The Board may assess a fee for a certificate issued pursuant to this subsection, to the extent authorized by subsection (d) of this section for an initial certification.

(f) Comity. – The Board may, without requiring an examination, grant a certificate pursuant to this section to any person who, at the time of application, is similarly certified as a permit technician in good standing by a similar board of another jurisdiction or certified as a permit technician in good standing by the International Code Council, where standards are acceptable to the Board. The certificate granted under this subsection shall expire after one year unless, within that time period, the holder completes a short course, as prescribed by the Board, based on the North Carolina State Building Code and administrative procedures described in subsection (a) of this section. The Board may assess a fee for a certificate issued pursuant to this subsection, to the extent authorized by subsection (d) of this section for an initial certification."

SECTION 3.4.(c) This section becomes effective July 1, 2024.

LOCAL GOVERNMENT REVIEW OF SEALS OF DESIGN

SECTION 3.5. Article 1 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-111. Local government review of affixed seals of design.**

Administrative staff, Code-enforcement officials, or other local government personnel charged with reviewing plans required by this Chapter shall not make administrative decisions on the scope of work covered by architect or engineer seals of designs affixed to work as required by Chapter 83A or Chapter 89C of the General Statutes, the North Carolina State Building Code, or as otherwise required by law. Nothing in this section should be construed to prevent a local government from reviewing plans, drawings, specifications, reports, or other work that requires a seal pursuant to Chapter 83A or Chapter 89C of the General Statutes, the North Carolina State Building Code, or other relevant laws, before an architect or engineer seal is affixed, to ensure compliance with applicable codes, ordinances, or other design standards or requirements."

PART IV. ENVIRONMENT AND ENVIRONMENTAL HEALTH

CLARIFY SECTION 13(b) OF S.L. 2023-108, WHICH PROHIBITED LOCAL GOVERNMENTS FROM REQUIRING PAYMENTS FROM OWNERS OF STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE OR REPLACEMENT COSTS OF A SYSTEM

SECTION 4.1. Section 13(b) of S.L. 2023-108 reads as rewritten:

"**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~~ shall, upon request of the owner of the stormwater control project, immediately refund the monies to the owner of the stormwater control project to make such funds accessible to the owner to cover necessary maintenance, repair, replacement, and reconstruction costs for the owner's stormwater control ~~project.~~ project, in accordance with G.S. 160D-925(d1). 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."

MODIFY RECORDATION REQUIREMENTS FOR OPERATION AND MAINTENANCE AGREEMENTS FOR STORMWATER CONTROL MEASURES

SECTION 4.2.(a) Definitions. – For purposes of this section, "Stormwater Control Measure Rule" means 15A NCAC 02H .1050 (Minimum Design Criteria for All Stormwater Control Measures).

SECTION 4.2.(b) Stormwater Control Measure Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Stormwater Control Measure Rule as provided in subsection (c) of this section.

SECTION 4.2.(c) Implementation. – The Commission shall eliminate the requirement that an Operation and Management (O&M) Agreement be referenced on the final plat and recorded with the county Register of Deeds upon final plat approval. In lieu, the Commission shall require that an O&M Agreement be referenced upon any instrument of title recorded with the county Register of Deeds. For the purposes of this subsection, "instrument of title" means any recorded instrument that affects title or constitutes the chain of title to real property, including, but not limited to, all deeds, wills, estate documents evidencing transfer of title, plats, surveys, easements, rights-of-way, outstanding mortgages and deeds of trust, judicial orders or decrees, and documents evidencing intestate succession.

SECTION 4.2.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Stormwater Control Measure Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.2.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

AMEND NCDEQ FAST TRACK SEWER CERTIFICATIONS

SECTION 4.3.(a) G.S. 143-215.1(d) reads as rewritten:

"(d) Applications and Permits for Sewer Systems, Sewer System Extensions and Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not Discharging to the Surface Waters of the State. –

(1) All applications for new permits and for renewals of existing permits for sewer systems, sewer system extensions and for disposal systems, and for land application of waste, or treatment works which do not discharge to the surface waters of the State, and all permits or renewals and decisions denying any application for permit or renewal shall be in writing. Where the Commission has provided a digital submission option, the submission shall constitute a

written submission. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. ~~If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved.~~ Permits and renewals issued in approving such facilities pursuant to this subsection shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission. Prior to acting on a permit application for the land application of bulk residuals resulting from the operation of a wastewater treatment facility, the Commission shall provide notice and an opportunity for comment from the governing board of the county in which the site of the land application of bulk residuals is proposed to be located. Local governmental units to whom pretreatment program authority has been delegated shall establish, maintain, and provide to the public, upon written request, a list of pretreatment applications received. If the Commission fails to act on an application for a permit or for a renewal of a permit as specified in this subdivision after the applicant submits all information required by the Commission, the application shall be deemed approved.

a. Fast-track sewer extensions. – Where a professional engineer provides certification that the design meets or exceeds Minimum Design Criteria developed by the Department applicable to the project, the Commission shall perform a review of a new application for a sewer system extension permit within 45 days of receipt of a complete application. A complete application is defined as an application that includes all the required components described in the application form. The Commission shall perform an administrative review of a new application within 10 days of receipt to determine if all the required information is included in the application. If complete, the Commission shall issue a receipt letter or electronic response stating that the application is complete and that a 45-calendar day technical review period has started as of the original date the complete application was received. If required items or information is not included, the application shall be deemed incomplete, and the Commission shall issue an application receipt letter or electronic response identifying the information required to complete the application package before the technical review begins. When the required information is received, the Commission shall then issue a receipt letter or electronic response specifying that it is complete and that the 45-calendar day review period has started as of the date of receipt of all required information. If additional information is required to complete the technical review, the Commission shall issue a request for additional information required to complete the review, and the review time shall pause until the additional information is received. If the requested additional information is not received within 30 days, the application shall be returned to the applicant. Upon receipt of the requested additional information, the review time shall restart at the same day it was paused by the additional information request. If approved, the Commission shall issue an approval letter or electronic

correspondence indicating approval of the application. After construction of the sewer system is completed, and within 14 days of receiving all necessary certifications from a professional engineer that the sewer system extension complies with all applicable rules and Minimum Design Criteria, the Commission shall issue a receipt of certification. Applications for alternative sewer systems as defined in sub-subdivision b. of this subdivision are not eligible for this fast-track review.

b. "Alternative sewer system" means any sewer system or collection system other than a gravity system or standard pump station and force main. These include pressure sewer systems, septic tank with effluent pump (STEP) sewer systems, vacuum sewer system, and small diameter variable grade gravity sewers.

(2) An applicant for a permit to dispose of petroleum contaminated soil by land application shall give written notice that he intends to apply for such a permit to each city and county government having jurisdiction over any part of the land on which disposal is proposed to occur. The Commission shall not accept such a permit application unless it is accompanied by a copy of the notice and evidence that the notice was sent to each such government by certified mail, return receipt requested. The Commission may consider, in determining whether to issue the permit, the comments submitted by local governments."

SECTION 4.3.(b) The Commission shall adopt amendments to its relevant permitting rules to reflect the statutory changes made by subsection (a) of this section.

SECTION 4.3.(c) Subsections (a) and (b) of this section become effective July 1, 2024.

ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS BOARD CHANGES

SECTION 4.4.(a) Article 5 of Chapter 90A of the General Statutes reads as rewritten:

"Article 5.

"Certification of On-Site Wastewater Contractors and Inspectors.

"**§ 90A-70. Purpose.**

It is the purpose of this Article to protect the environment and public health, safety, and welfare by ensuring the integrity and competence of on-site wastewater ~~contractors~~ contractors, Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors; to require the examination of on-site wastewater ~~contractors~~ contractors, Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors and the certification of their competency to supervise or conduct the construction, installation, ~~repair,~~ repair, evaluation, or inspection of on-site wastewater systems; to establish minimum standards for ethical conduct, responsibility, training, experience, and continuing education for on-site wastewater system ~~contractors~~ contractors, Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors; and to provide appropriate enforcement procedures for rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.

"**§ 90A-71. Definitions.**

The following definitions apply in this Article:

(1) "Authorized On-Site Wastewater Evaluator" is as defined in G.S. 130A-336.2(a).

(2) "Board" means the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.

~~(2)~~(3) "Contractor" means a person who constructs, installs, or repairs, or offers to construct, install, or repair an on-site wastewater system in the State.

~~(3)~~(4) "Conventional wastewater system" ~~has the same meaning as~~ is as defined in G.S. 130A-343(a)(3).

~~(4)~~(5) "Department" means the Department of Health and Human Services.

~~(4a)~~(6) "Inspection" means an examination of an on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that satisfies all of the following criteria:

a. Is requested by a lending institution, realtor, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title.

b. Meets the minimum requirements established by the Board.

~~(5)~~(7) "Inspector" means a person who conducts an inspection in accordance with rules adopted by the Board.

~~(6)~~(8) "On-site wastewater system" means any wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that does not discharge to a treatment facility or the surface waters of the State.

~~(7)~~(9) "Person" means all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities, or political subdivisions, governmental agencies, or private or public corporations organized and existing under the laws of this State or any other state or country.

(10) "Private Compliance Inspector" means a person who is hired by the owner of a wastewater system, contractor, professional engineer, or Authorized On-Site Wastewater Evaluator to perform a compliance inspection of a new on-site wastewater system or for the repair of an existing on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes. The owner or applicant for the wastewater system being constructed or repaired shall sign a Board-approved document accepting the Private Compliance Inspector.

~~(8)~~(11) "Wastewater treatment facility" means a mechanical or chemical treatment facility serving a site with multiple wastewater sources.

"**§ 90A-72. Certification required; applicability.**

(a) Certification Required. – No person shall construct, install, or repair or offer to construct, install, or repair an on-site wastewater system permitted under Article 11 of Chapter 130A of the General Statutes without being certified as a contractor at the required level of certification for the specified system. No person shall conduct an inspection or offer to conduct an inspection of an on-site wastewater system as permitted under Article 11 of Chapter 130A of the General Statutes without being certified in accordance with the provisions of this Article. No person shall conduct an evaluation or offer to conduct the services authorized in G.S. 130A-336.2(a) without being certified as an Authorized On-Site Wastewater Evaluator. No person shall conduct or offer to conduct a private compliance inspection of an on-site wastewater system for compliance with the designs of a Construction Authorization issued pursuant to G.S. 130A-335(a5) or a Notice of Intent to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 unless certified as a Private Compliance Inspector or pursuant to G.S. 130A-337(a1). The Private Compliance Inspector shall obtain written consent from the professional engineer pursuant to G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator pursuant to G.S. 130A-336.2 prior to conducting the compliance inspection.

(b) Applicability. – This Article does not apply to the following:

(1) A person who is employed by a certified contractor or inspector in connection with the construction, installation, repair, or inspection of an on-site

wastewater system performed under the direct and personal supervision of the certified contractor or inspector in charge.

(2) A person who constructs, installs, or repairs an on-site wastewater system described as a single septic tank with a gravity-fed gravel trench dispersal media when located on land owned by that person and that is intended solely for use by that person and members of that person's immediate family who reside in the same dwelling.

(3) A person licensed under Article 1 of Chapter 87 of the General Statutes who constructs or installs an on-site wastewater system ancillary to the building being constructed or who provides corrective services and labor for an on-site wastewater system ancillary to the building being constructed.

(4) A person who is certified by the Water Pollution Control System Operators Certification Commission and contracted to provide necessary operation and maintenance on the permitted on-site wastewater system.

(5) A person permitted under Article 21 of Chapter 143 of the General Statutes who is constructing a water pollution control facility necessary to comply with the terms and conditions of a National Pollutant Discharge Elimination System (NPDES) permit.

~~(6) A person licensed under Article 1 of Chapter 87 of the General Statutes as a licensed public utilities contractor who is installing or expanding a wastewater treatment facility, including a collection system, designed by a registered professional engineer.~~

(7) A plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes, so long as the plumber is not performing plumbing work that includes the installation or repair of a septic tank or similar depository, such as a treatment or pretreatment tank or system, or lines, tanks, or appurtenances downstream from the point where the house or building sewer lines from the plumbing system meet the septic tank or similar depository. This subdivision shall not be construed to require a plumbing contractor to become certified as a contractor pursuant to this section to install or repair a grease trap, interceptor, or separator upstream from a septic tank or similar depository that complies with the requirements of the local health department.

(8) A person employed by the Department, a local health department, or a local health district, when conducting a regulatory inspection of an on-site wastewater system for purposes of determining compliance.

…

"**§ 90A-75. Expenses and fees.**

(a) Expenses. – All salaries, compensation, and expenses incurred or allowed for the purposes of carrying out this Article shall be paid by the Board exclusively out of the funds received by the Board as authorized by this Article. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its members or employees may incur any expense, debt, or financial obligation binding upon the State.

(b) Contributions. – The Board may accept grants, contributions, devises, and gifts that shall be kept in the same account as the funds deposited in accordance with this Article and other provisions of the law.

(c) Fees. – All fees shall be established in rules adopted by the Board. The Board shall establish fees sufficient to pay the costs of administering this Article, but in no event shall the Board charge a fee at an annual rate in excess of the following:

(1)	Application for ~~basic certification~~grade level II	~~$150.00~~$200.00
(2)	Application for ~~each~~ grade level IV	~~$50.00~~$300.00

(3)	Certification renewal for:	~~$100.00~~
	a. Contractor or point-of-sale inspector	$75.00
	b. Authorized On-Site Wastewater Evaluator	$100.00
	c. Private Compliance Inspector	$100.00
(4)	Reinstatement of revoked or suspended Certification	$500.00
(5)	Application for on-site wastewater system inspector	$200.00
(6)	Application for authorized on-site wastewater evaluator	~~$300.00.~~$300.00
(7)	Application for Private Compliance Inspector	$300.00.

(c1) Use of Fees. – All fees collected pursuant to this Article shall be held by the Board and used by the Board for the sole purpose of administering this Article.

(d) Audit. – The Board is subject to the oversight of the State Auditor under Article 5A of Chapter 147 of the General Statutes.

…

"**§ 90A-77. Certification requirements.**

(a) Certification. – The Board shall issue a certificate ~~of the appropriate grade level~~ to an applicant who satisfies all of the following conditions:

(1) Is at least 18 years of age.

(2) Submits a properly completed application with all required supporting documents for the certification being applied for to the Board.

(3) ~~Completes the basic on-site wastewater education program approved by the Board for the specific grade level.~~For grade level II contractor certification, applicant shall satisfy the following conditions:

a. Complete the basic on-site wastewater education approved by the Board for any level.

b. Complete any additional class hours required for grade level II.

(3a) For grade level IV contractor certification, applicant shall satisfy the following conditions:

a. Hold current and satisfactory certification of grade level II for a minimum of two years prior to application for grade level IV.

b. Complete any additional class hours required for grade level IV.

(3b) For inspector certification, applicant shall satisfy the following conditions:

a. Complete the point-of-sale inspector education approved by the Board.

b. Complete any additional class hours required for point-of-sale inspector certification.

c. Hold current and satisfactory certification of grade level IV contractor, or Authorized On-Site Wastewater Evaluator or subsurface operator certification for a minimum of two years.

d. In lieu of the experience requirements in this subdivision, an applicant may instead complete the approved education requirements for the grade IV contractor certification as required by the Board.

(3c) For Authorized On-Site Wastewater Evaluator, applicant shall complete the Authorized On-Site Wastewater Evaluator education approved by the Board.

(3d) For Private Compliance Inspector, applicant shall satisfy the following conditions:

a. Complete the Private Compliance Inspector education approved by the Board.

b. Complete any additional class hours required by the Board for compliance inspector certification.

c. Have a minimum of 5 years of experience as a certified contractor, Authorized On-Site Wastewater Evaluator, subsurface operator, or a registered environmental health specialist with experience in on-site wastewater matters.

d. Not be employed by a local health department.

(4) Repealed by Session Laws 2010-31, s. 13.2(l), effective July 1, 2010.

(5) Completes any additional training program designed by the Board specific to the grade level for which the applicant is applying.

(6) Pays the applicable fees set by the Board for the particular ~~application and grade level.~~application.

(7) ~~For the specific grade level, as determined by the Board, passes~~ Passes a written or oral examination that tests the applicant's proficiency in all of the following areas:

a. Principles of public and environmental health associated with on-site wastewater systems.

b. Principles of construction and safety.

c. Technical and practical knowledge of on-site wastewater ~~systems typical to the specified grade level.~~systems.

d. Laws and rules related to the installation, construction, repair, ~~or inspection~~ point-of-sale inspection, evaluation, or private compliance inspection of ~~the specified~~ on-site wastewater ~~system.~~systems.

(b) Location of Examinations. – The Board shall provide a minimum of three examinations each year; one each in the eastern, central, and western regions of the State.

(b1) Any applicant for an exam shall submit the complete package to the Board no later than 15 business days prior to the exam date to be considered eligible for the exam.

(c) Approval of Certification Programs. – The Board may issue a certificate ~~at the appropriate grade level~~ to an applicant who has completed an approved training or continuing education program.

(d) No Degree Required. – An applicant shall not be required to hold or obtain an educational diploma or degree to obtain a certificate. An applicant that meets all the conditions for certification except for passage of the Board examination may take the examination on three successive occasions without having to file for a new application, pay an additional application fee, or repeat any applicable training program. If the applicant fails to pass the Board examination on three successive occasions, the applicant must reapply to the Board, pay an additional application fee, and repeat the training program.

(e) Certificate. – The certification shall show the full name of the certificate holder. The certificate shall provide a unique identification number and shall be signed by the Chair. Issuance of the certificate by the Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a certified contractor ~~or inspector,~~ at the grade level specified on the ~~certificate,~~ certificate, inspector, Authorized On-Site Wastewater Evaluator, or Private Compliance Inspector while the certificate remains in effect.

(f) Replacement Certificate. – A new certificate to replace one lost, destroyed, or mutilated shall be issued subject to rules adopted by the Board and with the payment of a fee set by the Board. The fee for a duplicate or replacement certificate shall not exceed twenty-five dollars ($25.00).

"**§ 90A-78. Certification renewal.**

(a) Renewal. – All certifications shall expire ~~at intervals determined by the Board~~ on December 31 of each year unless they are renewed. ~~In no event may the interval determined by the Board be less than one year.~~ To renew a certification, a ~~contractor or inspector~~ contractor,

inspector, Authorized On-Site Wastewater Evaluator, or Private Compliance Inspector must meet all of the following conditions:

(1) Submit an application for renewal on the form prescribed by the ~~Board.~~Board, which includes all supporting documents requested on the renewal form.

(2) Meet the following continuing education ~~requirements prescribed by the Board.~~requirements:

a.	Grade level II contractor:	3 hours per year.
b.	Grade level IV contractor:	6 hours per year.
c.	Point-of-sale inspector:	6 hours per year.
d.	Authorized on-site wastewater evaluator:	12 hours per year.
e.	Private compliance inspector:	12 hours per year.

f. For persons holding more than one certification issued by the Board, the higher annual hours continuing education requirement of all certificates held.

(3) Pay the certification renewal fee.

(4) Submit the renewal by November 15 annually.

(b) Late Fee. – ~~A contractor or inspector with an expired certificate may renew the certification within 90 days of its expiration upon payment of a late fee set by the Board.~~ The late fee shall not exceed twenty-five dollars ($25.00). ~~If a certification is not renewed within 90 days of its expiration, the certification shall not be renewed, and the holder must apply for a new certificate.~~Late fees shall be payable for any renewable fee paid after the due date.

(c) Renewal Process for Expired Certifications. – The renewal process for expired certificates for contractors, point-of-sale inspectors, Authorized On-Site Wastewater Evaluators, and Private Compliance Inspectors shall be as follows:

(1) Within 90 days of its expiration, an expired certificate may be renewed upon payment of the certification renewal fee in G.S. 90A-75(c)(3) and the late fee established pursuant to subsection (b) of this section.

(2) Between 91 days and 24 months of its expiration, an expired certificate may be renewed upon submittal of an application for recertification, the certification renewal fee in G.S. 90A-75(c)(3), total of continuing education required annually for certificate, and passing grade for exam required for certificate.

(3) After 24 months of its expiration, no certificate may be renewed. The holder of a certificate expired for more than 24 months shall apply for a new certificate.

"**§ 90A-79. Continuing education.**

(a) Requirements. – The Board shall require continuing education as a condition of certification and renewal. The Board shall determine the number of hours, based on ~~grade levels applied for,~~ certifications held, up to a maximum of 12 hours per year, and the subject material for the specified grade level. The Board shall maintain records of continuing education coursework successfully completed by each certified contractor or inspector.

(b) Approval of Continuing Education Programs. – The Board may approve a continuing education program or course if the Board finds that the program or course provides useful educational information or experience that will enhance the construction, installation, ~~repair,~~ repair, evaluation, or inspection of on-site wastewater systems. Request for approval of continuing education programs or courses shall be submitted to the Board for review no later than two weeks prior to a regularly scheduled Board meeting and prior to the class being held. The Board shall not issue retroactive approvals for any continuing education program or course. Approvals shall be granted on an annual calendar year basis. The Board may develop and offer continuing education programs.

"**§ 90A-80. Investigation of complaints.**

(a) Misconduct. – A person may refer to the Board charges of fraud, deceit, negligence, incompetence, or misconduct against any certified contractor or inspector. The charges shall be in writing and sworn to by the complainant and submitted to the Board. These charges, unless dismissed without a hearing by the Board as unfounded or trivial, shall be heard and determined by the Board in accordance with the provisions of Chapter 150B of the General Statutes. An association that receives professional recognition of its own certification process by the Board shall be responsible for the conduct and competency of its members.

(b) Records. – The Board shall establish and maintain detailed records regarding complaints concerning each certified ~~contractor~~ contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector. The records shall include those certified by recognized associations. The records shall also detail the ~~levels of~~ certification held by each ~~contractor~~ contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector.

(c) Notification. – The Board shall provide local health departments with notification of changes in certifications, complaints, suspensions, or reinstatements under this Article. This requirement may be satisfied electronically via the Environmental Health Listserv maintained by the Department.

"**§ 90A-81. Remedies.**

(a) Denial, Suspension, and Revocation of Certification. – The Board may deny, suspend, or revoke a certificate under this Article for:

(1) A violation of this Article or a rule of the Board.

(2) The use of fraud or deceit in obtaining or renewing a certificate.

(3) Any act of gross negligence, incompetence, or misconduct in the construction, installation, repair, or inspection of an on-site wastewater system.

(4) Failure to satisfactorily complete continuing education requirements prescribed by the Board.

(b) Arbitration. – The Board may establish a voluntary arbitration procedure to resolve complaints concerning a certified contractor or inspector or any work performed by a certified contractor or inspector, or conflicts involving any certified contractor or inspector and the Division of Public Health of the Department or a local health department.

(c) Injunction. – The Board may in its own name seek an injunction to restrain any person, firm, partnership, or corporation from violating the provisions of this Article or rules adopted by the Board. The Board may bring an action for an injunction in the superior court of any county in which the violator resides or the violator's principal place of business is located. In any proceedings for an injunction, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation. Members of the Board shall not be personally or professionally liable for any act or omission pursuant to this subsection. The Board shall not be required to post a bond in connection with any action to obtain an injunction.

(d) Offenses. – A person who commits any one or more of the following offenses is guilty of a Class 2 misdemeanor:

(1) Engages in or offers to engage in the construction, installation, ~~repair,~~ repair, evaluation, or inspection of an on-site wastewater system without the appropriate ~~certificate for the grade level of on-site wastewater system.~~certification.

(2) Gives false or forged evidence of any kind in obtaining a certificate.

(3) Falsely impersonates a certified ~~contractor~~ contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector."

SECTION 4.4.(b) This section becomes effective January 1, 2025.

ALLOW PRIVATE COMPLIANCE INSPECTORS TO INSPECT CERTAIN ON-SITE WASTEWATER SYSTEMS

SECTION 4.5.(a) G.S. 130A-337 is amended by adding two new subsections to read:

"(a2) Notwithstanding subsection (a) or (a1) of this section, an applicant may contract with a Private Compliance Inspector certified pursuant to Article 5 of Chapter 90A of the General Statutes to conduct any required verifications or inspections of an on-site wastewater system for compliance with the designs of a Construction Authorization issued pursuant to G.S. 130A-335(a5) or a Notice of Intent to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 when all of the following criteria are met:

(1) The Private Compliance Inspector is not the contractor of the on-site wastewater system being inspected or employed by the contractor of the on-site wastewater system being inspected.

(2) The Private Compliance Inspector holds sufficient errors and omissions and general liability insurance for the project being inspected.

(3) The Private Compliance Inspector obtains written approval from the professional engineer or Authorized On-Site Wastewater Evaluator prior to conducting the compliance inspection.

(4) The Private Compliance Inspector documents the compliance inspection with the common form developed or approved by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The compliance inspection document shall show any as-builts as approved at the site and conveyed to the owner or authorized agency.

(5) The Private Compliance Inspector delivers the completed compliance inspection form to the owner of the on-site wastewater system being inspected, professional engineer, or Authorized On-Site Wastewater Evaluator, as applicable.

(a3) The Department, the Department's authorized agents, and the local health department shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or common law from any claim arising out of or attributed to an on-site wastewater system inspected pursuant to subsection (a2) of this section."

SECTION 4.5.(b) This section becomes effective January 1, 2025.

INCREASE FEES FOR LICENSED SOIL SCIENTISTS

SECTION 4.6. G.S. 89F-25 reads as rewritten:

"**§ 89F-25. Fees.**

(a) The Board shall determine fees for the following services that shall not exceed the amounts specified in this section:

Application	~~$ 50.00~~$80.00
Application for corporate certificate of licensure	$100.00
Renewal of corporate certificate of licensure	$100.00
License	~~85.00~~$185.00
Renewal	~~85.00~~$180.00
Restoration	~~110.00~~$125.00
Replacement license	~~50.00~~$100.00
Seal	~~30.00.~~$75.00.

(b) The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations for soil scientists, in addition to its other fees."

REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS DEFENSE AND LIABILITY

SECTION 4.7. G.S. 143-300.8 reads as rewritten:

"**§ 143-300.8. Defense of ~~local sanitarians.~~registered environmental health specialists, registered environmental health specialist interns, and registered environmental health associates.**

(a) The following definitions apply in this section:

(1) Department. – The Department of Health and Human Services.

(2) Local health department. – Defined in G.S. 130A-2(5).

(3) Registered environmental health associate. – Defined in G.S. 90A-51(2d).

(4) Registered environmental health specialist. – Defined in G.S. 90A-51(4).

(5) Registered environmental health specialist intern. – Defined in G.S. 90A-51(5).

(b) All local health departments shall enter into an annual agreement with the Department to provide environmental health services in accordance with Chapter 130A of the General Statutes. The annual agreement shall include a requirement for quality assurance for all environmental health services.

(c) ~~Any local health department sanitarian~~ Except as provided in subsections (d) and (e) of this section, any registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate enforcing rules of the Commission for Public Health under the ~~supervision~~ authority of the Department ~~of Health and Human Services~~ pursuant to G.S. 130A-4 shall be defended by the Attorney General, subject to the provisions of G.S. 143-300.4, and shall be protected from liability in accordance with the provisions of this Article in any civil or criminal action or proceeding brought against the ~~sanitarian in his~~ registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate in their official or individual capacity, or both, on account of an act done or omission made in the scope and course of enforcing the rules of the Commission for Public Health. The Department ~~of Health and Human Services~~ shall pay half of any judgment against the ~~sanitarian,~~ registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate, or any settlement made on ~~his~~ their behalf, subject to the provisions of G.S. 143-300.6. The local health department employing or contracting with the registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate at the time of the underlying act or omission giving rise to the judgment or settlement shall pay half of the judgment or settlement. The Department may agree, in its sole discretion, to an alternate arrangement with the local health department wherein the Department pays more than half of the judgment or settlement depending on the individual circumstances of the case.

(d) Any registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate employed by or contracted to work for a local health department that has not entered into an annual agreement or fails to abide by the annual agreement, as determined by the Department, as required by subsection (b) of this section shall not be defended by the Attorney General or have their judgement or settlement paid by the Department. The local health department shall be required to pay any judgement against the registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate or any settlement on their behalf for any act or omission made in the scope and course of enforcing the rules of the Commission for Public Health.

(e) A registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate shall not be defended by the Attorney General or protected from liability for any claim arising from an act or omission made in the scope and course of enforcing a local rule adopted pursuant to G.S. 130A-335(c).

(f) This section shall apply to actions in which the registered environmental health specialist, registered environmental health intern, or registered environmental health associate,

is named individually as a party, as well as contested cases brought in the Office of Administrative Hearings, pursuant to Chapter 150B of the General Statutes, arising from the alleged acts or omissions of an authorized agent of the Department, during which the Department determines that the best course of action is to resolve the matter with a settlement payment to the petitioner to conclude the contested case and avoid any future litigation."

WATER SUPPLY WELL SETBACK CHANGES

SECTION 4.8.(a) Definitions. – For purposes of this section and its implementation, "Construction Standards Rule" means 15A NCAC 02C .0107 (Standards of Construction: Water Supply Wells).

SECTION 4.8.(b) Construction Standards Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Construction Standards Rule as provided in subsection (c) of this section.

SECTION 4.8.(c) Implementation. – The horizontal separation between a water supply well and potential sources of groundwater contamination that exist at the time the well is constructed shall be no less than 50 feet for any single-family dwelling with a septic tank and drainfield, including the drainfield repair area in saprolite system as described in the 15A NCAC 18E rules.

SECTION 4.8.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Construction Standards Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.8.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

CLARIFY CHANGES TO ON-SITE WASTEWATER STATUTES

SECTION 4.9.(a) If Senate Bill 508, 2023 Regular Session, becomes law, then G.S. 130A-336.1(*l*), as amended by Section 3.9(a) of that act, reads as rewritten:

"(*l*) Reporting Requirements. –

(1) The owner of the wastewater system shall submit the following to the local health department prior to receiving a Certificate of Occupancy from the appropriate inspection department:

a. A copy of the professional engineer's report required pursuant to ~~G.S. 130A-336.1(k)(1).~~G.S. 130A-336.1(k)(1), including a signed document from the licensed soil scientist or licensed geologist releasing their soils report to be used in obtaining a permit pursuant to this section.

b. A copy of the operations and management program.

c. Repealed by Session Laws 2023-90, s. 3, effective July 10, 2023.

d. A letter that documents the owner's acceptance of the system from the professional engineer.

e. A copy of the Authorization to Operate.

(2) The owner of any wastewater system that is subject to subsection (d) of this section shall deliver to the Department copies of the engineer's report, as described G.S. 130A-336.1(k)(1).

(3) ~~Within two business days of receiving the documentation required pursuant to subdivision (1) of this subsection, the local health department shall notify the appropriate inspections department. If the local health department fails to notify the inspections department within two business days, the owner of the wastewater system may submit the Authorization to Operate to the appropriate inspections department and receive a Certificate of Occupancy.~~The local health department shall date and stamp as received upon the delivery of the professional engineer's report described in G.S. 130A-336.1(k)(1) by the owner or the owner's legal representative. The local health department shall notify the appropriate inspections department of the acceptance of the professional engineer's report and a Certificate of Occupancy shall be issued."

SECTION 4.9.(b) If Senate Bill 508, 2023 Regular Session, becomes law, G.S. 130A-336.2, as amended by Section 3.9(b) of that act, reads as rewritten:

"**§ 130A-336.2. Alternative wastewater system approvals for nonengineered systems.**

…

(*l*) After reviewing the Authorized On-Site Wastewater Evaluator's report, the owner shall sign confirming acceptance and receipt of the report. The owner shall then submit the following to the local health department prior to receiving a Certificate of Occupancy from the appropriate inspection department:

(1) A copy of the Authorized On-Site Wastewater Evaluator's report, including the Authorization to Operate.

(2) A copy of the operations and management program established for the system by the Authorized On-Site Wastewater Evaluator.

(3) Repealed.

(4) A copy of the document confirming acceptance and receipt of the report by the owner.

(*l*1) ~~Within two business days of receiving the documentation required pursuant to subsection (*l*) of this section, the local health department shall notify the appropriate inspections department. If the local health department fails to notify the inspections department within two business days, the owner of the wastewater system may submit the Authorization to Operate to the appropriate inspections department and receive a Certificate of Occupancy.~~The local health department shall date and stamp as received upon delivery of the documentation required pursuant to subsection (*l*) of this section by the owner or the owner's legal representative. The local health department shall notify the appropriate inspections department of the acceptance of the documentation and a Certificate of Occupancy shall be issued.

…."

SECTION 4.9.(c) If Senate Bill 508, 2023 Regular Session, becomes law, then G.S. 130A-336.1(o), as amended by Section 3.9(c) of that act, reads as rewritten:

"(o) Change in System Ownership. – A wastewater system authorized pursuant to this section shall not be affected by change in ownership of the site for the wastewater system. A Notice of Intent to Construct shall not be transferrable to a new owner without the written consent of the professional engineer. A wastewater system's Authorization to Operate authorized pursuant to this section shall be transferred to a new owner."

SECTION 4.9.(d) If Senate Bill 508, 2023 Regular Session, becomes law, then G.S. 130A-336.2(o), as amended by Section 3.9(d) of that act, reads as rewritten:

"(o) Change in System Ownership. – A wastewater system authorized pursuant to this section shall not be affected by change of ownership of the site for the wastewater system. A Notice of Intent to Construct shall not be transferrable to a new owner without the written consent of the Authorized On-Site Wastewater Evaluator. A wastewater system's Authorization to Operate authorized pursuant to this section shall be transferred to a new owner."

SECTION 4.9.(e) This section is effective retroactively to July 10, 2023.

AMEND 18E ON-SITE WASTEWATER RULES

SECTION 4.10.(a) Definitions. – For purposes of this section and its implementation, "Applicability Rule" means 15A NCAC 18E .0102 (Applicability).

SECTION 4.10.(b) Applicability Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Applicability Rule as provided in subsection (c) of this section.

SECTION 4.10.(c) Implementation. – The provisions of 15A NCAC 18E .0206 shall apply to any wastewater system for which an operation permit, authorization to operate, certificate of completion, or an equivalent approval has been issued prior to January 1, 2024. Wastewater systems permitted on or after July 1, 1977, shall comply with the setback requirements in 15A NCAC 18E. When a wastewater system that was installed on or after July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any existing wastewater system components that are not crushed, broken, damaged, or otherwise rendered unusable or ineffective so that the component will not function as designed shall not be required to meet the requirements of 15A NCAC 18E. All components shall comply with the setback requirements in 15A NCAC 18E. When a wastewater system that was installed prior to July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any existing wastewater system components that are not crushed, broken, damaged, or otherwise rendered unusable or ineffective so that the component will not function as designed shall not be required to meet the requirements of 15A NCAC 18E except as follows: setbacks to drinking water wells shall not be reduced; and setbacks to surface water bodies specified in 15A NCAC 18E .0601. shall not be reduced by more than 50 percent. Existing wastewater systems for which no permit can be found and with no evidence that the wastewater system was installed in violation of Article 11 of Chapter 130A of the General Statutes and the rules in effect at the time of installation shall be considered to have an operation permit or its equivalent in accordance with this Rule.

SECTION 4.10.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Applicability Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.10.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.11.(a) Definitions. – For purposes of this section and its implementation, "Definitions Rule" means 15A NCAC 18E .0105 (Definitions).

SECTION 4.11.(b) Definitions Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Definitions Rule as provided in subsection (c) of this section.

SECTION 4.11.(c) Implementation. – "Artificial drainage systems" shall include foundation drains with cuts greater than two feet. "Collection sewer" shall not include any appurtenances used to transport waste within a wastewater system. "Full kitchen" means a kitchen that contains either domestic or commercial equipment and is used for cooking or preparing foods onsite. "Normal water level" means the water level within a pond, lake, or other type of impoundment, natural or man-made, at the elevation of the outlet structure or spillway, such as the elevation of the permanent pool. "Warming kitchen" means a kitchen that contains

domestic equipment and is used for plating or dispensing food prepared or cooked at another local. The definition of "Stream" shall be deleted. "Intermittent stream" means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the perched or seasonal high water table. The flow of an intermittent stream may be supplemented by stormwater runoff. "Perennial stream" means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the perched or seasonal high water table for most of the year. Groundwater is the primary source of water for a perennial stream, but perennial streams may also carry stormwater runoff.

SECTION 4.11.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Definitions Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.11.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.12.(a) Definitions. – For purposes of this section and its implementation, "Application Rule" means 15A NCAC 18E .0202 (Application).

SECTION 4.12.(b) Application Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Application Rule as provided in subsection (c) of this section.

SECTION 4.12.(c) Implementation. – Prior to the repair of a wastewater system, an application shall be submitted to the local health department.

SECTION 4.12.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Application Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.12.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.13.(a) Definitions. – For purposes of this section and its implementation, "Improvement Permit Rule" means 15A NCAC 18E .0203 (Improvement Permit).

SECTION 4.13.(b) Improvement Permit Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Improvement Permit Rule as provided in subsection (c) of this section.

SECTION 4.13.(c) Implementation. – An improvement permit shall be applicable to both initial and repair dispersal field areas identified and approved on the improvement permit.

SECTION 4.13.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Improvement Permit Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.13.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.14.(a) Definitions. – For purposes of this section and its implementation, "Construction Authorization Rule" means 15A NCAC 18E .0204 (Construction Authorization).

SECTION 4.14.(b) Construction Authorization Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Construction Authorization Rule as provided in subsection (c) of this section.

SECTION 4.14.(c) Implementation. – The construction authorization shall also specify the initial wastewater system type and layout, location of all initial wastewater system components, and design details and specifications for supply lines and force mains.

SECTION 4.14.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Construction Authorization Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.14.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.15.(a) Definitions. – For purposes of this section and its implementation, "Existing System Approvals for Reconnections and Property Additions Rule" means 15A NCAC 18E .0206 (Existing System Approvals for Reconnections and Property Additions).

SECTION 4.15.(b) Existing System Approvals for Reconnections and Property Additions Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Existing System Approvals for Reconnections and Property Additions Rule as provided in subsection (c) of this section.

SECTION 4.15.(c) Implementation. – The local health department, an Authorized On-Site Wastewater Evaluator, or a certified inspector may issue an existing system approval when there is no increase in design daily flow or wastewater strength for the following: 1) a reconnection for a new or improved facility, or 2) a site modification that requires a building permit, such as a swimming pool or storage shed. Existing system approvals as described in Paragraph (a) of this Rule shall be issued by an authorized agent, Authorized On-Site Wastewater Evaluator, or certified inspector upon determination of the following: 1) there is no current or past uncorrected malfunction of the system as described in 15A NCAC .1303(a)(2); 2) the design daily flow and wastewater strength for the proposed facility do not exceed that of the existing system; and 3) the proposed facility or site modification meets the setbacks in 15A NCAC .0600. The existing system approval expires one year after the date of issuance. When an approval cannot be issued in accordance with this Rule, a signed, written report shall be provided by the authorized agent, Authorized On-Site Wastewater Evaluator, or certified inspector, as applicable, to the applicant describing the reasons for the denial, citing the applicable rule. The local health department shall include notice of the right to appeal under G.S. 130A-24 and Chapter 150B of the General Statutes. Notwithstanding this Rule, the owner of a wastewater system may elect to utilize the Affidavit for Existing Wastewater System Approval offered pursuant to G.S. 160D-1110(h1) to obtain a wastewater system approval and any necessary permits.

SECTION 4.15.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Existing System Approvals for Reconnections and Property Additions Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.15.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.16.(a) Definitions. – For purposes of this section and its implementation, "Alternative Wastewater System Permitting Options Rule" means 15A NCAC 18E .0207 (Alternative Wastewater System Permitting Options).

SECTION 4.16.(b) Alternative Wastewater System Permitting Options Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Alternative Wastewater System Permitting Options Rule as provided in subsection (c) of this section.

SECTION 4.16.(c) Implementation. – An Engineer Option Permit may be used if the wastewater system design requires a professional engineer in accordance with 15A NCAC .0303(a). The Notice of Intent submitted pursuant to this Rule shall include the signed and sealed soils report of the licensed soil scientist or licensed geologist releasing the soils report to be used in the issuance of the Notice of Intent.

SECTION 4.16.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Alternative Wastewater System Permitting Options Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.16.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.17.(a) Definitions. – For purposes of this section and its implementation, "Owners Rule" means 15A NCAC 18E .0301 (Owners).

SECTION 4.17.(b) Owners Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Owners Rule as provided in subsection (c) of this section.

SECTION 4.17.(c) Implementation. – An easement or encroachment agreement shall be required for the permitting of any of the following installations: (1) any part of the wastewater system is located in a common area with other wastewater systems; (2) any part of the wastewater system is located in an area with multiple or third-party ownership or control; (3) any part of the wastewater system is proposed to be in an off-site area; or (4) any part of the wastewater system and the facility are located on different lots or tracts of land and cross a property line or right-of-way. Any necessary easements, rights-of-ways, or encroachment agreements shall specify in a deed by metes and bounds description the area or site required for the wastewater system and repair area, including force mains and supply lines.

SECTION 4.17.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Owners Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.17.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.18.(a) Definitions. – For purposes of this section and its implementation, "Local Health Department and Department Rule" means 15A NCAC 18E .0302 (Local Health Department and Department).

SECTION 4.18.(b) Local Health Department and Department Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Local Health Department and Department Rule as provided in subsection (c) of this section.

SECTION 4.18.(c) Implementation. – When a local health department issues a notice of violation to an owner of a wastewater system pursuant to this rule, the local health department may pursue legal remedies no sooner than 30 days after the date of the notice of violation, unless the notice of violation specifies a shorter time frame. The local health department shall issue a notice of violation to the owner when an individual advanced pretreatment system at a single site is out of compliance in accordance with 15A NCAC 18E .1302(f). The authorized agent shall issue a written notice of non-compliance to the owner when the wastewater system is non-compliant with Article 11 of Chapter 130A of the General Statutes, the Rules of this Subchapter, or conditions in the operation permit or authorization to operate. The local health department shall submit a monthly activity report to the Department every month on a form provided by the Department. The monthly activity report collects information on the numbers and types of permits issued by the local health department. The local health department shall adhere to Article 11 of Chapter 130A of the General Statutes, the Rules of this Subchapter, and all written guidance and interpretations from the Department.

SECTION 4.18.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Local Health Department and Department Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.18.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.19.(a) Definitions. – For purposes of this section and its implementation, "Licensed or Certified Professionals Rule" means 15A NCAC 18E .0303 (Licensed or Certified Professionals).

SECTION 4.19.(b) Licensed or Certified Professionals Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Licensed or Certified Professionals Rule as provided in subsection (c) of this section.

SECTION 4.19.(c) Implementation. – A local health department shall not require a North Carolina Professional Engineer to design either of the following: (i) pressure dispersal systems or pressure dosed gravity systems with a design daily flow greater than 600 gallons per day serving a single design unit or (ii) two or more septic tanks or advanced pretreatment units, each serving a separate design unit and served by a common dosing tank. Prior to the issuance of an Improvement Permit or Construction Authorization, a signed and sealed consent from the

licensed soil scientist or licensed geologist required by this Rule shall be attached to the plans and specifications submitted to the local health department.

SECTION 4.19.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Licensed or Certified Professionals Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.19.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.20.(a) Definitions. – For purposes of this section and its implementation, "Design Daily Flow Rule" means 15A NCAC 18E .0401 (Design Daily Flow).

SECTION 4.20.(b) Design Daily Flow Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Design Daily Flow Rule as provided in subsection (c) of this section.

SECTION 4.20.(c) Implementation. – In calculating design daily flow, the designer is not required to use the maximum building occupancy assigned by the local fire marshal. The design daily flow for a recreational park trailer or park model trailer 400 square feet or less in a recreational vehicle park is 120 gallons per space. The design daily flow for a food establishment with multiuse articles is 25 gallons per seat open 6 hours per day or less, or 40 gallons per seat when open 6 to 16 hours per day and shall not be based on square footage of floor space. The design daily flow for a food establishment with single service articles is 20 gallons per seat open 6 hours per day or less, or 30 gallons per seat when open 6 to 16 hours per day and shall not be based on square footage of floor space. The design daily flow for rest homes, assisted living homes, group homes, and nursing homes shall increase by 60 gallons per day per resident employee, regardless of the presence of laundry facilities. The design daily flow for drug rehabilitation, mental health, and other care institutions shall be 12 gallons per day per employee working an 8-hour shift or less or 60 gallons per day per resident employee, increasing by 2 gallons per employee per hour when an employee works more than an 8-hour shift. The design daily flow for fitness center, spas, karate, dance, and exercise shall be 5 gallons per person, increasing by 10 gallons per person if the facility includes showers. The design daily flow for day schools with a gymnasium only shall be 9 gallons per day per student. Day care facilities shall be reclassified as "family child care home or child care centers."

SECTION 4.20.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Design Daily Flow Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.20.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.21.(a) Definitions. – For purposes of this section and its implementation, "Available Space Rule" means 15A NCAC 18E .0508 (Available Space).

SECTION 4.21.(b) Available Space Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection

(d) of this section, the Commission shall implement the Available Space Rule as provided in subsection (c) of this section.

SECTION 4.21.(c) Implementation. – The repair area requirement of Paragraph (a) of this Rule shall not apply to a lot or tract of land if that lot or tract is described in a recorded deed or a recorded plat on or before January 1, 1983. The Department of Health and Human Services shall specify the information required for a wastewater system to be approved with a two-year field demonstration. Wastewater systems that do not have a repair area in accordance with this Paragraph shall only be used to treat DSE, and shall meet a TN effluent standard of 20 mg/l or less. Evidence of TN standards shall be provided by applicable NSF/ANSI testing or approval as a TS-II wastewater system under these Rules and included in the IP, CA, or Notice of Intent.

SECTION 4.21.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Available Space Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.21.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.22.(a) Definitions. – For purposes of this section and its implementation, "Location of Wastewater Systems Rule" means 15A NCAC 18E .0601 (Location of Wastewater Systems).

SECTION 4.22.(b) Location of Wastewater Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Location of Wastewater Systems Rule as provided in subsection (c) of this section.

SECTION 4.22.(c) Implementation. – The minimum setback for a private drinking water well or upslope spring serving a single-family dwelling unit from a wastewater system permitted or installed in saprolite shall be 50 feet. Building foundation and any structural supports requiring a footing or other load bearing construction in the North Carolina Building Code shall have a horizontal setback of five feet. Appurtenant structures, stairs, or landing structures designed specifically to be set directly on the ground and do not require footings; sidewalks; pavers; lighting fixtures; or signage shall have a horizontal setback of 1 foot. Top of slope of embankment or cuts of 2 feet or more vertical height with a slope less than or equal to thirty-three percent (33%) are not required to have a horizontal setback. There shall be no setback to a stormwater collection system. There shall be no horizontal setbacks from underground utilities. Collection sewers, force mains, and supply lines shall be located the minimum setbacks to site features shown in Table IX of this Rule, unless a different minimum setback is specified in Table XII of this Rule. If a supply line or force main is installed under areas subject to vehicular traffic or areas subject to soil disturbance or compaction, one of the following pipe materials shall be used: ductile iron pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe sleeved in ductile iron pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe sleeved in Department of Transportation traffic rated culvert pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe with 30 inches of compacted material provided over the crown of the pipe; or other pipe materials may be proposed when designed, inspected, and certified by a Professional Engineer and approved by the local health department. When a reduced setback to a collection sewer, force main, or supply line is utilized, the piping requirements for the reduced setback shall be extended to comply with the unreduced

setback. Table XII in this Rule shall be renamed Minimum setbacks from collection sewers, force mains, and supply lines to site features. Force main or supply line shall be added with collection sewer in 15A NCAC 18E .0601(l), (m), (n), (o), (p), and Table XII. Wastewater systems may be located closer than 100 feet but never less than 50 feet from water supply wells or an upslope spring for repairs, space limitations, and other site-planning considerations when one of the following conditions is met: 1) the well was constructed prior to July 1, 1993, in accordance with 15A NCAC 18A .1720; or 2) a variance for a reduced well setback has been issued in accordance with one of the following: a) 15A NCAC 02C .0118 for a shared water supply well or for a transient non-community public water supply well; or b) 15A NCAC 18C .0203(b) for a non-transient non-community public water system.

SECTION 4.22.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Location of Wastewater Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.22.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.23.(a) Definitions. – For purposes of this section and its implementation, "Collection Sewers Rule" means 15A NCAC 18E .0701 (Collection Sewers).

SECTION 4.23.(b) Collection Sewers Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Collection Sewers Rule as provided in subsection (c) of this section.

SECTION 4.23.(c) Implementation. – Collection sewers for wastewater systems with a design daily flow greater than 3,000 gallons per day shall be designed and constructed in accordance with the criteria established in this Rule.

SECTION 4.23.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Collection Sewers Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.23.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.24.(a) Definitions. – For purposes of this section and its implementation, "Raw Sewage Lift Stations Rule" means 15A NCAC 18E .0702 (Raw Sewage Lift Stations).

SECTION 4.24.(b) Raw Sewage Lift Stations Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Raw Sewage Lift Stations Rule as provided in subsection (c) of this section.

SECTION 4.24.(c) Implementation. – Raw sewage lift stations for wastewater systems with a design daily flow greater than 3,000 gallons per day shall meet all setbacks for wastewater systems in accordance with Table IX of Rule 15A NCAC 18E .0601. Raw sewage lift stations for wastewater systems with a design daily flow greater than 3,000 gallons per day shall be designed and constructed in accordance with the criteria established in this Rule.

SECTION 4.24.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Raw Sewage Lift Stations Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.24.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.25.(a) Definitions. – For purposes of this section and its implementation, "Pipe Materials Rule" means 15A NCAC 18E .0703 (Pipe Materials).

SECTION 4.25.(b) Pipe Materials Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Pipe Materials Rule as provided in subsection (c) of this section.

SECTION 4.25.(c) Implementation. – The gravity pipe between a septic tank, gravity distribution device, and the dispersal field shall have a minimum fall of 1/8-inch per foot if the installation requirements of Paragraph (b) of this Rule are met.

SECTION 4.25.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Pipe Materials Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.25.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.26.(a) Definitions. – For purposes of this section and its implementation, "Septic Tank Capacity Requirements Rule" means 15A NCAC 18E .0801 (Septic Tank Capacity Requirements).

SECTION 4.26.(b) Septic Tank Capacity Requirements Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Septic Tank Capacity Requirements Rule as provided in subsection (c) of this section.

SECTION 4.26.(c) Implementation. – The minimum septic tank capacity serving two or more dwelling units shall be sized in accordance with Table XV of this Rule. This Rule shall not include any requirements that conflict with the 2018 North Carolina Plumbing Code.

SECTION 4.26.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Septic Tank Capacity Requirements Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.26.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.27.(a) Definitions. – For purposes of this section and its implementation, "Tank Leak Testing and Installation Requirements Rule" means 15A NCAC 18E .0805 (Tank Leak Testing and Installation Requirements).

SECTION 4.27.(b) Tank Leak Testing and Installation Requirements Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

SECTION 4.27.(c) Implementation. – Tanks shall be leak tested when required in the approved plans and specifications for a wastewater system designed by a professional engineer or an Authorized On-Site Wastewater Evaluator, or when the tank is constructed in place at the jobsite by a person not approved by the Department as a tank manufacturer using bricks, blocks, or poured in place in concrete. The local health department shall be required to document the observation of the leak testing. The septic tank outlet pipe shall be inserted through the outlet pipe penetration boot, creating a watertight joint, and extending beyond the septic tank outlet by any amount, with no minimum extension required. The septic tank outlet pipe and pump tank outlet pipe shall be placed on undisturbed soil, compacted soil, or bedded in accordance with 15A NCAC 18E .0703(b) to prevent differential settling of the pipe.

SECTION 4.27.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Tank Leak Testing and Installation Requirements Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.27.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.28.(a) Definitions. – For purposes of this section and its implementation, "General Design and Installation Criteria for Subsurface Dispersal Systems Rule" means 15A NCAC 18E .0901 (General Design and Installation Criteria for Subsurface Dispersal Systems).

SECTION 4.28.(b) General Design and Installation Criteria for Subsurface Dispersal Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the General Design and Installation Criteria for Subsurface Dispersal Systems Rule as provided in subsection (c) of this section.

SECTION 4.28.(c) Implementation. – The minimum required infiltrative surface area and trench length shall be calculated when high strength effluent is proposed to be discharged to a dispersal field with no advanced pretreatment as required in 15A NCAC .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F, shall calculate the adjusted long term acceptance rate in accordance with 15A NCAC .0402(b)(2). Wastewater system installation for serial and sequential distribution shall be approved by the authorized agent when the step-down or drop box in an individual trench is constructed to allow full utilization of the upstream trench prior to overflowing to the next downslope trench in accordance with the following criteria: 1) step-downs shall be constructed of a minimum of two feet of undisturbed soil, bedding material, or concrete and the effluent shall be conveyed over the step-down through Schedule 40 Polyvinyl Chloride or other pipe approved in accordance with 15A NCAC .0703(f). Nonperforated corrugated polyethylene tubing may be used on sites with slopes greater than 25%. The installer shall demonstrate that the step-downs perform as designed. The authorized agent shall approve the step-downs when the installation and elevations have been verified in

accordance with the construction authorization; or drop boxes shall be separated from the trench by a minimum of two feet of undisturbed soil and constructed to allow for full utilization of the upstream trench prior to overflowing to the next lower drop box. The installer shall demonstrate that the drop boxes perform as designed. The authorized agent shall approve the drop boxes when the installation and elevations have been verified in accordance with the construction authorization.

SECTION 4.28.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the General Design and Installation Criteria for Subsurface Dispersal Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.28.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.29.(a) Definitions. – For purposes of this section and its implementation, "Conventional Wastewater Systems Rule" means 15A NCAC 18E .0902 (Conventional Wastewater Systems).

SECTION 4.29.(b) Conventional Wastewater Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Conventional Wastewater Systems Rule as provided in subsection (c) of this section.

SECTION 4.29.(c) Implementation. – Aggregate used in trenches shall be clean, washed gravel or crushed stone and graded or sized in accordance with size numbers 4, 467M, 5, 6, 57, or 67 of ASTM D448.

SECTION 4.29.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Conventional Wastewater Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.29.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.30.(a) Definitions. – For purposes of this section and its implementation, "Large Diameter Pipe Systems Rule" means 15A NCAC 18E .0904 (Large Diameter Pipe Systems).

SECTION 4.30.(b) Large Diameter Pipe Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Large Diameter Pipe Systems Rule as provided in subsection (c) of this section.

SECTION 4.30.(c) Implementation. – Large diameter pipe systems shall not be used with food service establishments or other facilities where the fats, oils, and grease exceed the limit of domestic strength effluent when measured as it enters the dispersal product. Backfill shall not be limited to Soil Groups I, II, or III.

SECTION 4.30.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Large Diameter Pipe Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.30.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.31.(a) Definitions. – For purposes of this section and its implementation, "Prefabricated Permeable Block Panel Systems Rule" means 15A NCAC 18E .0905 (Prefabricated Permeable Block Panel Systems).

SECTION 4.31.(b) Prefabricated Permeable Block Panel Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Prefabricated Permeable Block Panel Systems Rule as provided in subsection (c) of this section.

SECTION 4.31.(c) Implementation. – Prefabricated permeable block panel systems shall not be used with food service establishments or other facilities where the fats, oil, and grease exceed the limit of domestic strength effluent when measured as it enters the dispersal product.

SECTION 4.31.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Prefabricated Permeable Block Panel Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.31.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.32.(a) Definitions. – For purposes of this section and its implementation, "Sand Lined Trench Systems Rule" means 15A NCAC 18E .0906 (Sand Lined Trench Systems).

SECTION 4.32.(b) Sand Lined Trench Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Sand Lined Trench Systems Rule as provided in subsection (c) of this section.

SECTION 4.32.(c) Implementation. – There shall be no depth requirement for the naturally occurring receiving permeable horizon for any soil or site, nor shall advanced pretreatment be required if the receiving permeable horizon is greater than 60 inches below the naturally occurring soil surface.

SECTION 4.32.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Sand Lined Trench Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.32.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.33.(a) Definitions. – For purposes of this section and its implementation, "Low Pressure Pipe Systems Rule" means 15A NCAC 18E .0907 (Low Pressure Pipe Systems).

SECTION 4.33.(b) Low Pressure Pipe Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Low Pressure Pipe Systems Rule as provided in subsection (c) of this section.

SECTION 4.33.(c) Implementation. – The minimum required dispersal field area and trench length shall be calculated when high strength effluent is proposed to be discharge to a low pressure pipe field with no advanced pretreatment as required in 15A NCAC 18E .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F of the General Statutes, shall calculate the long term acceptance rate in accordance with 15A NCAC 18E .0402(b)(2).

SECTION 4.33.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Low Pressure Pipe Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.33.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.34.(a) Definitions. – For purposes of this section and its implementation, "Drip Dispersal Systems Rule" means 15A NCAC 18E .0908 (Drip Dispersal Systems).

SECTION 4.34.(b) Drip Dispersal Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Drip Dispersal Systems Rule as provided in subsection (c) of this section.

SECTION 4.34.(c) Implementation. – Drip dispersal systems receiving domestic strength effluent shall meet the soil and site criteria identified in 15A NCAC .0908(c).

SECTION 4.34.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Drip Dispersal Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.34.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.35.(a) Definitions. – For purposes of this section and its implementation, "Fill Systems Rule" means 15A NCAC 18E .0909 (Fill Systems).

SECTION 4.35.(b) Fill Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Fill Systems Rule as provided in subsection (c) of this section.

SECTION 4.35.(c) Implementation. – New fill systems shall only be installed on sites with uniform slopes less than 15 percent.

SECTION 4.35.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Fill Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.35.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.36.(a) Definitions. – For purposes of this section and its implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule" means 15A NCAC 18E .1202 (Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day).

SECTION 4.36.(b) Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule as provided in subsection (c) of this section.

SECTION 4.36.(c) Implementation. – Sandy clay loam saprolite may be used with advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II effluent standards.

SECTION 4.36.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.36.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.37.(a) Definitions. – For purposes of this section and its implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule" means 15A NCAC 18E .1203 (Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day).

SECTION 4.37.(b) Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule as provided in subsection (c) of this section.

SECTION 4.37.(c) Implementation. – Sandy clay loam saprolite may be used with advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II effluent standards, or with advanced pretreatment with a design daily flow greater than 3,000 gallons per day.

SECTION 4.37.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a

Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.37.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.38.(a) Definitions. – For purposes of this section and its implementation, "Advanced Pretreatment Sand Lined Trench Systems Rule" means 15A NCAC 18E .1205 (Advanced Pretreatment Sand Lined Trench Systems).

SECTION 4.38.(b) Advanced Pretreatment Sand Lined Trench Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Advanced Pretreatment Sand Lined Trench Systems Rule as provided in subsection (c) of this section.

SECTION 4.38.(c) Implementation. – Trench length for trench dispersal products approved with a specific dispersal field reduction in area or trench length when receiving domestic strength effluent in accordance with this Subchapter or a provisional Innovative or Accepted approval shall be calculated in accordance with this Subchapter or the provisional Innovative or Accepted approval.

SECTION 4.38.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Advanced Pretreatment Sand Lined Trench Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.38.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.39.(a) Definitions. – For purposes of this section and its implementation, "Operation and Maintenance of Wastewater Systems Rule" means 15A NCAC 18E .1301 (Operation and Maintenance of Wastewater Systems).

SECTION 4.39.(b) Operation and Maintenance of Wastewater Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Operation and Maintenance of Wastewater Systems Rule as provided in subsection (c) of this section.

SECTION 4.39.(c) Implementation. – System Classification Type IIa shall be described as a conventional system with 750 linear feet of trench or less. System Classification Type IIIa shall be deleted.

SECTION 4.39.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Operation and Maintenance of Wastewater Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.39.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.40.(a) Definitions. – For purposes of this section and its implementation, "Local Health Department Responsibilities for Wastewater System Operation and Maintenance Rule" means 15A NCAC 18E .1305 (Local Health Department Responsibilities for Wastewater System Operation and Maintenance).

SECTION 4.40.(b) Local Health Department Responsibilities for Wastewater System Operation and Maintenance Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Local Health Department Responsibilities for Wastewater System Operation and Maintenance Rule as provided in subsection (c) of this section.

SECTION 4.40.(c) Implementation. – The authorized agent shall issue a written notice of non-compliance to the owner when the wastewater system is not malfunctioning in accordance with 15A NCAC 18E .1303(a)(2), but non-compliant with the Rules of this Subchapter in the operation permit or the authorization to operate.

SECTION 4.40.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Local Health Department Responsibilities for Wastewater System Operation and Maintenance Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.40.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.41.(a) Definitions. – For purposes of this section and its implementation, "System Malfunction and Repair Rule" means 15A NCAC 18E .1306 (System Malfunction and Repair).

SECTION 4.41.(b) System Malfunction and Repair Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the System Malfunction and Repair Rule as provided in subsection (c) of this section.

SECTION 4.41.(c) Implementation. – This Rule identifies the responsibilities of the local health department and the owner when a system is malfunctioning, totally or partially destroyed, or otherwise determined to require repair. Best professional judgment may be used when the improvement permit, construction authorization, notice of intent to construct, or authorization to operate indicates the repair area and system type. The authorized agent, Authorized On-Site Wastewater Evaluator, or Professional Engineer may use their best professional judgment to repair facilities with either a malfunctioning wastewater system installed prior to July 1, 1977 or a wastewater disposal method installed prior to July 1, 1977, if the method has been in continual use and acts as the sole source of wastewater disposal.

SECTION 4.41.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the System Malfunction and Repair Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.41.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.42.(a) Definitions. – For purposes of this section and its implementation, "Plans for Prefabricated Tanks Rule" means 15A NCAC 18E .1401 (Plans for Prefabricated Tanks).

SECTION 4.42.(b) Plans for Prefabricated Tanks Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Plans for Prefabricated Tanks Rule as provided in subsection (c) of this section.

SECTION 4.42.(c) Implementation. – No documentation of proof of design for a tank shall be required prior to approval of the tank by the Department.

SECTION 4.42.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Plans for Prefabricated Tanks Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.42.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.43.(a) Definitions. – For purposes of this section and its implementation, "Tank Design and Construction Rule" means 15A NCAC 18E .1402 (Tank Design and Construction).

SECTION 4.43.(b) Tank Design and Construction Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank Design and Construction Rule as provided in subsection (c) of this section.

SECTION 4.43.(c) Implementation. – The location of the tank shall not be required to be visible at finished grade when the top of the septic tank or access riser is below the finished grade.

SECTION 4.43.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Tank Design and Construction Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.43.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.44.(a) Definitions. – For purposes of this section and its implementation, "Tank Material Requirements Rule" means 15A NCAC 18E .1403 (Tank Material Requirements).

SECTION 4.44.(b) Tank Material Requirements Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank Material Requirements Rule as provided in subsection (c) of this section.

SECTION 4.44.(c) Implementation. – Reinforced precast concrete tanks shall achieve a minimum 28-day compressive strength of 4,000 pounds per square inch. The concrete shall meet a compressive strength of 3,500 pounds per square inch prior to removal of the tank

from the place of manufacture. The delivery of the tank to the jobsite is considered the certification by the tank manufacturer of these conditions. Authorized agents, professional engineers, or Authorized On-Site Wastewater Evaluators shall follow the requirements of this Rule on any subsequent testing to verify this certification. Readings from a rebound hammer shall not be used to reject a tank at the jobsite. The local health department, professional engineer, or authorized on-site wastewater evaluator shall report test readings taken in accordance with this Rule to the On-Site Water Protection Branch and shall be used to schedule a future random inventory verification by the Department. Rebound hammers shall be used in accordance with the following when checking the strength of a precast concrete tank: 1) the surface of the concrete tank tested should be smooth, dry, and free of honeycombing; 2) the concrete to be tested must be at least four inches thick, readings should be taken around the edges of the tank , tests should not be on trowelled surfaces, and the test locations should be at least one inch from the edge of the tank or the location of another test point. The procedure for testing a tank with a rebound hammer shall be as follows: 1) take a total of 12 readings from around the tank; 2) the rebound hammer shall be directly perpendicular to the surface of the tank; 3) the readings should be from different sides of the concrete tank; 4) take readings from at least two different edges on each tank side, if possible; 5) eliminate the highest and lowest readings taken; 6) average the remaining 10 readings and use that average to determine the concrete compressive strength from the conversion chart on the rebound hammer; and 7) adjust the concrete compressive strength by ± 25% to account for the rebound hammer's ± 25% error in the reading. The rebound hammer should be calibrated annually.

SECTION 4.44.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Tank Material Requirements Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.44.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.45.(a) Definitions. – For purposes of this section and its implementation, "Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule" means 15A NCAC 18E .1404 (Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots).

SECTION 4.45.(b) Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule as provided in subsection (c) of this section.

SECTION 4.45.(c) Implementation. – Subsections (a), (b), (c), (d), and (g) of this Rule shall apply to risers, effluent filters, or pipe penetration boots made from plastic or fiberglass. Concrete risers and riser lids shall be able to withstand a minimum uniform live loading of 300 pounds per square foot or a minimum 1,500-pound load applied in a 10 inch by 10 inch area centered on the lid, in addition to all loads to which a riser is normally subjected, such as dead weight of the material and soil cover and active soil pressure on riser walls. Concrete risers shall meet the following requirements: septic tank risers shall have a secondary lid, concrete plug, or other safety device that shall be provided inside the riser for security and to prevent accidental entry; and pump tank risers shall have a secondary safety mechanism that shall be provided with the riser. The secondary safety mechanism shall be a secondary lid, concrete plug, or other safety device to be provided inside the pump tank riser.

SECTION 4.45.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.45.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.46.(a) Definitions. – For purposes of this section and its implementation, "Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule" means 15A NCAC 18E .1405 (Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal).

SECTION 4.46.(b) Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule as provided in subsection (c) of this section.

SECTION 4.46.(c) Implementation. – This Rule shall only apply to risers, effluent filters, or pipe penetration boots made from plastic or fiberglass.

SECTION 4.46.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.46.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 4.47.(a) Definitions. – For purposes of this section and its implementation, "Local Health Department Responsibilities Rule" means 15A NCAC 18E .1713 (Local Health Department Responsibilities).

SECTION 4.47.(b) Local Health Department Responsibilities Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Local Health Department Responsibilities Rule as provided in subsection (c) of this section.

SECTION 4.47.(c) Implementation. – The local health department shall not be required to include in its monthly activity reports to the Department the number of new system operations permits for Provisional, Innovative, or Accepted systems, the number of construction authorizations issued for Provisional systems, including system type, for repairs of Provisional, Innovative, Accepted systems, including system type being repaired, or repairs of Accepted systems, including system type being repaired, or repair system type.

SECTION 4.47.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Local Health Department Responsibilities Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 4.47.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

CLARIFY THE APPLICABILITY OF STATUTORY BUILT-UPON AREA REQUIREMENTS FOR STATE AND LOCAL GOVERNMENT STORMWATER PROGRAMS AND SPECIFY THAT CERTAIN ARTIFICIAL TURF IS NOT BUILT-UPON AREA

SECTION 4.48.(a) G.S. 143-214.7(b2) reads as rewritten:

"(b2) ~~For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection.~~ For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

(1) The volume, velocity, and discharge rates of water associated with the one-year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the one-year, 24-hour storm shall be calculated using any acceptable engineering hydrologic and hydraulic methods.

(2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and this section provided the stormwater runoff from the entire impervious area of the development is collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements. For the purpose of this subdivision, the entire impervious area of the development shall not include any portion of a project that is within a North Carolina Department of Transportation or municipal right-of-way.

(3) The requirements that apply to development activities within one-half mile of and draining to Class SA waters or within one-half mile of Class SA waters and draining to unnamed freshwater tributaries shall not apply to development activities and associated stormwater discharges that do not occur within one-half mile of and draining to Class SA waters or are not within one-half mile of Class SA waters and draining to unnamed freshwater tributaries."

SECTION 4.48.(b) Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-214.7D. Limitations on built-upon area requirements.**

(a) As used in this section, the term "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil.

(b) For the purposes of implementing State or local government stormwater programs, none of the following surfaces shall be considered "built-upon area" or an impervious or partially impervious surface:

(1) A slatted deck.

(2) The water area of a swimming pool.

(3) A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric.

(4) A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).

(5) Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

(6) Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.

(c) The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in subsection (b) of this section.

(d) Except as specifically required by federal law, a local government may not enact, implement, or enforce a local government ordinance, comprehensive plan, or stormwater program that establishes a definition of "built-upon area" or impervious surface that does not comply with subsection (b) of this section. This limitation shall apply regardless of any authority granted by G.S. 143-214.5, G.S. 143-214.7, or Chapters 153A, 160A, or 160D of the General Statutes.

(e) The Commission may adopt rules to implement this section."

SECTION 4.48.(c) Each unit of local government that operates a stormwater program shall update its program to be consistent with G.S. 143-214.7D, as enacted by subsection (b) of this section.

SECTION 4.48.(d) This section is effective when it becomes law.

PROHIBIT PUBLIC WATER AND SEWER SYSTEMS FROM IMPOSING UNAUTHORIZED CONDITIONS AND IMPLEMENTING PREFERENCE SYSTEMS FOR ALLOCATING SERVICE TO RESIDENTIAL DEVELOPMENT

SECTION 4.49.(a) Chapter 162A of the General Statutes is amended by adding a new Article to read:

"Article 11.

"Miscellaneous.

"**§ 162A-900. Limitations on allocating service for residential development.**

(a) For purposes of this section, "residential development" means new development of single-family or multifamily housing.

(b) A local government unit, as defined in G.S. 162A-201, shall not require an applicant for water or sewer service for residential development to agree to any condition not otherwise authorized by law, or to accept any offer by the applicant to consent to any condition not otherwise authorized by law. These conditions include, without limitation, any of the following:

(1) Payment of taxes, impact fees or other fees, or contributions to any fund.

(2) Adherence to any restrictions related to land development or land use, including those within the scope of G.S. 160D-702(c).

(3) Adherence to any restrictions related to building design elements within the scope of G.S. 160D-702(b).

(c) A local government unit, as defined in G.S. 162A-201, shall not implement a scoring or preference system to allocate water or sewer service among applicants for water or sewer service for residential development that does any of the following:

(1) Includes consideration of building design elements, as defined in G.S. 160D-702(b).

(2) Sets a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.

(3) Requires a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.

(4) Requires additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code."

SECTION 4.49.(b) This section is effective when it becomes law.

ESTABLISH A TIME LIMIT FOR REVIEW OF APPLICATIONS SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR WATER DISTRIBUTION SYSTEMS TO CONSTRUCT OR ALTER A PUBLIC WATER SYSTEM

SECTION 4.50.(a) G.S. 130A-328 is amended by adding a new subsection to read:

"(c1) The Department shall perform a review of an application for a water distribution system authorization subject to the following requirements:

(1) The Department shall review the application within 45 days of receipt of a complete application when a professional engineer provides certification that the design meets or exceeds the Minimum Design Criteria developed by the Department applicable to the project. For purposes of this section, a complete application is defined as an application that includes all of the required components described in the application form.

(2) The Department shall perform an administrative review of a new application within 10 days of receipt to determine if all required information is included in the application. If the application is complete, the Department shall issue a receipt letter or electronic response stating that the application is complete and that a 45-calendar day technical review period has started as of the date on which the Department received the complete application. If required items or information are not included in the application, the application is incomplete, and the Department shall issue an application receipt letter or electronic response identifying the information required to complete the application before the technical review begins. When the Department receives the required information, the Department shall issue a receipt letter or electronic response specifying that the application is complete and that the 45-calendar day review period has started as of the date on which the Department received the remaining required information.

(3) If additional information is required to complete the technical review, the Department shall issue a request for additional information required to complete the review, and the 45-calendar day technical review period shall pause until the additional information is received. If the Department does not receive the requested additional information from the applicant within 30 calendar days, the Department shall return the application to the applicant.

(4) If the Department receives the additional information from the applicant within 30 days, the technical review period review time shall restart, and the Department shall complete its review within the number of days that remained

in the technical review period on the date the technical review period was paused by the request for additional information.

(5) Should the Department not complete its review of the application within the 45-day technical review period, the application shall be considered deemed approved."

SECTION 4.50.(b) This section becomes effective December 1, 2024, and applies to applications submitted on or after that date.

CLARIFY SCOPE OF PUBLIC SWIMMING POOL LAWS TO EXEMPT PRIVATE POOLS OFFERED FOR USE THROUGH A SHARING ECONOMY PLATFORM

SECTION 4.51.(a) G.S. 130A-280 reads as rewritten:

"**§ 130A-280. Scope.**

This Article provides for the regulation of public swimming pools in the State as they may affect the public health and safety. As used in this Article, the term "public swimming pool" means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas, spas operating for display at temporary events, and artificial swimming lagoons. As used in this Article, an "artificial swimming lagoon" means any body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results in a disinfectant residual in the swimming zone that is protective of the public health. This Article does not apply to ~~a~~ any of the following:

(1) A private pool serving a single family dwelling and used only by the residents of the dwelling and their guests.

(2) A private pool serving a single family dwelling meeting the minimum requirements of this subdivision which is offered to, and used by, individuals on a temporary basis utilizing a sharing economy platform. For the purposes of this subdivision, a sharing economy platform means an online platform used to facilitate peer-to-peer transactions to acquire, provide, or share access to goods and services. For the purposes of this subdivision, a pool must meet all of the following minimum requirements:

a. Pools must have proper fencing and barriers to prevent unsupervised access, especially by children. The fence should be at least 4 feet high with a self-latching gate.

b. Pools must have clear and conspicuous signage posted around the pool area specifying pool rules, depth markers, and any potential hazards.

c. Pools must be equipped with basic lifesaving equipment, including life rings and reaching poles.

d. Pool decks and surrounding areas must have non-slip surfaces.

e. Pools must have properly fitted covers for all submerged suction outlets.

f. Pools must be well-maintained with proper chemical balance and cleanliness to ensure safe and healthy swimming conditions.

(3) ~~This Article also does not apply to therapeutic~~ Therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use."

SECTION 4.51.(b) This section becomes effective July 1, 2025.

PART V. REORGANIZE BUILDING CODE COUNCIL

SECTION 5.1.(a) G.S. 143-136 reads as rewritten:

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

(a) ~~Creation; Membership; Terms.~~ Creation. – There is hereby created a Building Code Council, which shall be composed of ~~17~~ 13 members appointed ~~by the Governor, consisting of the following:~~as follows:

~~(1) Two licensed architects.~~

~~(2) One licensed general contractor.~~

~~(3) One licensed general contractor specializing in residential construction.~~

~~(4) One licensed general contractor specializing in coastal residential construction.~~

~~(5) One licensed engineer practicing structural engineering.~~

~~(6) One licensed engineer practicing mechanical engineering.~~

~~(7) One licensed engineer practicing electrical engineering.~~

~~(8) One licensed plumbing and heating contractor.~~

~~(9) One municipal or county building inspector.~~

~~(10) One licensed liquid petroleum gas dealer/contractor involved in the design of natural and liquid petroleum gas systems who has expertise and experience in natural and liquid petroleum gas piping, venting and appliances.~~

~~(11) One representative of the public who is not a member of the building construction industry.~~

~~(12) One licensed electrical contractor.~~

~~(13) One licensed engineer on the engineering staff of a State agency charged with approval of plans of State-owned buildings.~~

~~(14) One municipal elected official or city manager.~~

~~(15) One county commissioner or county manager.~~

~~(16) One active member of the North Carolina fire service with expertise in fire safety, as recommended by the North Carolina State Firefighters' Association.~~

(1) 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 multifamily construction.

(2) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold a license as a professional engineer under Chapter 89C of the General Statutes and specializes in structural engineering.

(3) 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 commercial construction.

(4) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold a license as a professional engineer under Chapter 89C of the General Statutes and specializes in electrical engineering.

(5) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives who shall hold a license as an attorney-at-law under Chapter 84 of the General Statutes and specializes in construction law.

(6) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold an unlimited electrical 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 a general contractor license under Chapter 87 of the General Statutes and specializes in the construction of buildings greater than 75 feet in height.

(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 hold a license as a professional engineer under Chapter 89C of the General Statutes and specializes in mechanical engineering.

(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 hold an unlimited plumbing and heating contractor license under Chapter 87 of the General Statutes and specializes in plumbing contracting.

(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 hold an unlimited plumbing and heating contractor license under Chapter 87 of the General Statutes and specializes in mechanical contracting.

(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 Level III Code-enforcement official employed by a municipality or county.

(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 North Carolina certified Level III Fire Code Official.

(13) One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution as a representative of the fuel-gas industry.

(a1) ~~In selecting the municipal and county members, preference should be given to members who qualify as either a licensed architect, licensed engineer, or licensed general contractor.~~ Terms; Removal; 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, three shall serve for terms of two years each, ~~three~~ two shall serve for terms of four years each, and ~~three~~ two shall serve for terms of six years each. Thereafter, all appointments shall be for terms of six years. ~~The Governor may remove appointive members at any time. Neither the architect nor any~~ Each appointing authority may remove any member of the Council appointed by that appointing authority from office for misfeasance, malfeasance, or nonfeasance. 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. None of the above named engineers shall be engaged in the manufacture, promotion or sale of any building material, and any member who shall, during ~~his~~ their term, cease to meet the qualifications for original appointment (through ceasing to be a practicing member of the profession indicated or otherwise) shall thereby forfeit ~~his~~ their membership on the Council. In making new appointments or filling vacancies, the Governor shall ensure that minorities and women are represented on the Council.

~~The Governor may make appointments to fill the unexpired portions of any terms vacated by reason of death, resignation, or removal from office. In making such appointment, he shall preserve the composition of the Council required above.~~

(a2) Process for Appointments by the Governor. – The Governor shall transmit to the presiding officers of the Senate and the House of Representatives, within four weeks of the convening of the session of the General Assembly in the year for which the terms in question are initially appointed or are to expire, the names of the persons to be appointed by the Governor and submitted to the General Assembly for confirmation by joint resolution. If an appointment is required pursuant to this subsection when the General Assembly is not in session, the member may be appointed and serve on an interim basis pending confirmation by the General Assembly. For the purpose of this subsection, the General Assembly is not in session only (i) prior to convening of the regular session, (ii) during any adjournment of the regular session for more than 10 days, or (iii) after sine die adjournment of the regular session.

(b) Compensation. – Members of the Building 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.

(c) Repealed by Session Laws 2023-108, s. 1(b), effective January 1, 2025.

(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 Residential Building 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~~ The Building Code Council shall ~~meet upon the call of the chairman to~~ review and consider 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,~~ Code volumes, as specified in G.S. 143-138(a), 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~~ construction. The Council shall ~~also~~ oversee ~~the process by which the Council conducts its~~ revision of ~~the~~ codes as specified in G.S. 143-138(a) and applicable to commercial or multi-family construction pursuant to G.S. 143-138(d). ~~This committee~~ The Council shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to ~~codes~~ Code volumes, as set forth in G.S. 143-138(a), and codes applicable to commercial or multi-family construction and make ~~a recommendation to the Building Code Council for~~ disposition of the appeal or issue an

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.~~"

SECTION 5.1.(b) In order to establish overlapping terms, initial appointments pursuant to G.S. 143-136(a), as amended by subsection (a) of this section, shall be made effective January 1, 2025, or as soon as feasible thereafter, and expire as follows:

(1) The initial appointments made by the Governor:
   a. Pursuant to G.S. 143-136(a)(7) shall expire January 1, 2027.
   b. Pursuant to G.S. 143-136(a)(8) shall expire January 1, 2027.
   c. Pursuant to G.S. 143-136(a)(9) shall expire January 1, 2027.
   d. Pursuant to G.S. 143-136(a)(10) shall expire January 1, 2029.
   e. Pursuant to G.S. 143-136(a)(11) shall expire January 1, 2029.
   f. Pursuant to G.S. 143-136(a)(12) shall expire January 1, 2031.
   g. Pursuant to G.S. 143-136(a)(13) shall expire January 1, 2031.

(2) The initial appointments made by the General Assembly upon recommendation of the Speaker of the House of Representatives:
   a. Pursuant to G.S. 143-136(a)(1) shall expire January 1, 2027.
   b. Pursuant to G.S. 143-136(a)(3) shall expire January 1, 2029.
   c. Pursuant to G.S. 143-136(a)(5) shall expire January 1, 2031.

(3) The initial appointments made by the General Assembly upon recommendation of the President Pro Tempore of the Senate:
   a. Pursuant to G.S. 143-136(a)(2) shall expire January 1, 2027.
   b. Pursuant to G.S. 143-136(a)(4) shall expire January 1, 2029.
   c. Pursuant to G.S. 143-136(a)(6) shall expire January 1, 2031.

SECTION 5.1.(c) G.S. 143-137 reads as rewritten:

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

(a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the State Fire Marshal. ~~The Council shall elect from its appointive members a chairman and such other officers as it may choose, for such terms as it may designate in its rules.~~ The Council shall adopt ~~such~~ rules ~~not inconsistent herewith~~ as it may deem necessary for the proper discharge of its duties. The ~~chairman~~ chair may establish and appoint members to ~~such~~ committees as the work of the Council may require. In addition, the ~~chairman shall~~ chair may establish and appoint ad hoc code revision committees to consider and prepare revisions and amendments to the Code ~~volumes.~~ volumes, as specified in G.S. 143-138(a). Each ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the Code volume for which the ad hoc committee is responsible, and members of the public. ~~The subcommittees~~ Ad hoc committees shall meet upon the call of their respective chairs and shall report their recommendations to the Council.

(b) Meetings. – The 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 ~~chairman~~ chair ~~on his own initiative~~ and must be called by ~~him~~ the chair at the request of two or more members of the Council. All members shall be notified by the ~~chairman~~ chair in writing of the time and place of regular and special meetings at least seven days in advance of such meeting. ~~Seven members shall constitute a quorum.~~ 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 ~~Council. Such staff shall~~ Council, and have the ~~duties of~~ 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;~~times.

(2) Handling correspondence for the Council.

(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 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 Office of the State Fire Marshal may hire such additional personnel as may be necessary to handle the work of the Building Code Council, within the limits of funds appropriated to the Department of Insurance 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 Building Code Council, including any amendment or revision to Code volumes, as specified in G.S. 143-138(a). No member may vote by proxy."

SECTION 5.1.(d) This section becomes effective January 1, 2025.

MISCELLANEOUS CHANGES TO IMPLEMENT BUILDING CODE COUNCIL AND RESIDENTIAL CODE COUNCIL REORGANIZATION

SECTION 5.2.(a) G.S. 143-136.1 reads as rewritten:

"**§ 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 general contractor license under Chapter 87 of the General Statutes and specializes in residential construction.

(2) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate who shall hold an unlimited or intermediate general contractor license under Chapter 87 of the General Statutes and specializes in residential construction.

(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, intermediate, or limited 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 an unlimited, intermediate, or limited general contractor license under Chapter 87 of the General Statutes and specializes in residential construction.

(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; Removal; 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. Each appointing authority may remove any member of the Council appointed by that appointing authority from office for misfeasance, malfeasance, or nonfeasance. 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.

(b1) Process for Appointments by the Governor. – The Governor shall transmit to the presiding officers of the Senate and the House of Representatives, within four weeks of the convening of the session of the General Assembly in the year for which the terms in question are initially appointed or are to expire, the names of the persons to be appointed by the Governor and submitted to the General Assembly for confirmation by joint resolution. If an appointment is required pursuant to this subsection when the General Assembly is not in session, the member may be appointed and serve on an interim basis pending confirmation by the General Assembly. For the purpose of this subsection, the General Assembly is not in session only (i) prior to convening of the regular session, (ii) during any adjournment of the regular session for more than 10 days, or (iii) after sine die adjournment of the regular session.

(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~~ construction as set forth in G.S. 143-138(a). The Council shall oversee revision of the North Carolina Residential Code and codes applicable to dwellings subject to the North Carolina Residential Code pursuant to G.S. 143-138(d). The Council shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to ~~the North Carolina Residential~~ Code volumes, as specified in G.S. 143-138(a), and make disposition of the appeal or issue an interpretation."

SECTION 5.2.(b) G.S. 143-137.1 reads as rewritten:

"**§ 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 State Fire Marshal. 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~~ committees to consider and prepare revisions and amendments to the North Carolina Residential Code. ~~The~~ Each 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~~ Council, and 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.~~ Code volumes, as specified in G.S. 143-138(a). No member may vote by proxy."

SECTION 5.2.(c) G.S. 143-138 reads as rewritten:

"**§ 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. The Building Code Council shall oversee codes applicable to commercial or multi-family construction and contained in Code volumes, as specified in subdivisions (1) through (9) of this subsection, that apply to commercial and multi-family construction. The Residential Code Council shall oversee codes applicable to residential construction and contained in Code volumes, as specified in subdivisions (1) through (10) of this subsection, that apply to residential construction. 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~~ Article. The North Carolina State Building Code shall consist of 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.

…

(d) Amendments of the Code. – The Building Code Council and Residential Code Council may periodically revise and amend those parts of the North Carolina State Building Code for which those Councils are responsible, either on 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 perform a comprehensive review and revise or amend the North Carolina Residential ~~Code, including provisions applicable to dwellings covered by the North Carolina Residential Code, from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North Carolina Fuel Gas Code, North Carolina Plumbing Code, and 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, 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 as applicable to residential construction and may amend ~~the~~ those codes and any 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 for adoption of the Code. The Building Code Council and Residential Code Council, through the Office of the State Fire Marshal, 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 Office of the State Fire Marshal, shall also publish at least semiannually in the North Carolina Register a statement providing the accurate website address and information on how to find additional commentary and interpretation of the Code.

…."

SECTION 5.2.(d) In performing its review of the North Carolina State Building Code to amend relevant chapters of the North Carolina Residential Code after its appointment pursuant to G.S. 143-136.1, as required by G.S. 143-138(d), the Residential Code Council shall include relevant provisions from the North Carolina Administrative Code and Policies volume, as appropriate and modified by the Residential Code Council, in its amendment to the Residential Code.

SECTION 5.2.(e) G.S. 143-139 reads as rewritten:

"**§ 143-139. Enforcement of Building Code.**

…

(b1) Remedies. – In case any building or structure is maintained, erected, constructed, or reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North Carolina State Building Code, either the local enforcement officer or the State Fire Marshal or other State official with responsibility under this section may, in addition to other remedies, institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection, construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain, correct, or abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until the violation is corrected. In addition to the civil remedies set out in G.S. 160A-175 and G.S. 153A-123, a county, city, or other political subdivision authorized to enforce the North Carolina State Building Code within its jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a civil penalty for violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code, which penalty may be recovered in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for the violation. If the State Fire Marshal or other State official institutes an action or proceeding under this section, a county, city, or other political subdivision may not institute a civil action under this section based upon the same violation. Appeals from the imposition of any remedy set forth herein, including the imposition of a civil penalty by a county, city, or other political subdivision, shall be as provided in G.S. 160D-1127.

…."

SECTION 5.2.(f) G.S. 143-140 reads as rewritten:

"**§ 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.~~ G.S. 143-139. 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.~~responsible Code Council for the subject matter or code provision in question.

(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."

SECTION 5.2.(g) G.S. 87-10 reads as rewritten:

"**§ 87-10. Application for license; examination; certificate; renewal.**

…

(b) An applicant shall identify an individual who has successfully passed an examination approved by the Board who, for purposes of this section, shall be known as the "qualifier" or the "qualifying party" of the applicant. If the qualifier or the qualifying party seeks to take an examination, the examination shall establish (i) the ability of the applicant to make a practical application of the applicant's knowledge of the profession of contracting; (ii) the qualifications of the applicant in reading plans and specifications, knowledge of relevant matters contained in the North Carolina State Building Code, knowledge of estimating costs, construction, ethics, and other similar matters pertaining to the contracting business; (iii) the knowledge of the applicant as to the responsibilities of a contractor to the public and of the requirements of the laws of the State of North Carolina relating to contractors, construction, and liens; and (iv) the applicant's knowledge of requirements of the Sedimentation Pollution Control Act of 1973, Article 4 of Chapter 113A of the General Statutes, and the rules adopted pursuant to that Article. If the qualifier or qualifying party passes the examination, upon review of the application and all relevant information, the Board shall issue a license to the applicant to engage in general contracting in the State of North Carolina, which may be limited as follows:

(1) Building contractor, which shall include private, public, commercial, industrial and residential buildings of all types.

(1a) Residential contractor, which shall include any general contractor constructing only residences which are required to conform to the ~~residential building code~~ North Carolina Residential Code adopted by the ~~Building~~ Residential Code Council pursuant to G.S. 143-138.

(2) Highway contractor.

(3) Public utilities contractors, which shall include those whose operations are the performance of construction work on the following subclassifications of facilities:

a. Water and sewer mains, water service lines, and house and building sewer lines as defined in the North Carolina State Building Code, and water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations, and pumping stations.

b. Water and wastewater treatment facilities and appurtenances thereto.

c. Electrical power transmission facilities, and primary and secondary distribution facilities ahead of the point of delivery of electric service to the customer.

d. Public communication distribution facilities.

e. Natural gas and other petroleum products distribution facilities; provided the General Contractors Licensing Board may issue license to a public utilities contractor limited to any of the above subclassifications for which the general contractor qualifies.

(4) Specialty contractor, which shall include those whose operations as such are the performance of construction work requiring special skill and involving the use of specialized building trades or crafts, but which shall not include any operations now or hereafter under the jurisdiction, for the issuance of license, by any board or commission pursuant to the laws of the State of North Carolina.

…."

SECTION 5.2.(h) G.S. 130A-248 reads as rewritten:

"**§ 130A-248. Regulation of food and lodging establishments.**

…

(g) All hotels, motels, tourist homes, and other establishments that provide lodging for pay shall comply with the requirements of G.S. 143-138(b2)(2). Upon notification of a violation of G.S. 143-138(b2)(2) by the code official responsible for enforcing the ~~NC State Building~~ North Carolina Fire Code ~~(Fire Prevention)~~ in accordance with G.S. 143-138(b2)(4), the local health department is authorized to suspend a permit issued pursuant to this section in accordance with G.S. 130A-23."

SECTION 5.2.(i) G.S. 143-151.8 reads as rewritten:

"**§ 143-151.8. Definitions.**

(a) The following definitions apply in this Article:

(1) Board. – The North Carolina Code Officials Qualification Board.

(2) Code. – Consists of all of the following:

a. The North Carolina State Building Code adopted by the Building Code Council and Residential Code Council under G.S. 143-138.

b. Local building rules approved by the Building Code ~~Council.~~Council and Residential Code Council.

c. Any resolution adopted by a federally recognized Indian Tribe in which the Tribe adopts the North Carolina State Building Code and related local building rules.

d. The standards adopted by the State Fire Marshal under G.S. 143-143.15(a).

(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 North Carolina 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).

(4) Local inspection department. – The agency or agencies of local government, or any government agency of a federally recognized Indian Tribe, with authority to make inspections of buildings and to enforce the Code and other laws, ordinances, and rules enacted by the State, a local government, or a federally recognized Indian Tribe.

(5) Qualified Code-enforcement official. – A person qualified under this Article to engage in the practice of Code enforcement.

(b) For purposes of this Article, the population of a city or county is determined according to the most current federal census, unless otherwise specified.

(c) For purposes of this Article, "willful misconduct, gross negligence, or gross incompetence" in addition to the meaning of those terms under other provisions of the General Statutes or at common law, includes any of the following:

(1) Enforcing a Code requirement in areas or circumstances not specified in the requirement.

(2) Refusing to accept an alternative design or construction method that has been appealed under G.S. 143-140.1 and found by the Office of the State Fire Marshal to comply with the Code under the conditions or circumstances set forth in the Office of the State Fire Marshal's decision for that appeal.

(3) Refusing to allow an alternative construction method currently included in the Building Code under the conditions or circumstances set forth in the Code for that alternative method.

(4) Enforcing a requirement that is more stringent than or otherwise exceeds the Code requirement.

(5) Refusing to implement or adhere to an interpretation of the North Carolina State Building Code issued by the Building Code ~~Council~~ Council, Residential Code Council, or the Office of the State Fire Marshal.

(6) Habitually failing to provide requested inspections in a timely manner.

(7) Enforcing a Code official's preference in the method or manner of installation of heating ventilation and air-conditioning units, appliances, or equipment if it is not required by the State Building Code and is in contradiction of a manufacturer's installation instructions or specifications."

SECTION 5.2.(j) G.S. 143-151.13 reads as rewritten:

"**§ 143-151.13. Required standards and certificates for Code-enforcement officials.**

…

(f) The Board shall issue a standard certificate to any person who is currently licensed to practice as a(n):

(1) Architect, registered pursuant to Chapter 83A;

(2) General contractor, licensed pursuant to Article 1 of Chapter 87;

(3) Plumbing or heating contractor, licensed pursuant to Article 2 of Chapter 87;

(4) Electrical contractor, licensed pursuant to Article 4 of Chapter 87; or,

(5) Professional engineer, registered pursuant to Chapter 89C;

provided the person successfully completes a short course, as prescribed by the Board, relating to the North Carolina State Building Code regulations and Code-enforcement administration. The standard certificate shall authorize the person to practice as a qualified Code-enforcement official in a particular type of position at the level determined by the Board, based on the type of license or registration held in any profession specified above.

…."

SECTION 5.2.(k) G.S. 143-151.14 reads as rewritten:

"**§ 143-151.14. Comity.**

…

(c) The certificates granted under subsections (a) and (b) of this section shall expire after three years unless within that time period the holder completes a short course, as prescribed by the Board, relating to the North Carolina State Building Code regulations and Code-enforcement administration.

…."

SECTION 5.2.(*l*) G.S. 143-151.17 reads as rewritten:

"**§ 143-151.17. Grounds for disciplinary actions; investigation; administrative procedures.**

(a) The Board has the power to suspend, revoke, demote to a lower level, or refuse to grant a certificate issued under this Article to any person to whom any of the following applies:

(1) Has been convicted of a felony against this State or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this State.

(2) Has obtained certification through fraud, deceit, or perjury.

(3) Has knowingly aided or abetted any person practicing contrary to the provisions of this Article or the North Carolina State Building Code or any building codes adopted by a federally recognized Indian Tribe.

(4) Has defrauded the public or attempted to do so.

(5) Has affixed his or her signature to a report of inspection or other instrument of service if no inspection has been made by him or her or under his or her immediate and responsible direction.

(6) Has been guilty of willful misconduct, gross negligence, or gross incompetence.

…."

SECTION 5.2.(m) G.S. 153A-123 reads as rewritten:

"**§ 153A-123. Enforcement of ordinances.**

…

(c1) An ordinance may provide for the recovery of a civil penalty by the county for violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code as authorized under G.S. 143-139.

…."

SECTION 5.2.(n) G.S. 160A-175 reads as rewritten:

"**§ 160A-175. Enforcement of ordinances.**

…

(c1) An ordinance may provide for the recovery of a civil penalty by the city for violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code as authorized under G.S. 143-139.

…."

SECTION 5.2.(o) G.S. 58-6-25 reads as rewritten:

"**§ 58-6-25. Insurance regulatory charge.**

…

(d) Use of Proceeds. – The Insurance Regulatory Fund is created as an interest-bearing special fund to which the proceeds of the charge levied in this section and all fees collected under Articles 69 through 71 of this Chapter and under Articles 9 and 9C of Chapter 143 of the General Statutes shall be credited. Moneys in the Fund may be spent only pursuant to appropriation by the General Assembly, and the Fund is subject to the provisions of the State Budget Act. All money credited to the Fund shall be used to reimburse the General Fund for the following:

…

(7) Money appropriated to the Department of Insurance to pay its expenses incurred in connection with providing staff support for State boards and commissions, including the North Carolina Manufactured Housing Board, State Fire and Rescue Commission, North Carolina Building Code Council, North Carolina Residential Code Council, North Carolina Code Officials Qualification Board, Public Officers and Employees Liability Insurance Commission, North Carolina Home Inspector Licensure Board, and the Volunteer Safety Workers' Compensation Board.

…."

SECTION 5.2.(p) G.S. 58-78A-1 reads as rewritten:

"**§ 58-78A-1. Office of the State Fire Marshal.**

…

(b) The Office of the State Fire Marshal shall be responsible for all of the following:

(1) State Fire and Rescue Commission, Article 78 of this Chapter.
(2) Investigation of Fires and Inspection of Premises, Article 79 of this Chapter.
(3) State Volunteer Fire Department, Article 80 of this Chapter.
(4) Pyrotechnics Training and Permitting, Article 82A of this Chapter.
(5) Management of Aqueous Film-Forming Foams, Article 82B of this Chapter.
(6) Local Firefighters' Relief Funds, Article 84 of this Chapter.
(7) Statewide Firefighters' Relief Fund, Article 85 of this Chapter.
(8) State Fire Protection Grant Fund, Article 85A of this Chapter.
(9) North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, Article 86 of this Chapter.
(10) Volunteer Safety Workers Assistance, Article 87 of this Chapter.
(11) Rescue Squad Workers' Relief Fund, Article 88 of this Chapter.
(12) Building Code Council and ~~Building Code,~~ Residential Code Council, Article 9 of Chapter 143 of the General Statutes.
(13) North Carolina Manufactured Housing Board-Manufactured Home Warranties, [Article 9A of Chapter 143 of the General Statutes].
(14) Uniform Standards Code for Manufactured Homes, Article 9B of this Chapter [Article 9B of Chapter 143 of the General Statutes].
(15) North Carolina Code Officials Qualification Board, Article 9C of this Chapter [Article 9C of Chapter 143 of the General Statutes].
(16) North Carolina Home Inspector Licensure Board, Article 9F of this Chapter [Article 9F of Chapter 143 of the General Statutes].
(17) Engineering and Building Codes Division in the Department of Insurance.
(18) Risk Management Division in the Department of Insurance.
(19) Community Risk Reduction Division in the Department of Insurance.

…."

SECTION 5.2.(q) G.S. 58-78A-16 reads as rewritten:

"**§ 58-78A-16. State Fire Marshal to inspect State property.**

(a) The State Fire Marshal shall, as often as is required in the ~~fire code~~ North Carolina Fire Code adopted by the North Carolina Building Code Council or more often if the State Fire Marshal considers it necessary, visit, inspect, and thoroughly examine every State property to analyze and determine its protection from fire, including the property's occupants or contents. The State Fire Marshal shall notify in writing the agency or official in charge of the property of any defect noted by the State Fire Marshal or any improvement considered by the State Fire Marshal to be necessary, and a copy of that notice shall be forwarded by the State Fire Marshal to the Department of Administration.

(b) No agency or person authorized or directed by law to select a plan or erect a building comprising 20,000 square feet or more for the use of any county, city, or school district shall receive and approve of the plan until it is submitted to and approved by the State Fire Marshal as to the safety of the proposed building from fire, including the property's occupants or contents.

(c) Repealed by Session Laws 2009-474, s. 1, effective October 1, 2009."

SECTION 5.2.(r) G.S. 150B-21.5 reads as rewritten:

"**§ 150B-21.5. Circumstances when notice and rule-making hearing not required; circumstances when submission to the Commission not required.**

(a) Amendment. – An agency is not required to publish a notice of text in the North Carolina Register, hold a public hearing, or submit the amended rule to the Commission for review when it proposes to amend a rule to do one of the following:

(1) Reletter or renumber the rule or subparts of the rule.

(2) Substitute one name for another when an organization or position is renamed.
(3) Correct a citation in the rule to another rule or law when the citation has become inaccurate since the rule was adopted because of the repeal or renumbering of the cited rule or law.
(4) Change information that is readily available to the public, such as an address, email address, a telephone number, or a Web site.
(5) Correct a typographical error.
(6) Repealed by Session Laws 2019-140, s. 1(a), effective July 19, 2019.

(a1) Response to Commission. – An agency is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to change the rule in response to a request or an objection by the Commission, unless the Commission determines that the change is substantial.

(b) Repeal. – An agency is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to repeal a rule as a result of any of the following:

(1) The law under which the rule was adopted is repealed.
(2) The law under which the rule was adopted or the rule itself is declared unconstitutional.
(3) The rule is declared to be in excess of the agency's statutory authority.

(c) Repealed by Session Laws 2023-134, s. 21.2(e), effective October 3, 2023 and applicable to rules adopted on or after that date.

(d) North Carolina State Building Code. – The Building Code Council ~~is~~ or Residential Code Council, as applicable, is not required to publish a notice of text in the North Carolina Register when it proposes to adopt a rule that concerns the North Carolina State Building Code. The Building Code Council ~~is~~ or Residential Code Council, as applicable, is required to publish a notice in the North Carolina Register when it proposes to adopt a rule that concerns the North Carolina State Building Code. The notice must include all of the following:

(1) A statement of the subject matter of the proposed rule making.
(2) A short explanation of the reason for the proposed action.
(3) A citation to the law that gives the agency the authority to adopt a rule on the subject matter of the proposed rule making.
(4) The person to whom questions or written comments may be submitted on the subject matter of the proposed rule making.

The Building Code Council ~~is~~ or Residential Code Council, as applicable, is required to submit to the Commission for review a rule for which notice of text is not required under this subsection. In adopting a rule, the responsible Council shall comply with the procedural requirements of G.S. 150B-21.3.

(e) An agency that adopts or amends a rule pursuant to subsection (a) of this section shall notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant to subsection (a) of this section, the Codifier of Rules shall make the appropriate change to the North Carolina Administrative Code."

SECTION 5.2.(s) G.S. 150B-21.21 reads as rewritten:

"**§ 150B-21.21. Publication of rules of North Carolina State Bar, Building Code Council, Residential Code Council, and exempt agencies.**

(a) State Bar. – The North Carolina State Bar must submit a rule adopted or approved by it and entered in the minutes of the North Carolina Supreme Court to the Codifier of Rules for inclusion in the North Carolina Administrative Code. The State Bar must submit a rule within 30 days after it is entered in the minutes of the Supreme Court. The Codifier of Rules must compile, make available for public inspection, and publish a rule included in the North Carolina Administrative Code under this subsection in the same manner as other rules in the Code.

(a1) Building Code ~~Council.~~ and Residential Code Council. – The Building Code Council and Residential Code Council, as applicable, shall publish the North Carolina State Building Code as provided in G.S. 143-138(g). The Codifier of Rules is not required to publish the North Carolina State Building Code in the North Carolina Administrative Code.

(b) Exempt Agencies. – Notwithstanding any other provision of law, an agency that is exempted from this Article by G.S. 150B-1 or any other statute must submit a temporary or permanent rule adopted by it to the Codifier of Rules for inclusion in the North Carolina Administrative Code. These exempt agencies must submit a rule to the Codifier of Rules within 30 days after adopting the rule.

(c) Publication. – A rule submitted to the Codifier of Rules under this section must be in the physical form specified by the Codifier of Rules. The Codifier of Rules must compile, make available for public inspection, and publish a rule submitted under this section in the same manner as other rules in the North Carolina Administrative Code."

SECTION 5.2.(t) G.S. 150B-38 reads as rewritten:

"**§ 150B-38. Scope; hearing required; notice; venue.**

(a) The provisions of this Article shall apply to:

(1) Occupational licensing agencies.

(2) The State Banking Commission, the Commissioner of Banks, and the Credit Union Division of the Department of Commerce.

(3) The Department of Insurance and the Commissioner of Insurance.

(4) The State Chief Information Officer in the administration of the provisions of Article 15 of Chapter 143B of the General Statutes.

(5) The North Carolina State Building Code ~~Council.~~Council and Residential Code Council, Article 9 of Chapter 143 of the General Statutes.

(5a) The Office of the State Fire Marshal and the State Fire Marshal.

(6) Repealed by Session Laws 2018-146, s. 4.4(b), effective December 27, 2018.

(b) Prior to any agency action in a contested case, the agency shall give the parties in the case an opportunity for a hearing without undue delay and notice not less than 15 days before the hearing. Notice to the parties shall include all of the following:

(1) A statement of the date, hour, place, and nature of the hearing.

(2) A reference to the particular sections of the statutes and rules involved.

(3) A short and plain statement of the facts alleged.

(c) Notice shall be given by one of the methods for service of process under G.S. 1A-1, Rule 4(j) or Rule 4(j3). If given by registered or certified mail, by signature confirmation as provided by the United States Postal Service, or by designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, notice shall be deemed to have been given on the delivery date appearing on the return receipt, copy of proof of delivery provided by the United States Postal Service, or delivery receipt. If notice cannot be given by one of the methods for service of process under G.S. 1A-1, Rule 4(j) or Rule 4(j3), then notice shall be given in the manner provided in G.S. 1A-1, Rule 4(j1).

(d) A party that has been served with a notice of hearing may file a written response with the agency. If a written response is filed, a copy of the response shall be mailed to all other parties not less than 10 days before the date set for the hearing.

(e) All hearings conducted under this Article shall be open to the public. A hearing conducted by the agency shall be held in the county where the agency maintains its principal office. A hearing conducted for the agency by an administrative law judge requested under G.S. 150B-40 shall be held in a county in this State where any person whose property or rights are the subject matter of the hearing resides. If a different venue would promote the ends of justice or better serve the convenience of witnesses, the agency or the administrative law judge may designate another county. A person whose property or rights are the subject matter of the hearing waives an objection to venue by proceeding in the hearing.

(f) Any person may petition to become a party by filing with the agency or hearing officer a motion to intervene in the manner provided by G.S. 1A-1, Rule 24. In addition, any person interested in a contested case under this Article may intervene and participate to the extent deemed appropriate by the agency hearing officer.

(g) When contested cases involving a common question of law or fact or multiple proceedings involving the same or related parties are pending before an agency, the agency may order a joint hearing of any matters at issue in the cases, order the cases consolidated, or make other orders to reduce costs or delay in the proceedings.

(h) Every agency shall adopt rules governing the conduct of hearings that are consistent with the provisions of this Article.

(i) Repealed by Session Laws 2021-88, s. 16(c), effective July 22, 2021."

SECTION 5.2.(u) This section becomes effective January 1, 2025.

PART VI. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SEVERABILITY CLAUSE

SECTION 6.1. 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 6.2. 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, 2024.

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 3:03 p.m. this 11th day of September, 2024.

s/ Mr. James White
House Principal Clerk